

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**READING FILE**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 12, 2015**  
**6:30 PM**

---

**A. FOR YOUR INFORMATION**

1. Historic Minutes - Approval
2. Historic Minutes - Missing
3. Historic Minutes - Signature Missing
4. Historic Minutes - Typographical Error



## ITEM SUMMARY

DATE: 5/12/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Historic Minutes - Approval

---

For your information, attached are the Recordation Sheets and Meeting Minutes for the Historical Minutes that need to be approved.

### ATTACHMENTS:

Description	Type
Recordation Sheet 1	Cover Memo
minutes attachment 1.1	Minutes
Recordation Sheet 2	Cover Memo
minutes attachment 2.1	Minutes
Recordation Sheet 3	Cover Memo
minutes attachment 3.1	Minutes
minutes attachment 3.2	Minutes
minutes attachment 3.3	Minutes
Recordation Sheet 4	Cover Memo
minutes attachment 4.1	Minutes
minutes attachment 4.2	Minutes
minutes attachment 4.3	Minutes
Recordation Sheet 5	Cover Memo
minutes attachment 5.1	Minutes
minutes attachment 5.2	Minutes

### REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	4/27/2015 - 2:26 PM
Board Secretary		Approved	4/30/2015 - 8:52 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2015 - 9:03 AM
Publication Management	Brockmann, Grace	Approved	4/30/2015 - 9:22 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2015 - 9:31 AM
Board Secretary		Approved	4/30/2015 - 12:48 PM
Board Secretary	Fellows, Teresa	Approved	5/4/2015 - 9:38 AM





## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: June 12, 1978

---

The following minutes for the Board of Supervisors of James City County dated June 12, 1978 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the June 12, 1978, Board of Supervisors meeting. They were APPROVED by the current Board of Supervisors at the May 12, 2015 meeting.

Please accept these minutes as the official record for June 12, 1978.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMO-1978BOS

June 12, 1978

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWELFTH DAY OF JUNE, NINETEEN HUNDRED SEVENTY-EIGHT

A. ROLL CALL

Mr. Jack D. Edwards, Chairman, Berkeley District  
Mr. Stewart U. Taylor, Vice-Chairman, Stonehouse District  
Mr. John E. Donaldson, Jamestown District  
Mr. Abram Frink, Jr., Roberts District  
Mr. David W. Ware, Jr., Powhatan District

Mr. James B. Oliver, Jr., County Administrator  
Mr. John W. Watkins, Assistant County Administrator  
Mr. Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Edwards moved the approval of the minutes of the meetings of May 22, 1978 and June 6, 1978 as printed. The motion carried by a unanimous roll call vote.

1. Jail Expansion

Mr. Oliver stated that expansion construction bids were opened Wednesday, May 17, 1978. He said there was close bidding for the expansion construction, as indicated by three bids within \$10,000. The low bid, Mr. Oliver stated, which was by Cochrane Construction Company, was in order and met all legal requirements.

Mr. Oliver called upon Mr. Bill Moseley of Moseley-Hening Associates, Inc., who exhibited a plan of the existing jail and proposed expansion. In order to budget for the increased costs, Mr. Oliver stated that it was recommended that the satellite library and part of the Fire Department Expansion Operating Budget, totalling about \$100,000, be deferred until FY1980.

Mr. Donaldson moved to approve the jail expansion with the understanding that the funds would be transferred from the sources stated.

Mr. Edwards, Chairman of the Board of Supervisors, moved for approval of the resolution. The motion carried by a three to two vote. Mr. Taylor and Mr. Ware voted no. A roll call vote was taken.

RESOLUTION

WHEREAS, James City County recognizes the need to provide adequate jail and correctional facilities; and

WHEREAS, the current facilities provide insufficient space for prisoners, staff, and administration and are antiquated and deteriorated; and

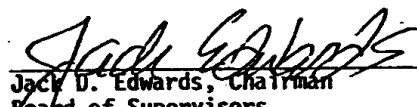
WHEREAS, Sheriff William B. Dorsey and Judges Russell M. Carneal and J. R. Zepkin have done an excellent job in working under these adverse conditions for several years; and

WHEREAS, Moseley-Hening Associates, Inc. has completed the necessary plans and specifications, and competitive bids have been received, reviewed, and found in order and acceptable.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County that the County share equally with the City of Williamsburg in the construction of improvements and expansion of the existing City-County jail.

BE IT FURTHER RESOLVED, that James B. Oliver, Jr., James City County Administrator, be authorized and directed to execute contracts accepting the low bids for the expansion project. Said bidders and bids being:

General Construction	Cochrane Construction Co. Newport News, Virginia	\$853,000
Smoke Evacuation System	Cochrane Construction Co. Newport News, Virginia	\$ 32,600
Food Service Equipment	Engineering Steel Equipment Co. Richmond, Virginia	\$ 28,993

  
 Jack D. Edwards, Chairman  
 Board of Supervisors  
 James City County, Virginia

ATTEST:

  
 James B. Oliver, Jr.  
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,  
 on the 12th day of June, 1978.

C. PUBLIC HEARINGS

1. An Ordinance for Vacation of a Plat - Riverview Plantation, Section 1, lots 10, 11 and 12.

Mr. Frank Morton, County Attorney, stated that the requested vacation was filed by Samuel T. Powell, counsel for Louis F. Vosteen and Annette T. Vosteen. He stated that the vacation was necessitated as the owners of Lots 10 and 12 are going to divide in half Lot 11, which they jointly own, with a resulting two larger lots to be known as Lot 10 and Lot 12.

Mr. Taylor moved the adoption of the ordinance vacating the plat. The motion carried by a unanimous roll call vote.

AAC795

## ORDINANCE NO. 118

AN ORDINANCE TO VACATE A PORTION OF THOSE CERTAIN PLATS ENTITLED, "SUBDIVISION PLAT, RIVERVIEW PLANTATION, SECTION ONE, RIVERVIEW PLANTATION, INC. - OWNERS, DEVELOPERS, LOCATED IN STONE HOUSE MAG. DIST., JAMES CITY COUNTY, VIRGINIA" A "PLAT SHOWING CORRECTED REVISION OF SECTION 1-A - BLK "A""B""C", LOTS 13, 14, 3, 9, RIVERVIEW PLANTATION, INC. - OWNERS AND DEVELOPERS, LOCATED IN STONE HOUSE MAG. DIST., JAMES CITY COUNTY, VIRGINIA", AND MORE PARTICULARLY DESCRIBED AS THOSE COMMON LOT LINES DIVIDING LOTS 10 AND 11 AND LOTS 11 AND 12, AS SHOWN ON SAID PLATS.

WHEREAS, application has been made by Samuel T. Powell, counsel for Louis F. Vosteen and Annette T. Vosteen, owners of Lot 10, Robert W. Leonard and Florence M. Leonard, owners of Lot 12, and all four parties, joint owners of Lot 11, to vacate certain property lines, as more particularly described below; and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and Section 15.1-431 of the Code of Virginia, 1950, as amended; and


WHEREAS, the Board of Supervisors did consider such application on the 12th day of June, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That the common lot line dividing Lots 10 and 11, as shown on that certain plat entitled, "Subdivision Plat, Riverview Plantation, Section One, Riverview Plantation, Inc. - Owners & Developers, Located in Stone House Mag. Dist., James City County, Virginia", dated June 18, 1962, and prepared by S. V. Camp III & Associate, Certified Land Surveyor, and recorded in Plat Book 20, page 14, in the Clerk's Office of the Circuit Court for Williamsburg-James City County, be and the same is hereby vacated.
2. That the common lot line dividing Lots 11 and 12, as shown on that certain plat entitled, "Plat Showing Corrected Revision of Section 1-A - Blk "A""B""C", Lots 13, 14, 3, 9, Riverview Plantation, Inc. - Owners and Developers, Located in Stone House Mag. Dist., James City County, Virginia", dated May 27, 1965 and revised June 5, 1969, and prepared by S. V. Camp III & Associates, Certified Land Surveyor, and recorded in Plat Book 26, page 56, in the Clerk's Office of the Circuit Court for Williamsburg-James City County, be and the same is hereby vacated.
3. That a new plat entitled, "Plat Showing Subdivision of Lot 11, Sec. 1 Block "A", Riverview Plantation, Stonehouse Dist., James City County, Virginia", prepared by Vincent D. McManus, Jr. & Assocs., Land Surveying, and dated January 22, 1978, be put to record in the Clerk's Office of the Circuit Court for James City County, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.



  
Jack D. Edwards, Chairman  
Board of Supervisors  
James City County, Virginia

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on the  
12th day of June, 1978.

2. Case No. Z-1-78 - C.T. Lewis. Application to rezone  
approximately one-half acre located on Longhill Road (Route 612) ad-  
jacent to the Quick Service Grocery from R-2, Limited Residential  
to A-1, General Agriculture.

Mr. William Porter, Jr., Director of Planning, stated that the  
purpose of the rezoning is to allow the construction of a small general  
office building on the site.

Mr. Donaldson stated that the earmarking of a store as non-  
residential might cause problems. Mr. Donaldson stated he preferred  
to defer the matter.

Mr. Porter stated that the approval was recommended based on  
the development and existing zoning of part of the subject parcel and  
the fact that the A-1 General Agriculture District permits low density  
residential development as recommended by the Land Use Concept Map.

A roll call vote was taken, with four members of the Board  
voting to defer the matter. Mr. Taylor voted against the motion  
to defer. The matter was deferred until the next meeting.

3. Proposed Priority List - James City County Secondary Road  
Budget.

Mr. Edwards, Chairman, asked if anyone present wished to speak.

Mrs. Migneault stated that she was President of the Women's Club  
of Williamsburg. Mrs. Migneault expressed concern about the safety of  
auto use on Longhill Road. Mrs. Migneault stated that traffic had  
increased over 900% and that if the road was to be reconstructed, it  
would have to be made four feet wider. Mrs. Migneault stated that the  
number of traffic accidents reported indicate that major improvements  
are needed now on Longhill Road.

AAC795

Mr. Edwards asked if anyone else wished to speak. No one responded and the public hearing was closed.

Mr. Porter, Director of Planning, called upon Mr. Frank Hall, resident engineer, who stated that it was necessary to address ourselves to a lower traffic volume. Mr. Hall stated that the construction of a 12 foot left turn lane at the entrance of Lafayette High School should be given priority in connection with the Secondary Road Budget. He stated that other roads to be considered in this regard were Centerville, Ironbound, Hampton Drive and Chickahominy.

Mr. Taylor moved for a motion to have a resolution prepared for consideration at the next meeting. Mr. Oliver stated that such a resolution would be prepared. The motion carried by unanimous roll call vote.

#### D. SETTING PUBLIC HEARING DATE

The following cases pertaining to rezoning and special use permit were scheduled for public hearing at a later date:

1. Case No. Z-2-78.
2. Case No. Z-3-78
3. Case No. Z-5-78
4. Case No. SUP-1-78
5. Case No. SUP-2-78

Mr. Edwards moved that the above applications be scheduled for public hearings on July 10, 1978, at 7:30 P.M., at the Government Center, 101 Mounts Bay Road, James City County, Virginia. The motion carried by unanimous roll call vote.

#### E. BOARD CONSIDERATIONS

##### 1. Sanitary District #1 Liens

Mr. Frank Morton, County Attorney, recommended adoption of resolution authorizing recordation of an attached list of liens.

Mr. Edwards moved for adoption of such resolution. The motion carried by a unanimous roll call vote.

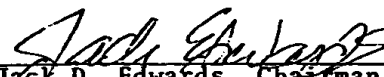
#### RESOLUTION

##### Sanitary District #1 - Liens

WHEREAS, the Manager of the James-York Joint Sanitary Board has certified to the Board of Supervisors of the County of James City that the following list of sewer accounts in the James City Sanitary District No. 1 are delinquent and unpaid; and

WHEREAS, such unpaid or delinquent charges are a lien against the real property on which the use of such systems are made and for which the charge was imposed;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 21-118.4, paragraph E of the Code of Virginia, 1950, as amended, the Board of Supervisors directs that the following attached delinquent charges for use of the Sanitary Sewer System in James City County Sanitary District No.1 be entered in the Judgment Lien Docket of the Clerk's Office of James City County, Virginia.

  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on the 12th day of June, 1978.

2. Insurance Program Proposal

Mr. John McDonald, Assistant to the Administrator/Finance, reviewed the current insurance policies in force and future provisions. Mr. McDonald stated that upon receipt of a proposal and proper review and evaluation by the staff, a recommendation will be made to the Board.

3. Sanitary District #1 - Sewerage System Improvements

Mr. Wayland Bass, Director of Public Works, reviewed sewerage system improvements. Mr. Bass stated that the sewerage improvement program is financially feasible.

Mr. Donaldson moved for adoption of such resolution.  
The motion carried by unanimous roll call vote.

AAC795

## RESOLUTION

WHEREAS, Malcolm Pirnie Engineers, Inc. has prepared a Facility Plan for the Joint Sanitary District No. 1; and

WHEREAS, this Facility Plan proposes certain improvements to the District; and


WHEREAS, the Joint Sanitary District No. 1 Board has approved this Facility Plan at its meeting on May 25, 1978; and

WHEREAS, it is required that each of the separate jurisdictions also approve the Facility Plan,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it approves the Facility Plan as prepared with the substitution thereof of the cost estimate as shown in the attached Exhibit C and the proposed project schedule as shown in the attached Exhibit B.

  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors, James City County, on the 12th day of  
June, 1978.

4. Petty Cash Fund - Public Works Building at the Government Center

Mr. John McDonald stated that a fund of \$50.00 be authorized from contingency funds in order to make change at the Building Inspection counter at the Government Center.

Mr. Taylor moved for adoption of such fund. The motion carried by unanimous roll call vote.

5. EMS-Auxiliary

Mr. John McDonald stated that authorization was needed for the use of auxiliary personnel and control of such personnel should be delegated to the Fire Department. Mr. McDonald stated that auxiliary personnel should be covered by workman's compensation, general County liability and motor vehicle insurance. Mr. McDonald stated that a resolution authorizing coverage for this volunteer manpower was recommended.

Mr. Donaldson moved for adoption of such resolution. The motion carried by unanimous roll call vote.

RESOLUTION

WHEREAS, the James City County Board of Supervisors has authorized an Emergency Medical Service for its citizens, and


WHEREAS, one of the key elements of this program will be volunteer manpower;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County that this Board does hereby authorize the use of Auxiliary Emergency Medical Technicians in its Emergency Medical Service, and

BE IT FURTHER RESOLVED that these auxiliary shall be recognized as employees of James City County for the purposes of: 1) use and operation of County equipment; 2) insurance; and 3) control by County fire officers.

  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors, James City County, on this  
12th day of June, 1978.

AAC795

6. Certification of Warrants

Mr. McDonald listed the following warrants for the month of May, 1978, calling for a motion of certification:

• General Fund	Checks #4984 through #5115 Totalling \$362,038.86
General Fund Payroll	Checks #12172 through #12506 Totalling \$99,979.44
Sanitary District No. 1	-0-
Sanitary District No. 2	Checks #296 through #303 Totalling \$954.26
Sanitary District No. 3	Checks #605 through #621 Totalling \$103,559.33
Subdivision Escrow	-0-
Revenue Sharing	Checks #404 through #409 Totalling \$28,922.72
Antic-Recession	-0-

Mr. Edwards moved for adoption of such motion. The motion carried by unanimous vote.

7. (a) Youth Services Committee

Mr. Edwards submitted the name of Mrs. Harlan Schone to serve on the Youth Services Committee.

Mr. Frink moved for such appointment. The motion carried by unanimous vote.

7. (b) Williamsburg Regional Library Board of Trustees

Mr. Edwards stated that a vacancy existed on the Board of Trustees due to the resignation of Stanley Williams, who was appointed June 16, 1977, and whose term expired May 16, 1978. The Board agreed to defer action on a new appointment until the next meeting.

8. Resolution for upgrading unimproved streets under the Rural Additions Program.

Mr. William Porter, Director of Planning, stated that the resolution of agreement for rural additions with the Department of Highways and Transportation should be extended for five years.

Mr. Ware moved for adoption of such resolution. The motion carried by unanimous vote.

## RESOLUTION OF AGREEMENT

## VIRGINIA DEPARTMENT OF HIGHWAYS

WHEREAS, James City County has a number of unimproved streets and roads which were built and put to record before the County had enacted a Subdivision Ordinance controlling the building and approval of streets in this County; and,

WHEREAS, the State is allowed to allocate 2% of initial allocation of its Annual Secondary Highway Budget for new additions, but will increase this allocation to a maximum of \$20,000 per year, effective in Fiscal Year 1973-74; and,

WHEREAS, the County of James City, Virginia, would like to participate in bringing these roads up to the State Standard, and is willing to do so in an amount of funds equalling to the State Highway Department's annual allocation for new additions; and,

WHEREAS, the County is willing to do this for a period not to exceed five (5) years; and,

WHEREAS, it is understood by the County and Highway Department that all utility adjustments will be borne by the County; and,

WHEREAS, all right-of-way will be the responsibility of the County (a minimum 40' unrestricted right-of-way will be required); and,

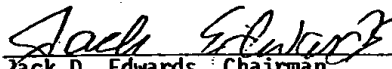
WHEREAS, it is understood that the Highway Department will not be required to spend any more than it is allotted for new additions each year; and,

WHEREAS, a Priority List will be established by the County's Board of Supervisors; and,

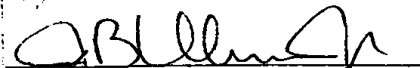
WHEREAS, the County agrees to carry forward any funds that are not spent during the Fiscal Year for the purpose of assisting the Highway Department in this program; and,

WHEREAS, the date of the County's Subdivision Ordinance is August 31, 1964, and the State Highway Department's Rural Addition Policy was adopted on November 15, 1959, the earlier date will be the cut-off for these new streets; and,

THEREFORE, BE IT RESOLVED, that this agreement will go into effect July 1, 1978.

  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,  
on the Twelfth day of June, 1978.

#### 9. Contingency Transfers - Cost of Living.

Mr. John McDonald said funds should be transferred for salary adjustments to transfer the FY 78 cost of living awards to the departmental salary classifications and for the expenditure of June James City Service Authority salaries. The second transfer, Mr. McDonald stated, was the transfer of \$11,000 in four categories from the Contingency Account. A motion was made by Mr. Donaldson to approve both transfers at one time. The motion carried by unanimous vote.

AAC795

10. Resolution regarding Owens-Illinois constructing industrial access entrance.

Mr. William Porter, Director of Planning, said the construction of an industrial access road would enable the proposed Owens-Illinois plant to set back further from U.S. Route 60 and nearby uses and develop in an environmentally sound manner. He stated it would also serve the future development of adjacent properties and reduce the number of future entrance roads on U.S. Route 60.

Mr. Edwards moved for adoption of such a resolution. The motion carried by unanimous roll call vote.

RESOLUTION

OWENS-ILLINOIS, INC. - INDUSTRIAL ACCESS ROAD

WHEREAS, Owens-Illinois, Inc. has optioned property off Route 60 near Toano in James City County and intends to construct an industrial plant thereon; and

WHEREAS, in an effort to provide significant setbacks from nearby uses and to develop the industrial plant in an environmentally sound manner, said plant site will be located a substantial distance from Route 60; and

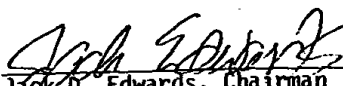
WHEREAS, to provide safe, orderly and efficient access to said plant, an industrial access road with appropriate turn lanes on Route 60 must be constructed; and

WHEREAS, adjacent property owners and Owens-Illinois, Inc. have offered to provide any required rights-of-way at no cost to the Commonwealth; and

WHEREAS, the development of the Owens-Illinois, Inc. industrial plant will expand the tax base and provide jobs for the people of James City County and the Commonwealth of Virginia,


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

1. That there is an urgent need for the construction of an industrial access road to the Owens-Illinois plant site from Route 60 with the necessary turn lanes and cross-over on Route 60.
2. That the aforementioned improvements should be undertaken immediately by the Virginia Department of Highways and Transportation.
3. That the County of James City agrees through the dedication by the property owners to provide necessary rights-of-way for said improvements.
4. That the Virginia Department of Highways, through the use of industrial access funds provide for the cost of road and drainage improvements, necessary engineering, advertise the contract and arrange for its construction.
5. That a copy of this resolution be forwarded to Mr. Frank N. Hall, Resident Engineer, Virginia Department of Highways and Transportation, Williamsburg, Virginia.

  
Jack D. Edwards, Chairman  
Board of Supervisors



ATTEST:

  
 James B. Oliver, Jr.  
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,  
 on the Twelfth day of June, 1978.

11. Emergency adoption of Sanitary District #3 User Charge  
 Ordinance and setting a public hearing date for same.

Mr. Bass, Director of Public Works, said emergency adoption of an amendment to resolve the matter of connection fees for Old Colony Square Shopping Center was needed before the building permit is issued.

Upon consideration by members of the Board, it was decided that such amendment would be discussed at the next meeting.

12. Request to transfer tanker Fire Department surplus truck  
 to York County.

Mr. Oliver, County Administrator, stated that the Fire Department's tanker truck had become a surplus item and that York County had a need for a tanker truck. He said that due to the truck needing extensive repair, it should be conveyed to York County where it would be available for James City County if summoned.

Mr. Ware moved to transfer said tanker truck, as requested.  
 The motion moved by unanimous roll call vote.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Edwards, Chairman, brought to the Board's attention a proposal for a new voting procedure to be instituted by the School Boards. The Board of Supervisors concurred with Mr. Edwards' suggestions and authorized him to work with the City of Williamsburg towards culmination of this new procedure.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Fire Station No. 3

The architect gave an up-to-date report on the design of Fire Station No. 3 and indicated it would go to bid in the month of June, with bids being received in July.

H. BOARD REQUESTS AND DIRECTIVES

The Board briefly discussed addition of a forestry exemption for tax purposes and indicated that they would informally hear the public at their next regular meeting.

AAC795

Mr. Ware moved to adjourn the meeting. The motion carried by a unanimous roll call vote.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:42 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board



## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: December 22, 1980

---

The following minutes for the Board of Supervisors of James City County dated December 22, 1980 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the December 22, 1980 Board of Supervisors meeting. They were APPROVED by the current Board of Supervisors at the May 12, 2015 meeting.

Please accept these minutes as the official record for December 22, 1980.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMO-1980BOS



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

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
 Abram Frink, Jr., Vice-Chairman, Roberts District  
 Gilbert A. Bartlett, Jamestown District  
 Perry M. DePue, Powhatan District  
 Stewart U. Taylor, Stonehouse District

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

B. MINUTES

Mr. Frink moved for the approval of the Minutes of the December 8, 1980 meeting. The motion carried by a unanimous roll call vote.

C. HIGHWAY MATTERS

Mr. James T. Kelly, Assistant Resident Engineer of the Virginia Department of Highways and Transportation, addressed the Board on two matters. He stated that signs have been placed at the intersection of Kingspoint (Route 199) and South Henry Street and flashing lights will be provided as soon as power is available to the location. Mr. Kelly also reported that Route 735 has been officially abandoned.

Mr. Bartlett asked Mr. Kelly if a special power line is required to provide the power for the flashing lights at the intersection of Route 199 and South Henry Street or if existing lines will be used.

Mr. Kelly answered that a special line would be required unless power is provided from the closest power source available.

Mr. Bartlett asked if it will be costly.

Mr. Kelly answered that it would not be too costly.

Mr. Bartlett asked Mr. Kelly if he has any idea when the power will be provided for the flashing lights.

Mr. Kelly answered that it will be during January 1981.

Mr. Edwards asked if the Board members wished to ask Mr. Kelly any questions.

Mr. Taylor commented that he was glad to see that the lights at the Williamsburg Pottery had been repaired.

D. CONSENT CALENDAR

Mr. Edwards asked if any Board members wished to remove any of the Consent Calendar items.

Mr. DePue requested item D-2, Setting Public Hearing Date for the Motor Vehicle Ordinance, to be removed due to a procedural question.

There being no objections to Mr. DePue's request, Mr. Edwards moved to approve the remaining items on the Consent Calendar. The following items were approved by a unanimous roll call vote.

1. Setting Public Hearing Date - Case No. Z-12-80 -  
George C. Norris

This case was set for public hearing at the Board's January 12, 1981 meeting.

2. Certification of Warrants

### RESOLUTION

#### CERTIFICATION OF WARRANTS

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

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. Edwards and carried by a majority roll-call vote, the Board of Supervisors of James City County hereby certifies the following warrants for the month of November, 1980:

GENERAL FUND	Checks	12308-12558
	Totalling	\$982,021.77
GENERAL FUND PAYROLL	Checks	24559-25053
	Totalling	\$191,801.23
SANITARY DISTRICT NO. 1		-0-
SANITARY DISTRICT NO. 2	Checks	203-209
	Totalling	\$813.09
SANITARY DISTRICT NO. 3		Account Closed
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	252-262
	Totalling	\$8,973.89
REVENUE SHARING	Checks	692-698
	Totalling	\$6,332.76
JCC BOND SINKING FUND		-0-

#### Discussion of Item D-2- Motor Vehicle Ordinance

Mr. DePue questioned the change of Section 11-57 of the ordinance which currently prorates the fee for six months to be prorated to one-quarter of the original fee for the last three months of the year. He asked why the County does not propose the three quarters of the fee for three quarters of the year.

Mr. Morton explained that the Treasurer is making her recommendation based on reaction to complaints of citizens. There being no further discussion, Mr. DePue moved to set the ordinance for a public hearing date. The motion carried unanimously.

The ordinance was set for public hearing at the Board's January 26, 1981 meeting.

AAJ927

E. BOARD CONSIDERATIONS

1. Conservator of Peace-Appointment

Mr. Bartlett moved approval of this item to allow the County Attorney to initiate proceedings to have Mr. Andrew J. Dippre appointed as a Conservator of Peace for James City County. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

Conservator of the Peace - Appointment

WHEREAS, the Board of Supervisors of James City County deems it appropriate that Andrew J. Dippre be appointed as a Conservator of the Peace for James City County;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County respectfully requests that the Judge of the Circuit Court for the City of Williamsburg and County of James City appoint Andrew J. Dippre to be a Conservator of the Peace throughout the real property located in James City County, Virginia.

2. Transfer of Carriage Road Water System

Mr. Wayland N. Bass, Director of Public Works, addressed the Board on this matter. He stated that to transfer the assets of the Carriage Road Water System from James City County to the James City Service Authority, it is necessary for the Board of Supervisors to adopt a resolution transferring the assets with the condition that current residents would not be required to pay water availability fees by the Authority. Mr. Bass also asked that the Board adopt a deed and bill of sale to complete the transfer.

There being no discussion, Mr. Taylor moved to adopt the resolution. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

TRANSFER OF ASSETS OF THE  
CARRIAGE ROAD WATER SYSTEM

WHEREAS, it is the desire of the Board of Supervisors of James City County to transfer all assets of the Carriage Road Water System from James City County to the James City Service Authority;

THEREFORE, BE IT RESOLVED that it is hereby determined to be in the best interest of James City County, Virginia (County), for the County to convey all of the Carriage Road Water System now owned by the County to the James City Service Authority (the Authority); and

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors and the Clerk are hereby authorized and directed to execute and deliver on behalf of the County to the Authority a deed conveying all property of the Carriage Road Water System which constitutes real estate and a Bill of Sale conveying all property of the Carriage Road Water System constituting personal property to the Authority. The Deed and Agreement and the Bill of Sale shall be in substantially the form attached hereto as Exhibit A and Exhibit B.

Discussion - Peninsula Airport Commission's Request for Financial Assistance

Mr. Edwards stated that he was distressed by what had happened at the Peninsula Airport Commission's meeting last week, at which time there was discussion of asking Mr. Charles E. Quittmeyer, James City County's representative on the Commission, to resign. Mr. Edwards asked Mr. Oliver for his recommendation on the matter.

Mr. Oliver stated that due to his absence from any discussion on the matter, because he had been taking a training course in Charlottesville, he would recommend that any decision be deferred so that Mr. Edwards and any other Supervisors, along with himself, meet with the Chairmen and City Managers of other jurisdictions to get some first hand information about supporting the Airport. Mr. Oliver commented that the issue had moved further along than he anticipated, but he would appreciate the opportunity to gather more facts and the feelings of other jurisdictions' support of the Airport.

Mr. Frink commented that he agreed with Mr. Oliver and would like to see additional information on the matter. He also said that James City County should stand behind Mr. Quittmeyer, the County's representative on the Commission, 100%.

Mr. Taylor stated that he would also like to have additional information regarding the Commission's request and details of the Commission's meeting last week.

There being no further discussion the Board decided to delay action on the Peninsula Airport Commission's request until their January 12, 1981 meeting.

G. MATTERS OF SPECIAL PRIVILEGE

None.

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

H. REPORTS OF THE COUNTY ADMINISTRATOR

None.

I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue requested a copy of the audit report that went to the Community Action Agency Board.

Mr. Edwards moved to go into executive session to discuss a personnel matter, possible litigation and acquisition of property, pursuant to Section 2.1-344 (a)(2), (3), (6) of the Code of Virginia, 1950 as amended. The motion carried by a unanimous roll call vote.

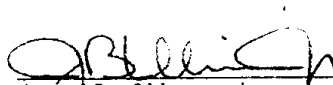
The Board convened into executive session at 3:40 PM and reconvened to public session at 4:10 PM.

Mr. Edwards moved to appoint Dr. James Kenney to the Regional Youth Services Advisory Council to replace Ms. Barbara McLane. The motion carried by a 4-0 roll call vote with Mr. DePue abstaining.

Mr. Edwards moved to transfer \$7,000 from the Contingency Account to the Route 60 West Water Project to pay for engineering services beyond the original contract amount. The motion carried by a unanimous roll call vote.

Mr. Taylor moved to adjourn. The motion carried unanimously.

The meeting ADJOURNED at 4:20 PM.

  
James B. Oliver, Jr.  
Clerk to the Board





## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: January 26, 1981; March 27, 1981; and July 11, 1981

---

The following minutes for the Board of Supervisors of James City County dated January 26, 1981; March 27, 1981; and July 11, 1981 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the January 26, 1981; March 27, 1981; and July 11, 1981 Board of Supervisors meeting. They were APPROVED by the current Board of Supervisors at the May 12, 2015 meeting.

Please accept these minutes as the official record for January 26, 1981; March 27, 1981; and July 11, 1981.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMO-1981BOS

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

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
 Abram Frink, Jr., Vice-Chairman, Roberts District (arrived at 5:05 P.M.)  
 Gilbert A. Bartlett, Jamestown District  
 Perry M. DePue, Powhatan District  
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator  
 John E. McDonald, Assistant to the County Administrator

Mr. Edwards stated that any controversial items would not be discussed until Mr. Frink's arrival.

B. MINUTES

Mr. Taylor moved to approve the Minutes of January 12, 1981 as submitted. The motion carried by a 4-0 roll call vote.

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer for Virginia Department of Highways and Transportation, addressed the Board on two issues. He stated that in response to Mr. Bartlett's question in November about a donated right-of-way easement regarding Old Forege Road, he had not received a response yet, but letters have been sent to each of the property owners to solicit their comments as to whether or not they would be willing to donate an easement, therefore, he should have a response in about thirty or thirty-five days. He also stated that the Highway Department received bids on a logo project on the interstate system where the Highway Department erects the logos of various businesses adjacent to the interstate. Mr. Hall indicated that the logo project would probably be constructed this summer.

Mr. Taylor asked if all businesses who are eligible will be notified.

Mr. Hall answered that he was informed that this matter is handled by the traffic and safety persons in Richmond and all businesses that are eligible have been contacted and agreements are being discussed.

Mr. Edwards asked how close specific businesses have to be to the interchange to qualify.

Mr. Hall answered that for gasoline, restaurant, and motel businesses its within one mile. He said that campgrounds can go up to five miles, but someone placing a business closer to the interchange could eliminate another business' eligibility.

Mr. Edwards asked Mr. Hall about the light at Route 199 and Route 5. He said that when persons are arriving west on Route 199 and enter into the left turn lane, the light does not turn green.

Mr. Hall commented that he wasn't sure if a detector is in that lane, or if so, it could be faulty. He said that he would check into the matter.

AAJ927

D. PUBLIC HEARING1. Motor Vehicle Ordinance - an ordinance to amend and reordain Chapter 11, Motor Vehicles and Traffic, of the Code of the County of James City.

Mr. John E. McDonald, Assistant to the County Administrator, presented this item to the Board. He stated that there are five proposed revisions to certain sections of the Motor Vehicle Code. They are as follows: (1) to broaden the definition for those required to obtain licenses; (2) to allow residents two extra weeks to purchase decals; (3) to insure that decals are placed one quarter of an inch of the inspection sticker; (4) to allow the County Treasurer to prorate the fee to one-quarter of the original fee for the last three months of the year, and (5) to increase transfer and replacement fees to reflect their actual cost. He asked the Board to consider adopting the ordinance as amended.

Mr. Edwards opened the public hearing, no one chose to speak, and the public hearing was closed.

Mr. Taylor expressed concern about the rigid requirement to place the decal one-quarter of an inch of the inspection sticker. He commented that it is difficult enough to place the decals one-half inch.

Mr. McDonald stated that if the decal is not on properly, an Inspection Station can legally tear it off and the staff is proposing this change merely to put the county in line with State requirements.

Mr. Bartlett asked if the ordinance could be reworded so that it would be in line with State requirements.

Mr. McDonald suggested that Section 11-55 of the ordinance be changed to read: "...Such license decal shall be affixed to the windshield under such regulations as are prepared and enforced by the State Police, under authority of the Code of Virginia."

Mr. Bartlett moved to approve the ordinance with the additional amendment to Section 11-55. The motion carried by a 4-0 roll call vote.

## ORDINANCE NO. 66A-7

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING THE FOLLOWING DIVISIONS OF ARTICLE IV, VEHICLE LICENSES: SECTION 11-53, PERSONS SUBJECT TO LICENSE TAX; SECTION 11-54, VEHICLES WHICH REQUIRE LICENSE; LICENSE FEES; WHEN LICENSE YEAR BEGINS; SECTION 11-55, ISSUANCE OF LICENSE AND NUMBER DECAL; REQUIRED DISPLAY OF DECAL ON LICENSED VEHICLE; SECTION 11-56, WHEN LICENSE DECALS OFFERED FOR SALE; EXPIRATION OF LICENSE DECALS; SECTION 11-57, WHEN LICENSE FEE PRORATABLE; SECTION 11-59, TRANSFER AND REPLACEMENT FEES.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 11, Motor Vehicles and Traffic, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending the following divisions of Article IV, Vehicle Licenses: Section 11-53, Persons Subject to License Tax; Section 11-54, Vehicles Which Require License; License Fees; When License Year Begins; Section 11-55, Issuance of License and Number Decal; Required Display of Decal on Licensed Vehicles; Section 11-56, When License Decals Offered for Sale; Expiration of License Decals; Section 11-57, When License Fee Proratable; Section 11-59, Transfer and Replacement Fees, to read as follows:

## MOTOR VEHICLES AND TRAFFIC

## Article IV. Vehicle Licenses

Section 11-53, Persons subject to license tax.

Every person living in the County for a period of sixty days or more and owning or having in possession a motor vehicle, as defined in Section 46.1-1 (15) of the Code of Virginia (1950), as amended, including, but not limited to, trailer or semitrailer, and every person owning or having in possession a motor vehicle, motorcycle, motorbike, mini-bike, trailer or semitrailer, from other states and using the streets of the County regularly for business purposes shall be subject to the license tax herein provided.

Section 11-54, Vehicles which require license; license fees; when license year begins.

(a) On and after March 1st of each year the owner of each passenger motor vehicle (except motorcycles, motorbikes and mini-bikes), and the owner of each truck, owned or garaged in the County, shall make application to the County Treasurer for a license, and shall pay an annual license fee of ten dollars (\$10.00).

(b) On and after March 1st of each year the owner of any trailer or semitrailer owned or garaged in the County, shall make application to the County Treasurer for a license, and shall pay an annual license fee of three dollars (\$3.00). This section specifically excludes mobile homes.

(c) On and after March 1st of each year the owner of any motorcycle, motorbike or mini-bike, owned or garaged in the County, shall make application to the County Treasurer for a license, and shall pay an annual fee of two dollars (\$2.00).

Section 11-55, Issuance of license and number decal; required display of decal on licensed vehicle.

Upon payment of license fees as specified in Section 11-54, the County Treasurer shall issue the license and number decal for each vehicle. Such license decal shall be affixed to the windshield under such regulations as are prepared and enforced by the State Police, under authority of the Code of Virginia.

Section 11-56, When license decals offered for sale; expiration of license decals.

The County Treasurer shall place County motor vehicle license decals on sale on the first day of March of each year, for the current license year then beginning. Every license issued hereunder shall expire on the fifteenth day of April of the year following the year for which it was issued unless the fifteenth day of April shall fall on a Saturday, Sunday or legal holiday in which instance the license issued hereunder shall expire on the next day that is not a Saturday, Sunday or legal holiday.

Section 11-57, When license fee proratable.

One-half of the annual fee prescribed by this article shall be collected whenever any license is issued during the period beginning on the first day of October and ending on the thirty-first day of December in the same license year; one quarter of the annual fee prescribed by this article shall be collected whenever any license is issued during the period beginning the first day of January and ending on the first day of March in the same license year.

Section 11-59, Transfer and replacement fees.

Vehicle owner shall pay a license fee of two dollars (\$2.00) for a license transfer and two dollars (\$2.00) for replacement of a license.

This ordinance shall be in full force and effect from the date of its adoption.

AAJ927

E. CONSENT CALENDAR

Mr. Edwards moved to approve the items on the Consent Calendar. The motion carried by a 4-0 roll call vote.

1. Certification of WarrantsRESOLUTIONCERTIFICATION OF WARRANTS

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

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. Edwards and carried by a majority roll-call vote, the Board of Supervisors of James City County hereby certifies the following warrants for the month of December, 1980:

GENERAL FUND	Checks	12559-12904
	Totalling	\$664,671.69
GENERAL FUND PAYROLL	Checks	25054-25568
	Totalling	\$197,359.36
SANITARY DISTRICT NO. 1	Checks	99-100
	Totalling	\$8,196.01
SANITARY DISTRICT NO. 2	Checks	210-223
	Totalling	\$51,577.04
SANITARY DISTRICT NO. 3		Account Closed
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	263-292
	Totalling	\$125,883.95
REVENUE SHARING	Checks	699-705
	Totalling	\$18,061.24
JCC BOND SINKING FUND		-0-

2. Domestic Animal Claim - Ms. Judith RorerRESOLUTIONDOMESTIC ANIMAL CLAIM

WHEREAS, the domestic animal claim of Ms. Judith Rorer has been investigated and found to be valid; and

WHEREAS, the value of the domestic animals destroyed has been estimated to be;

9 rabbits at \$6.00 = \$54.00

by the VPI & SU Extension Agent;

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby reimburses Ms. Judith Rorer \$54.00 for domestic animals destroyed.

F. BOARD CONSIDERATIONS1. Change in Insurance Carrier for Workmen's Compensation Insurance

John E. McDonald, Assistant to the County Administrator, presented this matter to the Board. He stated that the Virginia Municipal League in cooperation with the Virginia Association of Counties has come up with a plan for group insurance for local governments patterned after a cooperative program available in several states. He said that the original plan began in 1980, and since its operation, twenty-four other members have joined the Association including the Williamsburg-James City County Public Schools. Mr. McDonald also stated that the staff feels this change would be a significant savings and would like for the Board to authorize the change as of the expiration date of the current policy.

Mr. DePue stated that he became interested in the program about a year ago and had an opportunity to discuss it at the VACO meeting last fall and was satisfied that it would be a good program for the County to save money, adding that it is a well-run and well-managed organization. He urged the staff to continue to look at self insurance wherever possible and said that he would support the change.

Mr. Bartlett stated that he shared Mr. DePue's feelings about this program, but he wonders if the plan is part of the County's general Risk Management program and if the Board will have an annual update of the county's participation in the program (or more frequently if necessary) to see how it fits into the county's total risk management program. He added that it could be a first step toward self insurance which could either have a positive or negative effect.

Mr. McDonald said that experiences in much larger organizations, both private and public, have shown that in certain areas self-insurance will provide savings with a well managed risk management safety program. He said the county would have to consider a pool arrangement on Workmen's Compensation to be the beginning of our process to evaluate other pooling opportunities. He further stated that the Virginia Municipal League is now looking at general liability insurance, particularly law enforcement liability insurance, and public officials liability insurance and other areas. The county will look very seriously at each proposal.

Mr. Bartlett asked if this move will mean that the county will become self-insuring at least with the risk being spread over a small group of participants. He asked that with the presumptions that accrue to firemen and policemen concerning heart attacks, if this changes the requirements for these two classes of employees to have physicals.

Mr. McDonald stated that the county is evaluating physicals beyond the entry level for those two classes of employees and is currently attempting to formalize a policy for firemen, policemen, and bus drivers to take a physical every two years as part of the risk management process. He also stated that Workmen's Compensation rating is done by the State Insurance Commission and whether the county is insured by a private or pool arrangement all claims are reviewed by the Commission and their claims are used to set our rates.

Mr. DePue commented that one of the advantages is the incentive for the risk management group. He added that the auto area appeals to him most, particularly property insurance for vehicles.

Mr. DePue moved to approve the resolution. The motion carried by a 4-0 roll call vote.

AAJ927

R E S O L U T I O N

## WORKMEN'S COMPENSATION INSURANCE

WHEREAS, Workmen's Compensation rates are a source of increasing cost to James City County; and

WHEREAS, several Virginia localities and school boards have formed the Virginia Municipal Group Self Insurance Association in a cooperative effort to lower their Workmen's Compensation Insurance costs; and

WHEREAS, participation by James City County in the Virginia Municipal Group Self Insurance Association offers the potential for reducing the County's Workmen's Compensation rates by means of a return premium based upon the Association's profits at year-end,

NOW, THEREFORE, BE IT RESOLVED, that the County Administrator is hereby authorized and directed to execute whatever documents are necessary to effect membership by James City County in the Virginia Municipal Group Self Insurance Association effective July 1, 1981

2. A Resolution in Support of the Creation of a Commission on  
the Future of Virginia

Mr. William C. Porter, Jr., Director of Planning, addressed the Board on this issue. He asked the Board to adopt a resolution in support of the creation of a Commission of the Future of Virginia which was outlined in House Joint Resolution 114 in February 1980 which will provide for a study of such issues as: long-range impacts on growth and development patterns of current demographic, economic, social, environmental, energy and resource-related factors; current federal, state, local and private policies and programs which may affect growth and development patterns; and policies the state should pursue to achieve major goals concerning population, economy, environment, natural resources, energy, land-use, transportation, housing and urbanization in Virginia. Mr. Porter pointed out that any state goal or policy on any of the issues mentioned could have a direct impact on James City County, therefore, it would be wise for the County and the State to conduct their planning within a framework of state-wide and regional intergovernmental cooperation.

Mr. Edwards asked Mr. Porter the importance of the Board of Supervisors passing a resolution on this topic.

Mr. Porter stated that area planning directors have been asked to gain the support of local governments.

Mr. Taylor asked Mr. Porter who appoints the members to the Commission.

Mr. Porter answered that there will be fifteen members on the Commission who will be appointed by the Governor and the House of Delegates.

Mr. DePue commented that he respected Mr. Porter's interest and support of this matter and moved to approve the resolution. The motion carried by a 4-0 roll call vote.

RESOLUTION

## COMMISSION ON THE FUTURE OF VIRGINIA

WHEREAS, growth and development are prevalent throughout the Commonwealth, region, and more particularly James City County; and

WHEREAS, James City County is committed to the concept of long-range planning within the framework, and as part of, both Statewide and regional intergovernmental cooperation; and

WHEREAS, it has been brought to the attention of this Board that a proposal exists for the creation of a Commission on the Future of Virginia as outlined in House Joint Resolution 114, offered February 1, 1980; and

WHEREAS, the James City County Board of Supervisors concurs with the basic tenets of this proposal which would provide for the cooperative study of such issues as:

Current demographic, economic, cultural, social, environmental, energy, and resource-related factors which may have long-range impacts on growth and development patterns; and

Current Federal, State, local and private policies and programs which also may have long-range impacts on growth and development patterns; and

Major goals of Virginia with respect to population patterns, economy, environment, natural resources, energy, land use, transportation, housing and urbanization and the policies which the State should pursue in order to achieve those goals.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board does hereby indicate its support of the concept of the creation of a Commission on the Future of Virginia, and of the scope of the proposed studies which such Committee, if constituted, would undertake.

### 3. Forest Glen Community Development Grant

Mr. James B. Oliver, Jr., County Administrator, addressed the Board on this matter. He stated that several months ago the Board authorized the staff to apply for funds from the United States Department of Urban Development to do improvements in the Forest Glen area. He said that the staff was notified informally during October 1980 that over \$600,000 had been awarded and the staff began making final applications. He also said that the county has received final approval from HUD during the last several weeks, therefore, he asked the Board to adopt a resolution appropriating the funds to begin improvements in Forest Glen. He added that the resolution reaffirmed the County Administrator's authority to enter into contracts.

Mr. Bartlett asked if this project would be handled in a similar manner as the Carriage Road Project.

Mr. Oliver said that it would be handled in a similar manner and the staff will provide the Board with an update at their next meeting.

Mr. DePue expressed concern about this matter. He said that the resolution would be delegating to the staff the authority to execute contracts and he's concerned about the approach the county should take regarding whether or not the county would hire a private contractor to do the street improvements, and water and sewer improvements or whether the county would do the improvements. He stated that the Board should have the opportunity to review the manner of any work to be done in Forest Glen.

AAJ927



Mr. Oliver stated that normally the Board does not review the actual contracts and the appropriations on the resolution are those that were submitted in the application. He said that the staff will give the Board a detailed review of what's in the actual Forest Glen application at their next meeting.

Mr. DePue moved to approve the resolution with the understanding that the Board is informed of the staff's approach on the matter. The motion carried by a 4-0 roll call vote.

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

### FOREST GLEN PROJECT

WHEREAS, the Department of Housing and Urban Development of the United States Government has awarded James City County two grants totalling \$633,000 for community development in the Forest Glen area;

NOW, THEREFORE BE IT RESOLVED, the \$633,000 be appropriated as Community Development revenue for the Forest Glen project and that expenditures of \$633,000 be appropriated as follows:

Administration	\$ 57,000.00
Street Improvement	152,000.00
Drainage Improvement	73,000.00
Water Improvement	73,000.00
Sewer Improvement	214,000.00
Recreation	16,000.00
Rehabilitation	48,000.00
	<u>\$633,000.00</u>

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to execute the necessary agreements and contracts to carry out eligible Community Development activities under the Housing and Community Development Act of 1977, as amended.

#### 4. Recreation Coordinator

The Board decided to defer this matter until Mr. Frink's arrival.

#### 5. Law Enforcement Building

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board stating that the Law Enforcement Building had been a source of discussion on several occasions and she would not go into too much detail. She said that the final design and bidding stage will be completed within the next two months and in order to expedite construction of the building and advance the occupancy date, the staff is requesting that \$394,795, be appropriated from contingency at this time. She informed the Board that Sheriff Archie Brenegan was present to answer any questions.

Mr. Bartlett asked if the plans for the law enforcement building had been accepted.

Mrs. Burcham said that they had not been accepted, but she and Sheriff Brenegan had met with the architects on Friday, January 23, 1981 to discuss questions Board members had and the architects are making the modifications requested and the plans should be available shortly.

Mr. Bartlett asked what the \$758,795 covers.

Mrs. Burcham said that the \$758,795 includes the land acquisition, moving dispatch equipment, furnishings and basically the overall total project.

Mr. DePue questioned the \$401,000 that was first proposed to the Board for the law enforcement building versus the \$758,795 now being appropriated.

Mrs. Burcham explained that when the law enforcement building was first put into the Capital Improvements Program it was an initial planning effort on the staff's part, and they allotted 5,000 square feet for the building at \$50.00 per square foot. Because it was a new area to the staff a consultant was hired and it was decided that a larger building would better serve the county's law enforcement needs for now as well as in the future which raised the costs of the building.

Mr. Edwards asked if more than \$364,000 will be spent this fiscal year.

Mr. Oliver explained that the \$364,000 would allow the architects and staff to go out to bid, then the matter would come before the Board again for discussion which will take about sixty days. He stated that, in essence, the staff is suggesting that the Board allow the staff to move the project ahead since it is long overdue and is going so well.

Mr. DePue commented that he has no doubts as to moving the project ahead, but he has a philosophical problem with approving funds this fiscal year. He said that the money being appropriated is excess revenues and he feels the amount is too large and the county has spent enough this year and the project will not fall through if funds are carried over into next year.

Mr. Bartlett stated that he felt the Board should go ahead and take advantage of any economies available now.

Mr. Taylor stated that since the money is available now he didn't see why the project should be delayed.

A brief discussion followed concerning whether or not the project should move ahead using the surplus funds from the contingency account.

Mr. Taylor moved to approve the resolution. The motion carried by a 3-1 roll call vote with Mr. DePue voting no.

#### RESOLUTION

##### LAW ENFORCEMENT BUILDING

WHEREAS, the Board of Supervisors of James City County has previously authorized the construction of a law enforcement building, and

WHEREAS, the current Capital Improvement Program appropriation is not sufficient to cover the cost of this project, and contingency funds are available,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes a transfer of \$394,795 from contingency as follows:

To: Law Enforcement Building CIP \$394,795

From: Contingency \$394,795

AAJ927

6. Landfill Ordinance Amendment

This item was withdrawn at the staff's request and the Board's concurrence.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Edwards asked if anyone in the audience wished to address the Board on any matter.

No one wished to speak.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. Budgeting for Tax Deferral - Forestry

This item gave the Board a report on forestry tax deferrals. The report stated that forestry land-use provisions in James City County poses a threat to broader based tax reductions and without forestry land-use the County could reduce real estate taxes to 77 cents and still have a revenue growth of 12.7 percent for FY 82.

2. Follow-up to Board of Supervisors Pre-budget Public Hearing

This item summed up the events of the pre-budget public hearing at which time citizen comments and suggestions were received in the following areas: Budget Targets - this procedure was suggested and the staff has discussed this matter with major agencies; Surplus - it was suggested that the county's surplus be well-displayed and this was accomplished in last year's budget; Tax Rate - the staff's target will remain the same unless there are dramatic changes in revenue estimates - up or down, or Board of Supervisors policy change - up or down; Capital Improvement Projects - the Planning Commission is a citizen review body who is currently reviewing each project and will forward their findings to the Board of Supervisors in several weeks; New Public Employees - it was suggested that 32 employees were hired last year--- actually only 20 were hired (10 funded with non-local tax funds). This year's requests are not known yet.

1. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards moved to go into executive session to discuss a personnel matter and legal matter pursuant to Section 2.1-344 (a) (1) (6) of the Code of Virginia, 1950 as amended. The motion carried by a 4-0 roll call vote.

The Board convened into executive session at 4:35 P.M. and reconvened into public session at 5:05 P.M. at which time Mr. Frink was in attendance.

Discussion - Recreation Coordinator

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board. She stated that the Master Recreation Plan recommends that the County staff a position to meet the County's recreational needs such as designing and supervising programs not provided by the City (summer mini-park program) and to interact with City Parks and Recreation Departments on services which it does provide. She asked the Board to adopt a resolution authorizing the establishment of a recreation coordinator for James City County.

Mr. Taylor asked who is now doing the recreation work.

Mrs. Burcham answered that she is currently doing so, inadequately, adding that she needs assistance to address both large and small issues.

Mr. Bartlett commented that the position and recreation study are a package and that the study should come first, and that the recreation plan is not a feasible program at this time. He said that City and private recreation programs fulfill needs of persons in major areas of the County, the present City contract is satisfactory, therefore, he sees no immediate need for new County staff or new County programs.

Mr. DePue said that he will support the personnel position although his position is not an endorsement of the current recreation plan. He stated that the plan asks more questions than it answers. Mr. DePue further stated that the County needs recreation for non-team residents' passive recreation programs; regional cooperative programs; improved summer programs; land acquisition and hands-on coordination with the community.

Mr. Frink stated that he intends to support the position, stating that the present summer recreation programs are not adequate or comprehensive enough to affect most citizens in the County. He added that he felt the county needs organization and expansion.

Mr. Taylor said that he does not like to approve new employees outside the budget process. He said that someone currently on the staff should be able to pick up the programs, on a remedial level, until some tough budget issues are addressed.

Mr. Edwards stated that the county needs a better, broader recreation program to supplement the efforts of the City of Williamsburg's Recreation Department.

Mr. DePue moved to approve the resolution. The motion carried by a 3-2 roll call vote with Mr. Bartlett and Mr. Taylor voting no.

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

### RECREATION COORDINATOR

WHEREAS, the Board of Supervisors of James City County acknowledges the need for additional recreational facilities and services for County residents, and

WHEREAS, unbudgeted receipts are available through the indirect cost plan for Social Services due to a reversal of State action limiting such receipts,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the establishment of a recreation coordinator position to oversee the development of recreational and leisure time services and appropriates \$10,000 of revenue as follows:

306-0650 Public Assistance + \$10,000

#### Recreation Office:

0110	Salaries	+	\$ 6,333
0150	Employee Costs	+	\$ 1,253
0399	Other	+	\$ 2,413

### BOARD AND COMMISSION APPOINTMENTS

Mr. DePue moved to appoint Mr. Russ Lowry to the Peninsula Emergency Medical Services Council to replace Mr. James B. Oliver, Jr., County Administrator. The motion carried by a unanimous roll call vote.

AAJ927

# RESOLUTION

## PENINSULA EMERGENCY MEDICAL SERVICE COUNCIL REPRESENTATION

WHEREAS, the Board of Supervisors of James City County supports the goals of the Peninsula Emergency Medical Service Council, and

WHEREAS, James City County is entitled to membership on the Peninsula Emergency Medical Service Council,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County appoints Russell Lowry, Emergency Medical Service Coordinator for James City County, as its representative on the Peninsula Emergency Medical Service Council.

Mr. Frink moved to reappoint members of the Joint Recreation Study Committee until June 30, 1981. The motion carried by a unanimous roll call vote. The following persons were reappointed:

Mr. Harry Knight  
Mr. Stuart Williams  
Mr. Otto Beckhoff  
Mr. William C. Porter, Jr.  
Ms. Darlene Burcham (replaced Anthony Conyers)

Mr. Edwards moved to go into executive session to discuss a personnel matter pursuant to Section 2.1-344 (a) (6) of the Code of Virginia, 1950 as amended. The motion carried by a unanimous roll call vote.

The Board convened into executive session at 5:20 P.M. and returned to public session at 5:40 P.M. Mr. Edwards moved approval of the Board members to the following Boards and Commissions:

Mr. Bartlett: Advisory Council - Ninth Judicial Service Unit (1/15/82)  
Community Action Agency (no definite term)  
Courthouse Committee (1/15/82)  
Planning Commission (1/15/85)  
Sanitary District No. 1 Board (1/15/82)

Mr. DePue: Chamber of Commerce (1/15/82)  
Hampton Roads Area-wide Committee (no definite term)  
Peninsula Planning District Commission (1/15/82)  
Social Services Board (1/15/85)  
Welfare Board (1/14/84) (replaced Mr. Bartlett)

Mr. Frink: Community Action Agency (no definite term)  
Courthouse Committee (1/15/82)  
Sanitary District No. 1 Board (1/15/82)

Mr. Taylor: Farmers Advisory Committee (1/15/82)  
Highway Safety Commission (no definite term)

Mr. Edwards: Community Action Agency (no definite term)  
Peninsula Planning District Commission (1/15/82)

The above appointments were approved by a unanimous roll call vote.

Mr. Edwards moved to recess until 6:00 P.M. The Board reconvened at 6:00 P.M. for a general work session. The Board ended that work session at 7:00 P.M. for a public hearing on the Cable TV proposals.

PUBLIC HEARING - PRESENTATIONS - CABLE TELEVISION PROPOSALS

Mr. Edwards asked each of the cable applicants to limit their presentations to twenty minutes and also allow Board members to ask specific questions during that time. He informed the audience that he would open the public hearing after the presentations had been heard. He noted that another public hearing will be held on this matter, therefore a final decision would not be made tonight. Mr. Edwards asked Mr. Allen A. Turnbull, Administrative Analyst to introduce representatives from each cable company.

Mr. Turnbull introduced the following persons:

Continental Cable Company - Mr. Buz Goodall and Alvin Anderson, Attorney

Hampton Roads Cablevision - Mr. Ron Roe, General Manager and  
Mr. Herb Kelley, Corporate Manager

Warner Cable - Mr. Bill Day, Manager and Mr. Vernon Geddy, Attorney

Commonwealth Enterprises - Mr. George Strimel and Mr. Ken Leader

**CONTINENTAL CABLE**

Mr. Buz Goodall, representing Continental Cable, stated that the company was formed in 1963, and their only business is seeking cable franchises. He said that presently they serve 630,000 subscribers and their philosophy is one of decentralization. He also said that the company was awarded a franchise in Henrico County in 1977 and they have a system in Richmond. He added that they deal locally as much as possible and will attempt to hire their cable staffers from James City County. Mr. Goodall stated that Continental Cable's proposal for James City County is one that allows for expansion because the county is growing. He further stated that they plan to construct their own cable franchise office to house customer service, technicians and access programming. He said that they are proposing 40 channels and that when the need arises, a separate system would be constructed for the northern end of the county. He pointed out that the proposal also contains an emergency override feature that will announce tornadoes, hurricanes, etc. He concluded that Continental Cable would like to serve James City County.

Mr. Taylor asked why their proposal is offering more area coverage than the other companies.

Mr. Goodall answered that their proposal is based on the data that was provided to them on James City County which showed much future growth in the area.

Mr. Harold Poulsen, resident of James City County, asked Mr. Goodall to expand on the company's plan for a studio.

Mr. Goodall stated that they would have a studio at their office, and that it might be possible to share some facilities with CenTeX.

**HAMPTON ROADS**

Mr. Ron Roe, General Manager of Hampton Roads Cablevision, presented their proposal to the Board. He said that their company has proven experience in Virginia in Danville, Chatham, Pittsylvania County, and Newport News a total of 35,000 subscribers. He said that one of the highlights will be a 55 channel capacity with community programs, regional interconnection, regular TV channels, Richmond stations, all Norfolk stations and super stations such as Atlanta, Chicago, and New York. Mr. Roe also said that they plan to offer channels for community programs such as Board of Supervisors meetings and school programs. Mr. Roe commented that a \$135,000 of studio equipment would be given to CenTeX to help local programs. He indicated that they also plan to develop a tourism information channel that will be in operation on a 24-hour basis in addition to special networks for The College of William and Mary, and Community Hospital at no additional cost to the county. They

AAJ927

will have a variety of features for residents to choose from such as Home Box Office, Home Theater Network, Cinemax, Show Time, and The Movie Channel. Mr. Roe said that the connection fee will be \$15.00 and the basic monthly fee will be \$7.95 and the cost of other features will range from \$4.00 to \$9.00. He added that the rates would not rise during the first four years of service. Mr. Roe pointed out that he is a resident of James City County, therefore, he has a vested interest in insuring that the county will have the best service available to its residents and hoped that the Board would choose Hampton Roads Cablevision.

#### COMMONWEALTH ENTERPRISES

Mr. George Strimel, representing Commonwealth Enterprises, showed a video tape that described the company. Commonwealth Enterprises is affiliated with Commonwealth Telephone Enterprises and they are a member of Commonwealth Telephone Technical Corporation, a member of Sterling Telecommunications, Supplies Company and have close relations to Commonwealth Information Services Company. The tape illustrated that Commonwealth is involved in developing technology to lay cable, and likes to insure that service and system operations are satisfactory to all subscribers. Mr. Strimel said that he felt they were offering a very unique proposal in that it will offer eight access channels free of charge. In addition, they offer various programming features such as security, fire protection, sports and local programming. He said that they offer twenty-six channels for \$7.45 per month.

#### WARNER CABLE

Mr. Bill Day, Manager of Warner Cable, presented their proposal to the Board. He said that Cable TV is capital intensive and a company must have a good return on their investment otherwise both the company and the residents will lose because it is very difficult and expensive to correct any mistakes. Mr. Day said that their company has researched James City County and they propose a 50 channel capability at a cost of \$1.8 million. He said from the day the franchise is awarded to them, they can service 700 potential subscribers. He said that they propose a seven mile institutional network either receiving or sending signals as part of the package. He indicated that Fire Station No. 3 could be tied to each school at no extra costs, and the county could, if they purchased the necessary equipment, control thermostats at each of the schools also. Mr. Day said that naturally some features would be more costly because of the computer hook-up. He further stated that Warner Cable can more easily service the southeast portion of James City County, because they can extend their cable in the City and do not have to go down Route 199. He said that Warner had strand mapped the County and knew exactly where all components of the system would go. Mr. Day concluded that Warner Cable is very enthusiastic about upgrading and connecting Williamsburg to James City County as well as providing entertainment and educational opportunities in the county.

Mr. Bartlett asked Mr. Day how many other jurisdictions Warner Cable presently serves.

Mr. Day replied that Warner Cable is fifty percent owned by Warner Communications and fifty percent owned by American Express and they presently service 143 areas throughout the United States. He said that in Virginia they service Hampton - approximately 18,000 subscribers, and in Williamsburg - approximately 1,200 subscribers and they also serve Harrisonburg, Virginia.

Mr. DePue asked Mr. Day if it is true that Warner Cable had a contract with James City County in 1974 but they defaulted on the franchise.

Mr. Day said that it was true, the company had made a mistake because at that time there was only one possible source - basic cable at approximately \$7.95 month - of revenue and as a result the project was not financially feasible. Rather than to begin building a system which could not pay for itself, Warner made the decision to default on the franchise. He said that with the addition of pay cable services, the average monthly revenue per subscriber would be approximately \$7.00, so the cable system could now pay for itself.

Mr. DePue asked if it was an oversight on the company's part in eliminating James City County on their list of previous customers.

Mr. Day commented that it was an oversight on the company's part.

Mr. Edwards opened the public hearing.

Mrs. Irene Douglas, resident of James City County, asked the Board to consider adopting language in the ordinance before they awarded the franchise to any of the companies letting them know what would not be acceptable to James City County on Cable television. She urged the Board to make sure that area homes would not be receiving pornographic films.

Mr. R. M. White, resident of James City County asked the cable companies how long it would take them to complete the project.

Mr. Buz Goodall, of Continental Cable, said that they would have the project completed within one year after they were awarded the franchise.

Mr. Ron Roe, of Hampton Roads Cablevision, said the entire area could be completed in two years and any problems that would arise would be getting third parties (C&P and VEPCO) to do their work.

Mr. George Strimel, of Commonwealth Enterprises, said they could have the project completed within eighteen months.

Mr. Bill Day, of Warner Cable, said that they could construct about 20 to 30 miles a month of cable starting within ninety days after the franchise was awarded and completion within a year.

Mr. DePue asked if there are ways of screening "R" and "X" rated movies.

Mr. Ron Roe said that a lock is available to screen certain features.

A brief discussion centered around regulations regarding "X" rated movies.

Ms. Irene Douglas read an excerpt from an ordinance which stated that no person by means of cable television can use obscene material.


Mr. Edwards asked if the Cable Advisory Committee would present their recommendation to the Board in February 1981.

Mr. Turnbull answered that the Committee would present their recommendation to the Board of Supervisors in late February or early March 1981.

Mr. Edwards closed the public hearing.

Mr. Edwards moved to adjourn. The motion carried by a unanimous roll call vote.

The meeting ADJOURNED at 8:45 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board



AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS, JAMES CITY COUNTY, VIRGINIA,  
HELD ON THE TWENTY-SEVENTH DAY OF MARCH, NINETEEN HUNDRED EIGHTY-ONE, AT  
4:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD,  
JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Present: Jack D. Edwards, Chairman, Berkeley District  
Gilbert A. Bartlett, Jamestown District  
Perry M. DePue, Powhatan District  
Stewart U. Taylor, Stonehouse District

Absent: Abram Frink, Jr., Vice-Chairman, Roberts District

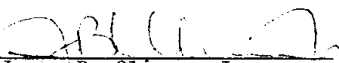
Present: James P. Oliver, Jr., County Administrator  
John E. McDonald, Assistant to the County Administrator  
Frank M. Morton, III, County Attorney

Mr. Edwards moved to go into executive session to discuss a legal matter pursuant to Section 2.1-344 (a)(6) of the Code of Virginia, 1950, as amended. The motion carried by a 4-0 roll call vote.

The Board convened into executive session at 4:35 P.M. and returned to public session at 4:45 P.M.

Mr. Edwards moved to adjourn. The motion carried by a 4-0 roll call vote.

The meeting ADJOURNED at 4:45 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-SEVENTH DAY OF JULY, NINETEEN HUNDRED EIGHTY-ONE AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
 Abram Frink, Jr., Vice-Chairman, Roberts District  
 Gilbert A. Bartlett, Jamestown District  
 Perry M. DePue, Powhatan District  
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator  
 John E. McDonald, Assistant to the County Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Edwards asked for corrections in the Minutes of June 22, 1981. Mr. Bartlett had one change on Page 4; his comment was that the phrase reading "rising force continues to be the landlord..." should read "driving". Mr. Edwards asked for a motion to approve the Minutes with this change and they were approved unanimously.

Mr. Edwards introduced Jill Pope from the Virginia Association of Counties who was visiting a number of counties in the local area. He also introduced Mr. Sam Powell of the James City County School Board who in turn introduced Dr. John Allen, Superintendent of the School Board. Dr. Allen thanked Mr. Oliver for the invitation to the County's Goals Session and he added that he looked forward to working with the County.

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer for the Virginia Department of Highways and Transportation, addressed the Board. Mr. Hall discussed the expenditures of the Highway Department and stated that expenditures for maintenance had exceeded the budget by about \$22,000. He added that when it was decided that there would not be a snow-related expense, the Highway Department lost approximately \$35,000 allocated to the County. Mr. Hall continued with some delinquent items. He said that he was still checking on Mr. Taylor's request about a piece of property near the reservoir. Mr. Hall said that the signal at the Pottery has had several new components installed to help correct the problem.

Mr. Edwards asked about the signal at the intersection of Route 199 and Route 5. Mr. Hall said that the signal had been checked and the technician could not find anything wrong with it.

Mr. DePue had some concerns about the height of the grass Route 60 around the stores in Norge and the Lightfoot intersection. He asked Mr. Hall to keep a particular look at these two places. Mr. DePue also stated that there were two individuals in the audience from Norge who would like to make a presentation.

Presentation

Mr. Gary Massey from Kristiansand presented a petition from the Kristiansand's Home Owners Association for a left-hand turn lane through the center of Route 60 in Norge, similar to the turning lane in Williamsburg on Route 60 at the John Yancy Motel. Mr. Massey listed the procedure he has taken so far, such as speaking with Mr. Hall, speaking with the residents, at Mr. Hall's suggestion to obtain signatures from the residents of Kristiansand and Norge and then come before the Board of Supervisors to process a resolution proposing a left-hand turn lane through the center of Route 60/Norge.

AAJ927

Mr. Oliver suggested that the Board turn the matter over to the staff and have the Planning Department look at it and prepare the appropriate resolution for the Board's approval at the August 10, 1981 meeting.

This was approved by Mr. Edwards and was agreed to by Mr. Massey.

#### D. PRESENTATIONS

Mr. Edwards introduced Mr. John Holdren from the Department of Social Services.

Mr. Holdren announced that the Department of Social Services had been awarded a Mini-Grant by the State Department of Welfare for \$1,845.00 in the area of child protective services. He added that the funds are Federal funds for the State Department of Welfare to administer to all human services.

Mr. Holdren stated that the program was an adolescent parent education and prevention program and in response to the high number of young parents in James City County. Mr. Holdren added that the Department's concern is that young parents may not be prepared for the responsibilities of parenthood and the risk of child abuse. He explained that the program was designed to help build and improve the parenting skills of these young parents. Mr. Holdren stated that the program consisted of four group sessions each lasting for 10-12 weeks and each group being composed of 8-10 young parents. He stated that the main budget requirements consisted of providing transportation and child care arrangements, if necessary. Mr. Holdren stated that the most important aspect of the program is once the staff has completed the program they will have the skills to carry it on year after year. He asked the Board to approve the resolution for the award of the \$1,845.00.

Mr. Edwards asked for questions and there being none, the motion was approved unanimously.

Mr. DePue asked about the birth rate of sixty births per year to parents between the ages of 15 and 19, and he asked if this was higher than average.

Mr. Holdren stated that he had not done a comparison with other counties and that this was a need stated to him by other agencies and staff.

Mr. DePue stated that we did not receive the grant on the basis that James City County was a particularly hard-hit area on this problem.

Mr. Holdren stated that this was correct.

Mr. Oliver stated that Ms. Burcham had some statistics on this topic and that our area was particularly high in the illegitimate birth area. Ms. Burcham added that the County was also high in the infant mortality rate that is associated with early child-bearing years.

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

WHEREAS, the Board of Supervisors of James City County has previously authorized an appropriation in the Social Services Fund; and

WHEREAS, the Welfare Board has accepted a Mini-grant from the State Department of Welfare for an Adolescent Parent Education and Prevention Program in the amount of \$1,845;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors amends the appropriation and revenue for the Social Services Fund to reflect this \$1,845 award as follows:

Revenue from Commonwealth	+ \$1,845
Adolescent Parent Education and Prevention	+ \$1,845

E. CONSENT CALENDAR

Mr. Edwards moved to approve all the items on the Consent Calendar unless any Board member wished to remove any items. There were no objections to any item on the Consent Calendar and the motion carried by a unanimous roll call vote. The following items were approved:

1. Case No. CUP-15-81 - Conditional Use Permit - Mr. Roger Estep.

R E S O L U T I O N

CONDITIONAL USE PERMIT

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

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

Applicant:	Mr. Roger Estep
Tax Map ID:	(48-1) (1-3)
District:	Berkeley
Zoning:	B-1, General Business
Permit Term:	Limited to the completion date of the project (July 1, 1982) in accordance with Section 20-23(f).
Further Conditions:	None

2. Carry Forward of Operating Appropriations.

R E S O L U T I O N

CARRYFORWARD OF OPERATING APPROPRIATIONS

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

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

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

EMS Donated Revenue	\$ 5,437.00
Cable TV Revenue	9,183.00
Vehicle Management Study Grant	8,903.00
VML Financial Planning Grant	856.00
Legal Services - Annexation	15,000.00
Zoning Ordinance Professional Services - Planning	7,975.00
Street Lights - New	9,500.00
Street Signs	3,190.00
Extension Agent - Furniture	600.00
Litter Control Grant	349.00
	<u>\$60,993.00</u>

AAJ927

3. Certificate of Warrants.RESOLUTIONCERTIFICATION OF WARRANTS

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

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

GENERAL FUND	Checks	#100292-100726
	Totalling	\$1,614,614.55
GENERAL FUND PAYROLL	Checks	#200766-201046
	Totalling	\$199,693.28
SANITARY DISTRICT NO. 1	Check	#500002-500004
	Totalling	\$4,707.67
SANITARY DISTRICT NO. 2	Checks	#600005-600011
	Totalling	\$2,737.36
SANITARY DISTRICT NO. 3		Account Closed
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	#339-342
	Totalling	\$782.90
REVENUE SHARING	Checks	#400003-400008
	Totalling	\$6,004.77
JCC BOND SINKING FUND		-0-

4. State Aid to the Williamsburg Regional Library.RESOLUTIONWILLIAMSBURG REGIONAL LIBRARY GRANT AID

WHEREAS, the Board of Supervisors of James City County has been advised that \$54,544 has been approved in a Grant-in-Aid of the State Library Board for the Williamsburg Regional Library for FY81-1982, and

WHEREAS, the Board of Supervisors of James City County must submit written approval allowing expenditure against such Grant-in-Aid to be made.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City Coun authorizes the acceptance of \$54,544 in Grant-in-Aid funds from the State Library Board for the FY81-1982, and

BE IT FURTHER RESOLVED that the Williamsburg Regional Library Board be authorized and directed to comply with requirements which must be met in order to receive Grants-in-Aid, and

BE IT FURTHER RESOLVED that the County Administrator be authorized and directed to execute the authorization of expenditures in State Aid funds.

This was set for public hearing on August 10, 1981.

R E S O L U T I O N

Execution of Deed

WHEREAS, the Board of Supervisors received a Deed of Easement, dated August 24, 1974, between James City County Sanitary District No. Two and John H. and Alvis H. Jensen; and

WHEREAS, the Sanitary District No. Two has no need for said easement and is requesting to convey all its rights, title, and interest to the described property in the attached Deed back to the Grantees.

NOW, THEREFORE, BE IT RESOLVED that the Chairman and Clerk to the Board are authorized and directed to execute a deed dated by and between the Board of Supervisors and John H. and Alvis H. Jensen conveying the therein described easement back to the Jensens.

Mr. Edwards inquired about the reduced size typing of the resolutions.

Mr. Oliver stated that this was an attempt to reduce the use of legal size paper. He added that if there were any problems with this size type we would change to the legal size for the next Board meeting.

There were no objections.

F. BOARD CONSIDERATIONS

1. Supplemental Appropriations - Chamber of Commerce

Mr. John E. McDonald presented a resolution to the Board stating that at the last Board meeting the Board was requested to adopt a resolution allocating \$3,000.00 to the Chamber of Commerce to obtain rental space for the Virginia Employment Commission for one year. Part of that resolution required a matching fund of \$9,000.00 to be made before any of the County's funds are spent. Mr. McDonald added that working with Mr. Val Wasson of the Chamber of Commerce, and Mr. Frank Force, City Manager for Williamsburg, the total cost of the program is less than was indicated at the last meeting. The attached resolution amends the previous resolution and reduces the matching funds necessary for the rental. He added that part of the savings is due to the fact the landlord reduced the rent by \$100 per month plus the state picked-up the first month's rent and the City of Williamsburg and York County have acted on and approved their appropriations. The attached resolution is a slightly revised form of the previous resolution. Mr. McDonald asked for questions.

Mr. DePue asked about the remaining \$2,295.

Mr. McDonald stated that he had talked to Mr. Force and it appeared very likely that it would be forthcoming.

Mr. Edwards asked for a motion to approve the resolution and it was approved by a unanimous roll call vote.

R E S O L U T I O N

SUPPLEMENTAL APPROPRIATION - CHAMBER OF COMMERCE

WHEREAS, the Board of Supervisors of James City County, Virginia has previously authorized a supplemental appropriation to the Williamsburg Area Chamber of Commerce for the purposes of providing office space for the Virginia Employment Commission;

AAJ927

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County that its resolution of the 6th day of July, 1981 transferring \$3,000.00 from contingency be amended as follows:

That such funds shall be expended by said Chamber only if the matching sum of \$6,295.00 is provided for the purposes of providing office space for the Virginia Employment Commission.

2. Centralized Duplicating and Printing Facility/Government Center

Mr. John E. McDonald presented this item to the Board. He stated that the reduced resolutions are a part of this process. He stated that the procedure of reducing on this machine is one asset and added that the entire Board folder for this meeting was duplicated on the School Board's machine. He stated that the machine represents a reduction in time, labor, and cost for the County. He further stated that one proposal from the School Division was that the machine be open to both the City and County on a priority basis. Mr. McDonald stated that for service for one year the School Board was retaining a CETA funded operator and asked that the City, County, and School Board jointly contribute to pay the operator. The School Division supplies paper and the duplicating service for about 1.3¢ per copy. Mr. McDonald stated that he thought this would be an excellent cost-savings program for the County. Mr. McDonald asked for questions.

Mr. Bartlett stated an interest in the amount of savings this would come to.

Mr. McDonald stated that at present the cost to run copies plus paper is about 4.2¢ per copy. He added that with the proposed agreement, the County hopes to reduce the need for its present duplicating equipment, overhead, and maintenance costs.

Mr. Bartlett stated that if the County is going to be able to reduce its equipment with this new machine it was heading in the right direction; but it would be a different outlook if the County were merely adding to its present system.

Mr. McDonald stated that this new equipment would modify the need for the County's present system, and added that the County was re-evaluating the necessity for the present duplicating machines and whether to replace them with small desk-top machines. He stated that on a per copy basis annually, the savings was approximately \$4,000 and with any machine elimination that would increase the savings even more.

Mr. Edwards asked what the 1.3¢ covered.

Mr. McDonald stated that it covers the duplicating service, labor, and paper. He added that further in the budget the County would have to supplement some of the paper. He said that another provision of the agreement deals with the knowledge that the County and the City contributed to the School Board to enable them to buy this equipment. He further stated that the County contributed \$25,000.00 and the 1.3¢ would be assessed against this sum first for approximately the next two or three years and for that period there will be no real costs for duplicating (with the exception of the \$2,500.00 for the operator).

Mr. DePue asked that a summary of the disposition of the School Board's duplicating machine and the County's use be included in the Board's reading material for the next few months. He also asked if it would be a rule that the secretaries and staff go to the School Board for the use of this machine for every copy.

Mr. McDonald stated that he would not suggest this for every copy and the possibility would be to go on a twice a week basis or so.

Mr. Edwards asked for a motion to approve the resolution and it was approved by a unanimous roll call vote.

RESOLUTIONSCHOOL ADMINISTRATIVE OFFICE PRINTING AND DUPLICATING SERVICES

WHEREAS, the Board of Supervisors of James City County has been requested to consider the possibility of a consolidated printing and duplicating facility;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to enter into an agreement with the School Board for the purposes of providing a consolidated printing and duplicating facility and that the County Administrator be authorized to provide to the School Board the sum of \$2,504.00 from existing budget accounts for duplicating and printing services for the fiscal year ending June 30, 1982.

3. Funding for Energy Conservation Studies of the EOC Building and Courthouse

Mr. Oliver presented this item stating that it had come before the Board once before and the Board had authorized the staff to make application for Federal Funds to do an energy conservation study at the Courthouse and EOC Building. He said that the County has been successful in being offered \$1,992.00 from the State, and he recommended the approval of the resolution. He stated that this amount was included in the Board's budget and this resolution was merely an announcement of the funds to be received.

Mr. Edwards asked for questions and there were none. He asked for a motion to approve the resolution and the resolution was passed by a unanimous roll call vote.

RESOLUTION

APPROPRIATION OF FUNDS FOR ENERGY CONSERVATION STUDIES

WHEREAS, the Board of Supervisors of James City County, Virginia recognizing the need for consideration of energy conservation measures with reasonable payback periods, authorized the filing of an application for assistance from the State Office of Emergency and Energy Services (OEES) to support half the costs of such a study; and

WHEREAS, funding in the amount of \$1,992 has been awarded for this purpose; and

WHEREAS, \$1,992 is available under "Local Grants Match" fund for the County share required.

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby appropriates as revenue \$1,992 from the Grant Award, and hereby authorizes the transfer of \$1,992 from "Local Grants Match" Account to "Energy Conservation Studies".

4. Landfill Capital Improvement Program - FY 1982

Mr. John E. McDonald stated that in the FY 1982 Capital Improvements budget the Board approved approximately \$370,000.00 primarily for landfill equipment. Mr. McDonald stated that the resolution was to reallocate about \$140,000 of that fund to purchase land adjacent to the landfill. Mr. McDonald hoped that enlarging the landfill would eliminate

AAJ927



the need for equipment. He asked the Board to approve the resolution.

Mr. Taylor asked about the number of acres to be purchased.

Mr. Morton stated that the purchase included 122.3 acres.

Mr. Edwards asked for a motion to approve the resolution and the resolution passed by a unanimous roll call vote.

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

##### LANDFILL CAPITAL PROJECT BUDGET - FY82

WHEREAS, the Board of Supervisors of James City County desires to expand the present landfill site, and

WHEREAS, funds sufficient to allow for the expansion site have been previously appropriated in the Landfill Capital Project budget for equipment,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby reallocate \$140,000, previously appropriated in the Landfill Capital Project for the 1982 fiscal year for landfill equipment for the purposes of purchasing real property, and

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to act on its behalf in the acquisition of certain property for the expansion of the present James City County Landfill in an amount not to exceed \$140,000.

#### G. MATTERS OF SPECIAL PRIVILEGE

Mr. Edwards asked for any comments that the audience might like to make.

Mr. Bartlett introduced Mrs. Irene Douglas who was representing a group of citizens in the Jamestown District on Anthony Wayne Road.

Mrs. Douglas quoted from a newspaper clipping from the Daily Press in regard to a "minister testing the zoning ordinance." She continued that the minister mentioned lived next door to her. She presented a dialogue she had with the minister over a period of time to the point that brought her to this Board meeting with some concerns over the zoning ordinance. She also presented some correspondence between Mr. Lane, County Building Inspector, the Reverend Whitman and Mr. Gilbert Bartlett. Mrs. Douglas stated she has followed-up on the process and is unhappy with the outcome.

Mr. Bartlett stated that the problems Mrs. Douglas is facing not only centers around the zoning ordinance but the process by which the ordinances are enforced. Mr. Bartlett asked that the matter be directed to the appropriate staff and hope that the situation is reported on at the next Board meeting.

Mr. Edwards then stated that this would be a consideration at the Board's next meeting.

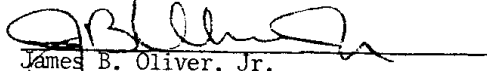
#### H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver stated for the public record that it is the staff's intention to attempt to manage the August agenda so that the Board would not have its August 24, 1981 meeting.

Mr. DePue commended the staff on the County's Exposition and their good work. He also stated that he was concerned about the County's representation in the General Assembly. He presented figures for the area districts stating that Mr. Grayson's District, the 47th, would consist of four counties - the City of Williamsburg, Town of Poquoson and a population of 92,000 (73% over the target population of 53,463). Mr. DePue stated that the 47th floater seat would represent a total of 214,000 of which the City of Hampton totalled 122,000. Mr. DePue stated that he hoped the County would not get a floater seat but would end up with a delegate to represent this area.

Mr. Edwards asked for any other item that the Board members might have; there were none. He moved to adjourn and the motion carried by a unanimous roll call vote.

The meeting ADJOURNED at 3:45 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

AAJ927



## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: September 13, 1982; October 4, 1982; and October 13, 1982

---

The following minutes for the Board of Supervisors of James City County dated September 13, 1982; October 4, 1982; and October 13, 1982 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the September 13, 1982; October 4, 1982; and October 13, 1982 Board of Supervisors meeting. They were APPROVED by the current Board of Supervisors at the May 12, 2015 meeting.

Please accept these minutes as the official record for September 13, 1982; October 4, 1982; and October 13, 1982.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMO-1982BOS

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTEENTH DAY OF SEPTEMBER, NINETEEN HUNDRED EIGHTY-TWO AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Abram Frink, Jr., Chairman, Roberts District  
 Perry M. DePue, Vice-Chairman, Powhatan District  
 Jack D. Edwards, Berkeley District  
 Thomas D. Mahone, Jamestown District  
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator  
 Frank M. Morton, III, County Attorney  
 John E. McDonald, Assistant to the County Administrator

Mr. DePue 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: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

The Board convened into Executive Session at 7:05 P.M. and returned to Public Session at 7:35 P.M.

**B. MINUTES - August 23, 1982 and August 30, 1982**

Mr. Frink asked if there were any corrections or additions to the minutes. Mr. Mahone requested a change on Page 2 of the Minutes of August 23, 1982 as follows: Item D-2, second paragraph to read "... and that there was one well and septic system for both." Mr. Mahone moved for the approval of both sets of minutes with the appropriate corrections to the Minutes of August 23, 1982.

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

**C. PUBLIC HEARINGS**

**1. Proposed Amendments to Chapter 5, James City County Code - Bingo and Raffles**

Mr. John McDonald, Assistant to the County Administrator presented this matter to the Board. He stated that the first amendment proposes to eliminate references to the County Finance Department in auditing the records of an applicant for a Bingo or Raffle Permit, substituting the County Administrator or his designee. The second proposed amendment relates to the audit fees for bingo and raffle financial reports and establishes a one percent

audit fee for organizations reporting gross receipts up to \$10,000 and thereafter a ceiling of \$100 for such fee. Mr. McDonald stated that the ordinance would be changed to be effective on the date of its adoption.

Mr. Frink opened the public hearing.

There being no speakers Mr. Frink closed the public hearing.

Mr. Edwards moved for the approval of the ordinance.

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

#### ORDINANCE NO. 133A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, BINGO AND RAFFLES, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING SECTION 5-7, REPORTS OF GROSS RECEIPTS AND DISBURSEMENTS REQUIRED AND SECTION 5-8, AUDIT REQUIRED, FEE.

BE IT ORDAINED, by the Board of Supervisors of James City County, that Chapter 5, Bingo and Raffles, of the Code of the County of James City be and the same is hereby, amended and reordained by amending Section 5-7, Reports of Gross Receipts and Disbursements Required and Section 5-8, Audit Required, Fee, to read as follows:

#### CHAPTER 5, BINGO AND RAFFLES

Section 5-7. Reports of gross receipts and disbursements required.

Complete records of all receipts and disbursements shall be kept and shall be filed annually under oath with the County Attorney's Office. All annual or quarterly financial reports and other items required to be filed under this section shall be a matter of public record. All such accountings shall be made on or before the first day of November of each calendar year for which a permit has been issued. Such accounting shall include a record of the gross receipts and disbursements of an organization for the year period which commenced on the first day of October of the previous year. Provided, however, any organization whose gross receipts exceed fifty thousand dollars (\$50,000.00) during any calendar quarter shall be required to file an additional accounting of its receipts and disbursements during such quarter no later than sixty (60) days following the last day of such quarter. "Gross receipts", as used in this section, shall mean the total amount of money received from bingo and "instant bingo" operations before the deduction of expenses or prizes.

AAJ814

All such reports and receipts and disbursements shall be made on a form provided by the County Attorney's Office and acknowledged in the presence of a duly authorized notary public. The failure to file such reports when due shall cause the automatic revocation of the permit and no such organization shall conduct any bingo game or raffle thereafter until such report is properly filed and a new permit is obtained.

Such financial report shall be accompanied by a certificate, verified under oath, by the Board of Directors that the proceeds of any bingo games or raffles have been used for those lawful, religious, charitable, community or educational purposes for which the organization is specifically chartered or organized and that the operation of bingo games or raffles has been in accordance with the provisions of Chapter 5.

Notwithstanding the provisions of this chapter, requiring an annual audit, the provisions of this section shall not be construed so as to prohibit the County Administrator or his designee from performing unannounced audits or restrict any right to secure records required to be maintained by the provisions of this chapter. The County Administrator or his designee shall have the authority to go upon the premises on which any organization is conducting a bingo game for the purpose of carrying out the duties imposed by this chapter. The application for the bingo permit shall constitute permission from, and authority granted by, such organization to any law enforcement officer to enter upon such premises.

The organization shall maintain a record in writing of the dates on which bingo is played, the number of people in attendance on each date and the amount of the receipts and prizes paid on each such day. The organization shall also maintain a record of the name and address of each individual to whom a door prize or jackpot from the playing of bingo is awarded, as well as the amount of such receipts and disbursements; including operating costs and use of proceeds incurred in operating bingo games. (Ord. No. 133, 9-10-79)  
Section 5-8. Audit required, fee.

All reports filed pursuant to Section 18-2-340.6 of the Code of Virginia (1950), as amended, shall be audited by the County Administrator or his designee. All such reports shall be a matter of public record.

The audit fee shall be one of per centum of the gross receipts which an organization reports if said gross receipts are no more than \$10,000. If the gross receipts are \$10,000.00 or more, such audit fee shall be \$100.00. Such audit fee shall accompany each annual report and shall be payable to the Treasurer, James City County. (Ord.

2. Proposed Smoke Detector Ordinance

Mr. Frank M. Morton, III, County Attorney, presented this matter to the Board. He stated that a recent session of the General Assembly gave localities the authority to enact requirements for smoke detectors in certain types of existing structures:

1. Multifamily residential buildings containing four (4) or more dwellings
2. Hotels and motels
3. Rooming houses

He stated that the Fire Marshal had expressed his concern regarding the passage of this ordinance, and that the ordinance would become effective April 1, 1983, in order to permit those affected to come into compliance.

Mr. Frink opened the public hearing.

There being no speakers, Mr. Frink closed the public hearing.

Mr. DePue moved for the approval of the ordinance with the effective date of April 1, 1983.

Chief Garland Wooddy presented some statistical information concerning fires and spoke in support of the smoke alarm system.

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

**ORDINANCE NO. 147**

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF JAMES CITY BY ADDING A NEW CHAPTER, CHAPTER 6A, SMOKE DETECTORS.**

**BE IT ORDAINED** by the Board of Supervisors, that the Code of the County of James City be amended by adding a new chapter, Chapter 6A, Smoke Detectors.

**CHAPTER 6A  
SMOKE DETECTORS**

**Section 6A-1, Smoke Detectors.** In accordance with Section 15.1-29.9, Code of Virginia, smoke detectors shall be installed in the following structures:

- (a) Multifamily residential buildings containing four or more dwelling units.
- (b) Hotels or motels regularly used, offered for, or intended to be used to provide overnight sleeping accommodations, for one or more persons.

AAJ814

(c) Rooming houses, regularly used, offered for, or intended to be used to provide overnight sleeping accommodations and which contain more than four sleeping units.

Section 6A-2, Definitions as used in this Article:

(a) Smoke Detectors: any mechanical devise powered by batteries or alternating current capable of sensing visible or invisible particles of combustion and capable of sounding an audible alarm.

(b) Owner: the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendor in possession, assignee of rents, receivers, executor, trustee, lessee, or other person, firm or corporation in control of a building.

(c) Dwelling unit: any single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating cooking and sanitation.

Section 6A-3, Installation Requirements.

(a) The smoke detectors installed must be capable of sensing visible or invisible particles of combustion, providing a suitable alarm, and satisfying the requirements set forth by the Uniform Statewide Building Code.

(b) Appropriate permits as required must be secured for the installation of smoke detectors powered by alternating current.

(c) The smoke detectors shall be installed in locations specified in the applicable section of the Virginia Uniform Statewide Building Code.

Section 6A-4, Owner's Responsibilities in Multifamily Residential Buildings:

(a) The owner or agent of the owner of a multifamily residential building containing four or more dwelling units shall provide smoke detectors, as required herein in hallways, stairwells and other public or common areas and shall maintain such detectors in good working order.

(b) The owner or agent of the owner of a dwelling unit, which is rented or leased in a multi-family residential building containing four or more dwelling units, shall furnish the tenant at the beginning of each tenancy, and at least annually thereafter, with written certification that all smoke detectors required by this Article are present, have been inspected, and are in good working condition.

A copy of all such certificates shall be available for inspection by the County Building Inspector, or his duly authorized representative.

(c) The tenant shall be responsible for maintenance of the smoke detector in the tenant's unit; provided, however, that the owner shall be obligated to service, repair, or replace any malfunctioning smoke detectors within five (5) days of receipt of written notice that such smoke detector is in need of service, repair or replacement.



3. Amendments to the Solicitation Ordinance

Mr. Morton presented this matter to the Board stating that the proposed amendment to Section 16A-17 addresses the issue that Mr. Edwards raised in the meeting of July 26, 1982. He stated that he continued to believe that the current form will not result in any personal liability on behalf of the Administrator, but that the proposed standards are more easily identifiable and are of a factual nature.

Mr. Frink opened the public hearing. There being no speakers, Mr. Frink closed the public hearing.

Mr. Frink moved for the approval of the ordinance.

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

ORDINANCE NO. 146A-1

AN ORDINANCE TO AMEND CHAPTER 16A, SOLICITATION, SECTIONS 16A-1, DEFINITIONS, AND SECTION 16A-4, STANDARDS FOR GRANTING PERMITS, OF THE CODE OF THE COUNTY OF JAMES CITY.

BE IT ORDAINED, by the Board of Supervisors that the Code of the County of James City be and the same is, hereby, amended and reordained by amending Chapter 16A, Solicitation, Sections 16A-1, Definitions and 16A-4, Standards for Granting Permits.

ARTICLE I. SOLICITATION FOR NONCHARITABLE PURPOSES

Section 16A-1. Definitions.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

Canvasser or solicitor. Any individual, whether a resident of the county or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from house to house, or from street to street, taking or attempting to take orders for sales of goods, wares or merchandise, subscriptions, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future whether such individual has, carries or exposes for sale, a sample of such sale or whether he is collecting advance payments on such sales. This definition shall include any person who, for himself or for any other person, corporation or organization, hires, leases, uses or occupies any building, structure, lodging house, apartment, shop or any other place within the County for the sole purpose of exhibiting samples and taking orders for future delivery.

AAJ814

House. Any single or multi-family private dwelling.

Peddler. Any person, whether a county resident or not, traveling by foot, wagon, automotive vehicle, motor truck, or any other type of conveyance, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale, or making sales or delivering articles to purchasers, or who, by traveling from house to house, shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck, railroad car, or other vehicle or conveyance; provided that one who solicits orders and as a separate transaction, makes deliveries to purchasers as a part of the scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall also include the words "hawker" and "huckster".

Peddler, solicitor or canvasser. The terms "peddler", "solicitor" or "canvasser" shall not be construed to include the following:

- (1) Farmers or travel gardeners selling, offering for sale or soliciting orders for any products grown, raised or produced by them.
- (2) Vendors of milk, butter, eggs, poultry, fish, oysters, game, meat, ice, wood, charcoal, or other family supplies of a perishable nature.
- (3) Persons peddling, soliciting or canvassing where the proceeds derived therefrom are to be used for charitable purposes, or on behalf of a qualified and filed candidate(s) for public office or a political party.
- (4) Salesmen or agents for wholesale houses or firms who solicit orders from or sell to retail dealers in the county for resale or other commercial purposes, or to manufacturers for manufacturing or other commercial purposes.
- (5) Children of or under sixteen years of age, except when they are acting as agents of adults covered by this article.
- (6) Route salesmen for laundry, dry cleaning, rug cleaning, upholstery cleaning, garment storage, linen supply, towel supply, and diaper services operating from clearly identifiable vehicles, and newspaper delivery men on a regular route.

Section 16A-2. Certificate of registration required.

It shall be unlawful for any solicitor, canvasser or peddler as defined in section 16A-1 to engage in such activity within the meaning and application of this article within the county limits without first obtaining and possessing a valid registration certificate therefor in compliance with the provisions of this article.

Section 16A-3. Application generally.

AAJ814  
An application for a permit required by this article shall be made to the Administrator. Such application shall be sworn to and filed with the Administrator, or his designee, at least fifteen days prior to the time at which the permit applied for shall become effective. The application shall contain the following information, or in lieu thereof, a detailed statement of the reasons why such information cannot be furnished:

- (1) The name, address or headquarters of the person applying for the permit.
- (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the office having charge of the applicant's records.
- (3) The make, model and license plate of any vehicle used in conducting the solicitation.
- (4) The kinds of goods, wares, merchandise offered for sale and whether such applicant, upon any such order obtained, will demand, accept or receive payment or deposit of money in advance of final delivery.
- (5) The period of time the applicant wishes to solicit to take orders in the county, giving the preferred dates for the beginning and ending of such solicitation.
- (6) The names and addresses of the person who will be in direct charge of conducting the solicitation and the names of all promoters connected or to be connected with the proposed solicitation.
- (7) An outline of the method or methods to be used in conducting the solicitation.

(8) A statement to the effect that, if a permit is granted, it will not be used or respresented in any way as an endorsement by the county, or by any department or officer thereof.

(9) A statement as to whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude and if so, under what circumstances.

(10) Such other information as may be reasonably required by the Administrator in order to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of and not inimical to the public welfare.

If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the Administrator in writing thereof within twenty-four hours after such change.

#### Section 16A-4. Standards for granting permits; issuance or denial.

A certificate of registration shall be granted unless the Administrator finds:

- (a) That the criminal record of the applicant shows that he has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving moral turpitude or of a felony.
- (b) That the applicant has been convicted (including pleas of nolo contendere and forfeitures) of more than one misdemeanor, excluding motor vehicle code violations.
- (c) That the applicant has made a false, fraudulent or misleading material statement in his application.
- (d) That the applicant has been convicted (including pleas of nolo contendere and forfeitures) of a violation of the laws of any jurisdiction relating to selling, vending, soliciting, peddling, hawking or canvassing.
- (e) That the applicant has been convicted of a crime involving a fraud upon any person whether or not such fraud was perpetrated in the course of his conducting a solicitation activity.

The Administrator shall file in his office for public inspection and shall serve upon the applicant, by registered mail, a written statement of facts and his decision upon each application.

Section 16A-5. Applicant's photograph, references and fingerprints.

(a) All applications for a permit under this article shall be accompanied by a photograph of the applicant, and two written references as to his, or their, good character; the photograph shall be attached to the application.

(b) All applicants for a permit under this article shall be fingerprinted by the James City County police department which department shall send the prints to the Federal Bureau of Investigation for checking.

Section 16A-6. Applicant's bond.

If the application filed pursuant to this article shows that the applicant filing the same will receive, demand or accept the payment or deposit of money in advance of final delivery of goods, wares, merchandise, magazines, photographs or other articles, such application shall be accompanied by a bond in the penal sum of five hundred dollars or by a certified check in the same amount. Such bond shall be executed by the applicant as principal, and a surety company licensed to do business as such in the state, and shall be approved as to form by the County Attorney. Such bond shall be conditioned upon making final delivery of such goods, wares, merchandise, magazines, photographs or other articles in accordance with the terms of any order(s) obtained. Such bonds shall be for the use and benefit of all persons who pay in advance or make an advance deposit on the purchase price of such order(s), and the terms of such bond shall so stipulate; any such bond or check shall be held to a period not to exceed 60 days after final delivery of all such goods, wares, merchandise, photographs or other articles.

Section 16A-7. Misrepresentation in application.

No person shall make any false or misleading statement or misrepresentation in any application filed under this article. Violations of this provision shall be a misdemeanor punishable in accordance with section 16A-14 of this chapter.

AAJ814

Section 16A-8. Permit fee.

The fee for a permit required by this article shall be ten dollars, which shall be paid at the time the permit application is filed. Such fee is non-refundable.

Section 16A-9. Permit term.

No permit granted under this article shall be issued for a longer period than twelve months.

Section 16A-10. Permit as solicitation identification card.

In the event a permit is obtained under this article, such permit shall constitute an identification card and shall be carried by the person obtaining such permit at all times while engaged in soliciting or taking orders pursuant thereto. It shall be the duty of the permittee to have sufficient copies of the permit made in order to provide one to each employee soliciting under the permit and each employee shall carry such copy while soliciting. It shall be the duty of each person soliciting pursuant to such permit to exhibit the same when requested by any county resident, law enforcement officer or prospective customer.

Section 16A-11. Exhibition or use of another person's permit or altered permit.

No person shall exhibit or use any permit that has been issued to another person under this article. This prohibition does not apply to an employee using or exhibiting a copy of such a permit pursuant to section 16A-12. Nor shall any person exhibit or use a permit issued under this article that has been altered.

Section 16A-12. Denial. Application for relief.

(a) Upon denying a permit applied for under this article, the County Administrator shall promptly notify the permit applicant.

(b) Within five days after receiving notification that the application for a permit to solicit under this article has been denied, the applicant may file a written request for a hearing on the application before the Board of Supervisors, together with written exceptions to the findings of fact upon which the County Administrator based the denial. Upon the filing of such a request, the Board of Supervisors shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within thirty days after the request is filed. At the hearing, the applicant may present evidence in support of the application. Any interested person may, in the discretion of the Board of Supervisors, be allowed to participate in the hearing and present evidence in opposition to or support of the application.

(c) Within twenty one days after the conclusion of the hearing provided for in subsection (b), the Board of Supervisors shall either grant or deny the application for a permit.

#### Section 16A-13. Supervision and revocation.

Whenever it shall be shown, or whenever the Administrator has knowledge, that any person to whom a permit has been issued under this article has engaged in any fraudulent practice or misrepresentation, has violated any of the provisions of this chapter, or that any person, employee or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Administrator shall immediately suspend the permit and give the permit holder written notice, by registered or certified mail of a hearing to be held within five working days of such suspension to determine whether the permit should be revoked. The notice shall contain a statement of the facts upon which the Administrator based the suspension of the permit, and any other facts which may aid the Administrator in determining whether this article has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the Administrator finds that this article has been violated or the purpose of the solicitation misrepresented, he shall, within five days after the hearing, file in his office for public inspection and serve upon the permit holder and all interested persons participating in the hearing, a full written statement of the facts upon which he based such finding and shall immediately revoke the permit. If, after such hearing, the Administrator finds the article has not been violated the Administrator shall, within two days after the hearing, give to the permit holder a written statement cancelling the permit suspension and stating that no violation or misrepresentation was found.

AAJ814

# Section 16A-14. Penalty.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine up to one thousand dollars or undergo imprisonment for not more than one year, or both.

# Section 16A-15. Severability.

If any provision of this chapter, or the application of such provision to any person or under any circumstances shall be invalid, the remainder of this chapter, or the application of such provisions to persons or under circumstances, other than those to which it shall have been held invalid shall not be affected thereby.

## D. CONSENT CALENDAR

Mr. Frink asked the Board members if they wished to have any items removed from the Consent Calendar. Mr. Mahone requested that No. 1 be removed. Mr. Frink moved to approve the remaining items on the Consent Calendar.

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

## 2. Preparation of the FY 1983 Section 8 Administrative Fund

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

#### APPROPRIATION OF FY83 SECTION 8 EXISTING RENTAL ASSISTANCE PROGRAM

WHEREAS, the Virginia Housing and Development Authority has authorized James City County to participate in the Section 8 Existing Rental Assistance Program and has provided \$5,900.00 to cover the County's operating costs for this program.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County that the County Administrator is hereby authorized to execute the necessary agreements and contracts in carrying out the Section 8 Existing Rental Assistance Program and that the previous appropriation of funds for the operation of the program be adjusted as follows:

Salaries	\$4,145.00
Travel Expenses	425.00
Sundry	515.00
Employee Benefits	815.00
TOTAL	<u>\$5,900.00</u>



3. Change of Board Meeting Dates in NovemberR E S O L U T I O NCHANGE OF BOARD MEETING DATES

WHEREAS, the Board of Supervisors of James City County in recognition of the conflict between the previously schedule November 8th meeting and the Virginia Association of Counties, has decided to change its meeting dates in November to allow certain Board members and key staff to attend the conference;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby change its meeting dates in November from the 2nd and 4th Mondays to the 3rd and 5th Mondays, being November 15th and November 29th.

4. Case No. CUP-38-82. David A. & June M. NewagoR E S O L U T I O NConditional Use Permit

WHEREAS, it is understood that all conditions for the consideration of an application for a conditional use permit have been met;

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

Applicant:	David A. and June M. Newago
Tax Map I.D.:	(1-16) (7-4)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	The permit is valid only after the subdivision plat dividing the 8.07 acres has been recorded.

5. Case No. CUP-39-82. Joseph J. ThomasR E S O L U T I O NConditional Use Permit

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

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

APPLICANT:	Joseph J. Thomas
TAX MAP I.D.:	(1-9) (14-2)
DISTRICT:	Stonehouse District
ZONING:	A-1, General Agriculture
PERMIT TERM:	N/A
FURTHER CONDITIONS:	None

AAJ814

6. Case No. CUP-40-82. Dean RossR E S O L U T I O N

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

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

Applicant:	Mr. Dean Ross
Tax Map I.D.:	(1-55) (24-3)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

7. Case No. CUP-41-82. Martha SimpsonR E S O L U T I O N

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

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

Applicant:	Mrs. Martha Simpson
Tax Map I.D.:	(1-8) (22-2)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	Removal of existing mobile home.

8. Case No. CUP-42-82. Jessie A. & Virginia BonneR E S O L U T I O N

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

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

Applicant:	Jessie A. & Virginia Bonne
Tax Map I.D.:	(1-10) (36-4)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

1. Carryforward of FY 1982 Funds

Mr. Mahone expressed his concerns regarding specific items.

Mr. DePue requested that the staff prepare a more detailed report on the figures in the resolution.

After a brief discussion, the matter was deferred by consensus until the next meeting.

E. **BOARD CONSIDERATIONS**

1. Donation Trust Fund

Mr. John McDonald, Assistant to the County Administrator, presented this matter to the Board stating that the staff is proposing a donation trust fund separate and distinct from the general fund of the County in order to allow the staff to respond to the fiduciary responsibility of processing and using donated funds. He stated that the staff further proposes a three member panel be established to administer these funds to include the County Treasurer, the County Administrator and a member of the Board of Supervisors or their designee. He then stated that the resolution would create the fund and deposit cumulative donations to that fund as well as any future donations.

Mr. Mahone questioned whether the workload of this committee would be worth the effort. Mr. McDonald indicated that the workload would not be extensive, given the amounts and types of donations received.

After discussions, Mr. Mahone then moved for the approval of the resolution.

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

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

**DONATION TRUST FUND**

WHEREAS, the County receives donations from individuals and businesses under conditions established by the donor ; and

WHEREAS, the County recognizes a fiduciary responsibility for donated funds entrusted to its care.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County wishes to:

1. Create the "Donation Trust Fund;" and
2. Create a three-member administrative board to administer funds donated to the County, or an agency thereof with the goal of meeting conditions, if any, as defined by the donor, to consist of the County Treasurer, County Administrator and a member of the Board of Supervisors or their designees; and
3. Provide for the deposit of all cumulative and future donations into this fund; and
4. Direct the Administrative Board to expend these funds in any manner they choose that is consistent with the donor's intentions, the Administrative Board shall do everything possible to meet the donor's desires but if not possible, the funds may be used for a purpose or function most closely related to the purpose defined by the donor; and

AAJ814

5. Prepare and deliver to the Board of Supervisors a written quarterly report on donations received and their disposition.

Mr. Edwards nominated Mr. DePue to represent the Board on the committee.

On a roll call, the vote was AYE: Frink, Edwards, Mahone, Taylor

(4). Mr. DePue abstained.

2. Budget Adjustment for Costs Associated with Sanitary District 1 Utility Billing

Mr. John McDonald presented this matter to the Board stating that since the Joint Board's approval of the transfer to the County of the utility billing responsibility came after the adoption of the Sanitary District 1 budgets, no funds were requested or appropriated to cover the costs associated with the billing. He recommended the adoption of a Resolution of Amendment to the Sanitary District 1 Budget.

Mr. Mahone moved for the approval of the Resolution.

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

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

### AMENDMENT TO THE JCC SANITARY DISTRICT 1 BUDGET

WHEREAS, the Board of Supervisors of James City County adopted a utility budget for Sanitary District 1 on April 26, 1982, and

WHEREAS, the budget did not contain funds to cover the costs associated with the subsequent transfer of billing responsibility by the Joint Sanitary Board,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County that the Sanitary District 1 budget is increased by:

ADDITIONAL REVENUES:

Sanitary District 1 Carryforward	\$3,475
----------------------------------	---------

ADDITIONAL EXPENDITURES:

Billing Costs	\$3,475
---------------	---------

3. PUBLICATION OF DELINQUENT TAXES

Mr. John McDonald presented this matter to the Board stating that the staff has duplicated the delinquency listings for the Board's review and recommend that the Board publish all delinquencies in excess of \$50.00 and still outstanding as of September 20, 1982.

Mr. Taylor felt that the resolution should be changed to include publishing the entire list.

Mr. DePue stated that he could not support the publishing of all delinquencies in excess of \$50.00. He felt that the level could be raised to a figure around \$350.00, that many of those listed as delinquent were victims of the current economic situation.

Mr. Mahone spoke in support of Mr. DePue's feelings of raising the amount that would be published.

Mr. Frink stated that the whole list should be published.

Mr. Taylor made a motion to publish the entire list.

On a roll call, the vote was AYE: Frink, Edwards, Taylor (3). NAY: DePue, Mahone (2). Motion carried 3-2.

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

#### PUBLICATION OF DELINQUENT TAXPAYER LIST

WHEREAS, the Board of Supervisors of James City County wishes to make public a list of those taxpayers who are delinquent in payment of current real estate and personal property taxes; and

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to publish, in a paper of general circulation, a listing of delinquent taxpayers provided in Section 58-983 of the Code of Virginia, and such publication shall be for taxpayers whose taxes are delinquent and unpaid as of September 20, 1982; the publication of this shall be for any taxpayer who owes the County of James City.

#### **F. MATTERS OF SPECIAL PRIVILEGE**

Mr. Frink stated that a citizen had something to bring before the Board.

Mrs. Troutman, a resident of Magruder Heights, stated that she lives in a dwelling with a boarder and has been charged with separate sewage bills. She stated that she would like to have her billings re-evaluated by the Utility Department.

Mr. Oliver stated that the staff would prepare a report and submit it to the Board at their next meeting.

#### **G. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Oliver suggested that the Board establish a regular Board Work Session either on the first Monday of each month at 3 P.M. or a Saturday morning of the Board's choice.

The matter was discussed by the Board but no conclusion was made.

#### **H. BOARD REQUESTS AND DIRECTIVES**

Mr. Frink suggested that the Board recess to conduct the Service Authority Meeting.

The Board RECESSED at 8:45 P.M. to conduct the James City Service Authority Meeting.

AAJ814

The Board of Supervisors meeting was called back into session at 8:55 P.M.

Mr. Edwards made a motion to go into Executive Session to discuss personnel and legal matters pursuant to Section 2.1-344(a)(1) and (6) of the Code of Virginia 1950, as amended.

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

The Board convened into Executive Session at 8:53 P.M. and returned to Public Session at 10:25 P.M. at which time Mr. Taylor nominated Mr. William L. Apperson to a five-year term on the Wetlands Board.

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

Mr. DePue made the following nominations to the Urban Homesteading Screening Committee for an indefinite term:

Ms. Joyce Pressey, Forest Glen Resident

Mr. Livingston Whiting, Vice-President, Virginia National Bank


Ms. Darlene L. Burcham, County Representative

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

Mr. Edwards made a motion to adjourn.

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

The meeting ADJOURNED at 10:35 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTH DAY OF OCTOBER, NINETEEN HUNDRED EIGHTY-TWO AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Abram Frink, Jr., Chairman, Roberts District  
 Perry M. DePue, Vice-Chairman, Powhatan District  
 Jack D. Edwards, Berkeley District  
 Thomas D. Mahone, Jamestown District  
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator  
 John E. McDonald, Assistant to the County Administrator  
 Frank M. Morton, III, County Attorney

**B. WORK SESSION**

Mr. Oliver advised the Board that this meeting was established in order to present two issues of importance to the Board and that it was not anticipated that any formal action would be taken. He indicated that the two presentations would be a presentation on the recent transit studies relating to tourists and commuters that was prepared by J. H. K. & Associates and a presentation on the Resource Recycling Facility-Public Agency Concept, by John E. McDonald.

Mr. James McLary, of J. H. K. & Associates made a presentation on studies recently completed relating to the potential for the James City Transit Company to provide expanded services to commuting employee groups and tourists.

Mr. John E. McDonald made a presentation to the Board on the Peninsula Planning District Commisison Public Agency Concept for the Resource Recycling Facility. Mr. Hank Cochran, Executive Director of the PPDC, Mr. Charles Meachum, of Investment Corporation of Virginia, and Mr. Hunter Taylor of the consulting firm of Velzy Inc. were also present.

At the end of the presentations, Mr. Oliver respectfully requested the Board to consider an amendment to their previous resolution to publish delinquent taxes. That amendment would extend the cutoff date from September 20th, to October 8th. This would provide for anyone who pays their taxes prior to October 8th would not be published on the delinquent listing.

Mr. Frink moved for the approval of the resolution. On a roll call the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTION

## PUBLICATION OF DELINQUENT TAXES

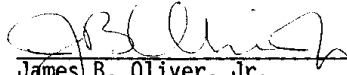
WHEREAS, the Board of Supervisors of James City County has previously authorized the publication of delinquent tax listings; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby amend that previous authorization by amending the cutoff date for non-payment of real and personal property taxes in order not to publish delinquent taxes due when payments have been received on or before October 8, 1982.

Mr. Mahone requested that the staff investigate certain issues concerning water and sewer easements that were brought to his attention by a developer in Windsor Forest. Mr. Oliver indicated that as far as he knew, the responsibility, at this point, was with the developer, but he would evaluate the situation and make a report to Mr. Mahone.

There being no further business coming before the Board, Mr. Frink moved to adjourn. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

The meeting ADJOURNED at 9:15 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

AAJ814



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

A. ROLL CALL

Abram Frink, Jr., Chairman, Roberts District  
Perry M. DePue, Vice-Chairman, Powhatan District  
Jack D. Edwards, Berkeley District  
Thomas D. Mahone, Jamestown District  
Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator  
John E. McDonald, Assistant to the County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Frink asked if there were any corrections or additions to the minutes. As there were none, Mr. DePue made a motion to approve the minutes.

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

C. PROCLAMATION - October - United Way Month

Mr. Frink read the proclamation establishing October as United Way Month. He then moved for the approval of the proclamation.

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

PROCLAMATION

OCTOBER - UNITED WAY MONTH

WHEREAS, THE GREATER WILLIAMSBURG UNITED WAY HAS BEEN SERVING THE COMMUNITY FOR THIRTY-THREE YEARS BY RAISING FUNDS FOR VARIOUS CIVIC AGENCIES; AND

WHEREAS, THROUGH THE UNITED WAY DRIVE AND THE GENEROSITY OF OUR CITIZENS, COUNTLESS DOLLARS HAVE BEEN RAISED TO AID THOSE LESS FORTUNATE, AND

WHEREAS, THIS YEAR'S UNITED WAY DRIVE WILL BE HELD DURING THE MONTH OF OCTOBER, AND

WHEREAS, WE ARE DESIROUS OF EXPRESSING OUR SUPPORT FOR THIS MOST WORTHWHILE ENDEAVOR,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, THAT THE MONTH OF OCTOBER BE PROCLAIMED:

UNITED WAY MONTH

IN JAMES CITY COUNTY, AND

BE IT FURTHER RESOLVED THAT ALL OF THE CITIZENS OF JAMES CITY COUNTY ARE URGED TO GIVE GENEROUSLY TO THIS YEAR'S UNITED WAY DRIVE, AS THEY HAVE DONE IN THE PAST.

AAJ814

**D. HIGHWAY MATTERS**

Mr. James Kelly, representative for the Highway Department, reported that he had three reports to present to the board.

1. The signal at the corner of Route 5 and Route 199 is complete.
2. The left turn lane on Route 615 onto Monticello Avenue is complete.
3. They are still working on Route 611, the Landfill Road, putting on the surface.

Mr. DePue asked Mr. Kelly whether or not the Neighborhood Watch signs were going to be a problem. Mr. Kelly stated that they would not be not be a problem.

**E. CONSENT CALENDAR**

Mr. Frink asked the Board members if they wished to have any items removed from the Consent Calendar. Mr. Mahone requested that item No. 6 be removed. Mr. Frink moved to approve the remaining items on the Consent Calendar with the exception of item No. 6.

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

1. Case No. CUP-43-82. Mrs. Dorothy Hicks

R E S O L U T I O NCONDITIONAL USE PERMIT

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

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

Applicant:	Mrs. Dorothy Hicks
Tax Map ID:	(1-3) (9-1)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	The third trailer on the lot which is presently being used for storage shall be removed so that there shall be no more than two trailers on the lot.

2. Case No. CUP-44-82. Mr. Ernest L. HinelyR E S O L U T I O NCONDITIONAL USE PERMIT

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

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

Applicant:	Mr. Ernest L. Hinely
Tax Map ID:	(1-10) (12-3)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	Concurrent with the term of the life estate of Mrs. Hinely
Further Conditions:	<ol style="list-style-type: none"> <li>1. This mobile home shall be shifted so that it is screened from the front by the existing house and storage building.</li> <li>2. It is tied down.</li> <li>3. The mobile home is not used by anyone else.</li> <li>4. The abandoned house is not reoccupied unless the mobile home is removed from this septic system.</li> <li>5. The mobile home is not placed over any part of the septic system.</li> </ol>

3. Case NO. CUP-45-82. Company Stores Development CorporationR E S O L U T I O NCONDITIONAL USE PERMIT

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

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

Applicant:	Company Stores Development Corporation
Tax Map ID:	(1-38, 38A and 38B) (24-3)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	Expires March 30, 1983
Further Conditions:	<ol style="list-style-type: none"> <li>1. Permit may be renewed for an additional six months upon written request.</li> </ol>

AAJ814

2. The trailer intended for use by the watchmen shall not be occupied until application is made to and permission granted by the Public Health Department to connect the trailer to the sewer system.

3. Each trailer shall be located on at least 5,000 square feet of space.

4. Case No. CUP-46-82. Mr. Thomas O. Meadows

R E S O L U T I O N

CONDITIONAL USE PERMIT

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

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

Applicant:	Mr. Thomas O. Meadows
Tax Map ID:	(1-1) (24-1)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

5. Resolution - Certification of Warrants

R E S O L U T I O N

CERTIFICATION OF WARRANTS

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

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. Frink and carried by a majority roll-call vote, the Board of Supervisors of James City County hereby certifies the following warrants for the month of August 1982:

GENERAL FUND	Checks	#105112-105553
	Totalling	\$718,644.79
GENERAL FUND PAYROLL	Checks	#208721-209335
	Totalling	\$266,921.80
SANITARY DISTRICT NO. 1	Checks	#500021-50002
	Totalling	\$13,823.71
SANITARY DISTRICT NO. 2	Checks	#600118-600132
	Totalling	\$676.91
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT		-0-
REVENUE SHARING		-0-
JCC BOND SINKING FUND	Checks	Wire Transfer
	Totalling	\$105,771.79

7. Bond Issue 1964-B-Sinking Fund

R E S O L U T I O N

BOND SINKING FUND BANK ACCOUNT CLOSING

WHEREAS, the Board of Supervisors of James City County had established a bond sinking fund bank account to retain funds for the retirement of a school bond issue; and

WHEREAS, such bond issue has been retired.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby authorizes Frances B. Whitaker, County Treasurer, to close the James City County School Bond Issue - 1964-B Sinking Fund account at the United Virginia Bank of Williamsburg, account number 94-95-142.

6. Lease of EOC Office Space - Soil Conservation Service

Mr. Mahone requested that the floor be open to discussion on the space needs of the Soil Conservation Service.

Mr. Jackson Dorst indicated that he represented the board of the Colonial Soil & Water Conservation District, which works with Soil Conservation Services. He stated that the reduction in space to two rooms would present a concentration problem for District clerical staff as well as for the services in that it would be too crowded with the technicians also using the same room space. He also stated that the district board does not agree with the terms of the new lease and would not consent to it. He asked that the Board reconsider the lease. He stated that James City County was the chief recipient of the services provided by the Soil Conservation Service.

Mr. Oliver stated that he had discussed the matter with Mr. Lester Seglin of the Soil Conservation Service who has agreed to the new lease, with the understanding that some storage area would be provided to him. There had been no contact with the District regarding the lease because they are not a party to the lease.

After further discussion on the matter, Mr. Mahone requested that the chairman of the Colonial Soil & Water Conservation District board and Mr. Oliver come to a joint agreement concerning the matter.

Mr. DePue requested that some communication be brought before the Board at its next meeting from Mr. Seglin or Mrs. Rogers.

The matter was deferred by consensus until the next meeting.

F. **BOARD CONSIDERATIONS**

1. Regional Jail/District Court

Mr. John E. McDonald, Assistant to the Administrator, presented this matter to the Board stating that with the Board's permission he would like to modify the request to exclude reference to the work release vehicle and to

AAJ814

continue the discussion of the purchase of a duplicating machine for joint Jail-District Court uses. He stated that this modification would revise the resolution and the contingency amount to be \$1,560 and eliminate references to the work release program.

After further discussion the matter, Mr. Edwards made a motion to approve the resolution as amended.

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

### RESOLUTION

#### DISTRICT COURT BUDGET ADJUSTMENT

WHEREAS, The Board of Supervisors of James City County has established a contingency fund in order to provide funds for unanticipated program changes; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby authorize the following budget adjustments in order to acquire and operate a a duplicating machine for the use of the Jail and the District Court:

#### Revenues:

Fees for Duplicating Services	+ \$ 1,350
-------------------------------	------------

#### Expenditures:

District Court - Duplicating Machine	+ \$ 2,300
District Court - O & M	+ 610
Contingency	- 1,560
	+ \$ 1,350

#### 2. Accounting Closeout of Water Construction Projects

Mr. McDonald presented this matter to the Board stating that in order to formally close our accounts, the remaining balances of appropriated funds must be reallocated. He stated that the staff would like to close out three construction accounts in water development, Route 60 West, Sand Hill and Longhill Road South. He recommended that \$9,800 of the Route 60 West project residual of \$31,872 be allocated to Ewell Hall and the remaining \$22,072 be transferred to James Terrace water construction fund. And that \$11,313 of the Sand Hill Water System project balance be transferred, along with the \$5,156 project balance for Longhill Road, South, to the James Terrace Water Construction fund.

Mr. DePue spoke in support of the resolution and moved for its approval.

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

RESOLUTIONCLOSEOUT OF WATER CONSTRUCTION PROJECTS

WHEREAS, the James City County Board of Supervisors has by previous action transferred the assets of the Route 60 West, Sand Hill, and Longhill Road South water construction projects to the James City Service Authority, and

WHEREAS, the aforementioned projects contain unspent appropriations which need to be reappropriated in order to formally close out these projects from the County's books of account.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that appropriations as listed below be transferred to the James City Service Authority, as follows:

FROM: Route 60 West	- \$	31,872
Sand Hill	-	11,313
Longhill Road South	-	5,156
TO: Ewell Hall	+ \$	9,800
James Terrace	+	38,541

3. Carryforward 1982 Funds

Mr. McDonald presented this matter to the Board stating that this matter was brought before the Board at its last meeting without the detailed schedule.

Mr. Mahone and Mr. DePue stated that they appreciate the detailed schedule and now understand the resolution. Mr. DePue requested communication on existing and future consultant contracts be presented, periodically, to the Board.

After further discussion on the matter, Mr. Edwards moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTIONAPPROPRIATION OF CARRYFORWARD FUNDS

WHEREAS, James City County has entered into contracts for the purchase of goods and services which were not delivered as of June 30, 1982; and

WHEREAS, certain other funds were appropriated in fiscal year 1982 for specific purposes which were not completed as of June 30, 1982,

NOW, THEREFORE, BE IT RESOLVED that by the James City County Board of Supervisors that the following appropriations be carried forward from fiscal year 1982 to fiscal year 1983:

<u>General Fund:</u>	
Legislative Services	\$ 45,332
Management Services	6,426
General Services	7,001
Financial Administration	4,756
Planning and Development	12,484
Judicial Administration	799
Public Safety	68,527
Public Works	98,682
Code Enforcement	5,734
Community Services	16,012
	<u>\$265,753</u>

AAJ814

<u>Sanitary District #2:</u>	
Lift Station Construction	<u>\$ 38,827</u>
<u>Transit Fund:</u>	
Transit Bus Repowering	\$ 50,624
Transit Studies	15,177
	<u>\$ 65,801</u>
<u>Funding Carryforward -</u>	
From Federal Government	\$ 55,676
From State	9,619
From County	506
	<u>\$ 65,801</u>

#### 4. Local Long Term Care Committee

Mrs. Darlene L. Burcham, Assistant to the County Administrator presented this matter to the Board stating that the 1982 General Assembly adopted legislation (SB 219) requiring each governing body to designate a lead agency and member agencies to a local long-term care committee to accomplish the coordination of long-term care services to the elderly in its community, which would support the development of community-based resources to avoid inappropriate institutionalization of senior citizens. She stated that the committee would be responsible for preparing a local Long-Term Care Plan which will be reviewed by the governing body and the State Long-Term Care Council and begin tracking public service delivery to the senior citizens. She also stated that the Human Resource Council of James City County has indicated its interest in assuming the coordinative role for our community. She recommended adoption of the resolution designating the County Administrator's Office and the Human Resource Council as the lead agencies.

Mr. Mahone moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

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

#### LOCAL LONG TERM CARE COMMITTEE

WHEREAS, the Board of Supervisors of James City County supports efforts to deter institutionalization of its elderly citizens reflected in SB 219, and

WHEREAS, the establishment of a local coordinating committee will further the development of community based services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County designates the County Administrator's Office as the lead agency in this endeavor and the member agencies of the Human Resource Council to its local Long-Term Care Coordinating Committee.



5. Recreation Improvement Funds - Carriage Road

Mrs. Burcham presented this matter to the Board stating that efforts to reach an agreement with the Franklin Housing Authority to issue revenue bonds to complete the recreation area in Carriage Road, have proven unsuccessful. She stated that \$9,000 in Community Development Carriage Road funds is available to help defray the costs of the improvements. She recommended approval of the resolution authorizing the expenditure of \$16,000 in Recreation Improvement Funds for the Carriage Road mini-park.

Mr. Frink moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

RECREATION IMPROVEMENT FUNDS - CARRIAGE ROAD

WHEREAS, the Board of Supervisors of James City County has previously demonstrated its interest in developing neighborhood recreational facilities, and

WHEREAS, the Community Development Grant for Carriage Road does not have sufficient funds available to complete the desired improvements;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorize \$16,000 in Recreation Improvement Funds for the Carriage Road Mini-park improvements.

**G. MATTERS OF SPECIAL PRIVILEGE**

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

1. Office Space For Virginia Employment Commission

Mrs. Burcham presented this matter to the Board stating that the Commissioner of VEC requested that the services remain in their present office space for the next three months, and that the Commissioner is hopeful that when the FY 1983 budget is adopted by Congress that sufficient monies will be available in the appropriation to Virginia to allow VEC to resume paying for rental spaces throughout the Commonwealth. She recommended for the Board's consideration that James City County put up one-third of the rent for the next three months to allow the VEC offices to continue to remain at its present site.

After a brief discussion on the matter, Mr. DePue moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor, (5). NAY: (0).

AAJ814

R E S O L U T I O NOFFICE SPACE FOR VIRGINIA EMPLOYMENT COMMISSION

WHEREAS, the Board of Supervisors of James City County has previously supported efforts to retain a local Virginia Employment Commission office, and

WHEREAS, the Commissioner of the Virginia Employment Commission has requested that the localities maintain the current office through December 31, 1982 with the possibility that after that date the State will be able to resume rental expenses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County appropriates \$825 from Contingency as follows:

From: Contingency	- \$825
To: Rental Space-Virginia Employment Commission	- + \$825

Mr. Oliver stated that the Times Herald/Daily Press would be reducing by 50% the coverage of the James City County Board of Supervisors as of this date.

Mr. Oliver also reported that Mr. DePue has been elected to be on the Board of Directors of the Virginia Municipal League's Self Insurance Program and that Mr. Edwards has been elected chairman of the City section of the Virginia Municipal League.

Mr. Oliver requested that the Board go into Executive Session to discuss legal matters and a real estate matter and that the Board recess until a worksession on Monday, October 4, 1982 at 7:00 P.M.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. Mahone requested a report on the locations and frequency of dumpster collections at the County dumpsters. Mr. Mahone also discussed Mrs. Trautman's case concerning her water and sewer charges.

The Board RECESSED at 4:15 P.M. to conduct the James City Service Authority Meeting.

The Board returned into session at 4:30 P.M. at which time Mr. Edwards made a motion to go into Executive Session to discuss legal matters and a real estate matter pursuant to Section 2.1-344 (a)(2) and (6) of the Code of Virginia 1950, as amended.

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

The Board convened into Executive Session at 4:35 P.M. and returned to Public Session at 5:45 P.M. at which time Mr. Edwards made a motion to approve the resolution of Purchase Of Property Off Tewning Road. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTION

## PURCHASE OF PROPERTY OFF TEWNING ROAD

WHEREAS, the Board of Supervisors of James City County is desirous of acquiring approximately two acres of land for maintenance and operation facilities off Tewning Road; and

WHEREAS, funds previously have been appropriated for this purchase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes and directs the folloing actions relating to the acquisition or condemnation of the above described property:

1. The Chairman and Clerk of the Board are authorized to execute all necessary documents to complete said purchase.
2. The price for the acquisition of this property shall be \$45,000.
3. If said purchase cannot be negotiated for the said sum, the County Attorney is authorized to institute eminent domain proceedings to acquire the property.
4. The property shall consist of two acres more or less shown as Parcel C on the attached sketch together with right of easement across Parcel D to provide ingress and egress to Parcels B and C.

Mr. Edwards then moved to adjourn until October 4, 1982 at 7:00

P.M.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone,

Taylor (5). NAY: (0).

The meeting **ADJOURNED** at 5:50 P.M.

---

James B. Oliver, Jr.  
Clerk to the Board

AAJ814





## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: February 13, 1983 and December 5, 1983

---

The following minutes for the Board of Supervisors of James City County dated February 13, 1983 and December 5, 1983 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the February 13, 1983 and December 5, 1983 Board of Supervisors meeting. They were APPROVED by the current Board of Supervisors at the May 12, 2015 meeting.

Please accept these minutes as the official record for February 13, 1983 and December 5, 1983.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMO-1983BOS



AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTEENTH DAY OF FEBRUARY, 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 - January 23, 1984

Mr. Mahone requested that paragraph three on page two be changed to read as follows: "Mr. Mahone stated that there is a standoff in the information provided to him regarding the traffic counts for the two intersection, Route 199 and Mounts Bay Road and Route 199 and South Henry Street, and that a reduction in the speed limit from Route 31 to Brookwood needs to be considered." He then made the motion to approve the Minutes as amended.

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

C. PUBLIC HEARINGS

1. Norge Water Works

Mr. Oliver requested that Mr. Mahone at this time, convene the Board of Directors of the Service Authority into session.

Mr. Mahone opened the Board of Directors meeting. All members were present.

Mr. Wayland N. Bass, Director of Public Works, presented this matter to the Board outlining the background, purchase price, improvements, water rates and customer advantages of this system. He then recommended approval of the purchase of the Norge Water Works.

Mr. Mahone stated that the existing facility should be maintained to be used in the future as a back-up, if necessary.

Mr. Taylor opened, then closed the public hearing, as there was no one wishing to speak to the matter.

Mr. Mahone noted that the public hearing was not required for this item but was held to give the citizens affected an opportunity to comment on this issue.

Mr. DePue stated that he mailed letters to all Norge water customers advising them of this hearing and had received no complaints concerning the purchase. He then moved for the approval of the Resolution.

Mr. Taylor stated that he could appreciate the citizens not wanting to lose their present water system but felt that the wells should be maintained to be used in the future as a back-up, if needed. He stated that this purchase would be in the best interests of the County and its citizens.

AAJ113

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

RESOLUTION  
APPROPRIATING FUNDS FOR PURCHASE OF  
THE NORGE WATER SYSTEM

WHEREAS, the Board of Supervisors of James City County deems it in the best interest of the County to provide funds to allow the James City Service Authority to acquire the Norge water system, including well lots, pumping facilities, distribution lines, meters, and all easements that are pertinent thereto;

THEREFORE, BE IT RESOLVED:

1. That the Board of Supervisors of James City County hereby authorizes the sum of \$54,000 to be appropriated from the unappropriated fund balance and transferred to the Service Authority solely for the purchase of Norge Waterworks, Inc.
2. That funds in the amount of \$54,000 shall be remitted to the James City Service Authority at such time as the acquisition of the Norge water system is completed.

After the Board of Directors discussed and voted on this matter, Mr. DePue made the motion to adjourn the Board of Directors meeting. The motion passed by a unanimous voice vote.

2. Case No. Z-15-83. Norman R. Sawyer

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board recommending approval of the rezoning request.

Mr. Taylor opened, then closed the public hearing, as there was no one wishing to speak to the matter.

Mr. Brown made the motion to approve the Resolution.

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

RESOLUTION  
RESOLUTION OF APPROVAL - ZONING CASE NO. Z-15-83  
NORMAN R. SAWYER

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled and conducted on February 13, 1984 for Zoning Case No. Z-15-83 for rezoning of approximately 44.7 acres of a 56 acre tract from A-1, General Agriculture to R-1, Limited Residential located on parcel (1-27A) on James City County Tax Map No. (54-2); and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission, following its Public Hearing on December 20, 1983, unanimously recommended approval of Zoning Case No. Z-15-83, and

WHEREAS, Zoning Case No. Z-15-83 is in accord with the adopted Comprehensive Plan of James City County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-15-83 as described herein and as detailed in the attached memorandum.

D. CONSENT CALENDAR

Mr. Taylor asked the Board members if they wished to have any items removed from the Consent Calendar.

Mr. Mahone requested that item D-1 be removed.



Mr. Taylor then made the motion to approve the remaining items on the Consent Calendar.

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

2. Changes to the Functional Classification of Roads in the Rural Portion of James City County

R E S O L U T I O N

CHANGES FOR THE JAMES CITY COUNTY 1990 RURAL HIGHWAY FUNCTIONAL CLASSIFICATION AND FEDERAL AID SYSTEMS

WHEREAS, the James City County Board of Supervisors is responsible for approving changes to the functional classification of roads in the rural portion of James City County, and

WHEREAS, these changes have been reviewed and recommended by the James City County Planning Commission on January 24, 1984,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does approve the following changes to the functional classification system for the rural portion of James City County:

<u>Route</u>	<u>From</u>	<u>To</u>	<u>Functional Classification</u>	<u>Federal Aid System</u>	<u>State System</u>
199	Route 658	I-64 (York Co.)	Principal Arterial	Federal Aid Primary	Primary
603	Route 601	Route 610	Minor Collector	N/A	Secondary
607	Route 606	Route 605	Minor Collector	N/A	Secondary
610	Route 603	Route 60	Minor Collector	N/A	Secondary
612	Route 614	Route 658	Major Collector	Federal Aid Secondary	Secondary
613	Route 614	Route 615	Minor Collector	N/A	Secondary
631	Route 632	Route 60	Minor Collector	N/A	Secondary
658	Route 612	Route 60	Major Collector	Federal Aid Secondary	Secondary

3. Fuel Assistance Budget Transfer

R E S O L U T I O N  
EMERGENCY NEEDS

WHEREAS, the James City County Board of Supervisors is aware of unmet emergency fuel needs of County residents,

WHEREAS, funds are available in the current Social Services Department budget that could be used for such a purpose,

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that funds be transferred within the Department of Social Services budget as outlined below.

AAJ113

From: Non-reimbursable       \$2,000

To:     Emergency Fuel Needs   \$2,000

4.       Section 18 Grant Application - FY 85

RESOLUTION  
SECTION 18 GRANT APPLICATION - FY 85

WHEREAS, the Federal Government has made funds available to support transportation in small areas; and

WHEREAS, the Board of Supervisors of James City County desires Federal funds to help support James City County Transit Company, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it authorizes its Chairman and Clerk to sign the grant application entitled, "Application for Capital, Administrative and/or Operating Assistance for Public Transportation Systems in Non-urbanized Areas" and further authorize the County Administrator to execute those agreements necessary to insure receipt of these grant funds.

RESOLUTION  
PART IV - REQUEST FOR STATE MATCHING FUNDS - FY 85

WHEREAS, the Commonwealth of Virginia has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Administrator is authorized for and on behalf of the Board of Supervisors of James City County, to execute and file an application to the Virginia Department of Highways and Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 644 of the 1982 Acts of the General Assembly - Chapter 648, Financial Assistance for Mass Transit -in the amount of \$9,369 to defray fifty percent (50%) of the local matching share for administrative expenses, \$31,350 to defray ninety-five percent (95%) of the local matching share for capital expenses, \$2,374 to defray eighty percent (80%) of the local matching share for Ridesharing Administrative Expenses, and in the amount of \$26,891 to defray ninety-five percent (95%) of the costs borne by James City County for the purchase of fuels, lubricants, tires and maintenance parts of an approved Federal Grant, to accept from the Virginia Department of Highways and Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Highways and Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act of 1982, and State Appropriation Act of 1982, and that James City County may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

5.       Request for State Matching Funds - FY 85 Section 18 Application

RESOLUTION  
PART IV - REQUEST FOR FEDERAL MATCHING FUNDS - FY 85

WHEREAS, the Federal Government has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the County Administrator is authorized for and on behalf of James City County, to execute and file an application to the Virginia Department of Highways and Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance authorized under Section 18 of the Surface Transportation Assistance Act of 1982, in the amount of \$254,968 to assist in the administrative and operating costs of local public transportation services, to accept from the Virginia Department of Highways and Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Highways and Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act, that James City County may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

The undersigned duly qualified and acting County Administrator of James City County certifies that the foregoing is a true State Appropriation Act of 1982, that James City County, may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

1. Set Public Hearing date of March 13, 1984 for:

- a. Case No. S-1-84. Subdivision Ordinance Amendment
- b. Case No. SUP-1-84. Bonita I. Viall
- c. Case No. SUP-2-84. Molly G. Dubrey

Mr. Mahone asked in reference to D-1a, whether there was a requirement that streetlights be installed before a subdivision is constructed, and whether or not a developer could wait until the Highway Department takes over the street.

Mr. Morton stated that the developer does have the opportunity to wait but that it would be more expensive to go back after the construction and install the streetlights.

Mr. Mahone moved for the approval of item D-1.

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

Mr. Taylor requested that item F. Matters of Special Privilege be next on the agenda.

**F. MATTERS OF SPECIAL PRIVILEGE**

Mrs. Eula Radcliffe read a letter addressed to Mr. William Brown, Roberts District Supervisor, concerning the appointment of a representative to the Community Action Agency Board. The letter also made reference to the replacement of Rev. Moody on that Board. The letter was signed by Mr. R. H. Minkins, President of the Grove Community.

Mr. Brown stated that the Community Action Agency Board consists of 15 members, three of which are Board members who have the privilege of designating a county resident to represent the Board member. He stated that he designated Dr. Messmer because he felt that he could bring specific skills to the Board. He stated that it is important that the Board rotate board and commission appointees to give others in the County an opportunity to serve.

Mr. Mahone stated that he served on the CAA board for two years and would have wanted to withdraw the County funding of it if changes were not made. He stated that changes are being made now with the rotation of new people on that board. He noted that Rev. Shields is now a member of the CAA Board.

AAJ1113

Mr. DePue stated that he trusted the judgment of Board members who chose to designate someone else in their seat, but did not support the removal of Rev. Moody from the Board.

Mr. Taylor stated that Rev. Moody has done an outstanding job with the CAA Board.

Mr. Edwards stated that the changes and turnover of boards and commissions is a way of life for the County and that his decision to replace Rev. Moody was not to downgrade his contribution but that he felt the board needed new people to serve on it.

#### **E. BOARD CONSIDERATIONS**

##### **1. Data Processing System Contract**

Mr. John E. McDonald, Director of Financial and Management Services, presented this matter to the Board stating that the Data Processing Steering Committee has been working with staff on this project and concur with the proposed contract. He recommended that the County Administrator be authorized to enter into a contract with HMS, Incorporated to furnish computer hardware and software.

Mr. Brown asked why the purchase option was taken as opposed to leasing.

Mr. McDonald replied that it would be more expensive to lease the equipment.

Mr. Mahone questioned the use of the old machine.

Mr. McDonald stated that the old machine will be used during conversion and then sold to permit the purchase of a microcomputer for the LEC Building.

Mr. Brown stated that he has some serious reservations concerning this contract. He stated that this is the County's third computer system within six years; and that the umbrella approach will not be effective; and the cost of the equipment and software is expensive.

Mr. McDonald stated that the system will be user dominated.

Mr. Edwards made the motion to defer this item until the next Board meeting.

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

##### **2. Case No. SP-1-84. Kingsmill Restroom and Maintenance Facility**

Mr. Oliver stated that this item is normally on the Consent Calendar but because of a conflict of interest, Mr. Brown requested that it be heard under Board Considerations. Mr. Oliver recommended approval of the item.

Mr. Edwards made the motion to approve the Resolution.

On a roll call, the vote was AYE: DePue, Edwards, Mahone, Taylor (4). NAY: (0). Mr. Brown abstained.

#### **RESOLUTION** **SITE PLAN APPLICATION** **CASE NO. SP-1-84. KINGSMILL RESTROOM AND MAINTENANCE** **FACILITY AT PETTUS PLANTATION**

WHEREAS, it is understood that all conditions for consideration of this application have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by the applicant as described below and as detailed in the attached memorandum.

Applicant: Mr. Norman Mason on behalf of Busch Properties, Inc.

District: Roberts

Zoning: R-4, Residential Planned Community

Further Conditions: None

Mr. Brown requested that the Board take a five minute recess.

3. Human Services Building

Mrs. Burcham presented this matter to the Board outlining the four options the Board could take: (A) build as bid; (B) build as bid less \$121,350 in deletions; (C) eliminate 7,000 square feet from center of building as bid; and (D) renovate and expand Strawberry Plains Building.

Mrs. Burcham introduced Mr. Bob Washington of Washington & McGuire who then reviewed options A-C.

Mrs. Burcham introduced Mr. Roger Guernsey of Magoon/Guernsey Architects who reviewed option D and provided the Board with a Feasibility Report for locating all Public Health Department and Social Services Department facilities on the Strawberry Plains Road site.

After an extensive discussion on the item, Mr. Edwards commented that the Board had three issues before them: there is a need for the building; the cost of the project; and that they have good bids. He stated that he would support option A because in the long run a better engineered building will be worth it.

Mr. Taylor stated that he agrees with Mr. Edwards and that it will be foolish to go with the renovation of the Strawberry Plains site.

Mr. DePue stated that his main objective is to save money, and that he felt the new building will be more than the County needs at this time, but that the Board needs to think about the long term results. He stated he would support option A.

Mr. Brown said he felt that the new building is somewhat beyond projected needs.

Mr. Mahone stated also that the new building will be more than the County needs and felt that the Olde Town Road site would not be an appropriate place for the project. He stated that he would like to see the renovation of the Strawberry Plains site.

Mr. Edwards made the motion to approve the Resolution for option A.

On a roll call, the vote was AYE: DePue, Edwards, Taylor (3). NAY: Brown, Mahone (2). The motion passed by a 3-2 vote.

RESOLUTION  
ACCEPTANCE OF BIDS - HUMAN SERVICES BUILDING

WHEREAS, the James City County Board of Supervisors solicited bids for the construction of a Human Services Building; and

WHEREAS, the apparent low bidder, H & S Corporation, made a clerical error and wishes to withdraw its bid,

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the County Administrator be directed to advise H & S Corporation that its request to withdraw its bid on the County Human Services Building is approved.

BE IT FURTHER RESOLVED that the Board of James City County authorizes the County Administrator to award the construction contract for said building to Olsen Contractor, Inc.

AAJ113

Human Services Building Finances

Mr. McDonald provided the Board with a copy of the proposed conditional sales financing to construct the Human Services Building. He stated ten proposals have been under review and that the lower proposals have an effective interest rate of approximately 9.24% for a five-year period. He made the following recommendations:

- (1) Lower the proceeds of the conditional sales agreement to \$1,630,000 based upon the lower construction bids.
- (2) As of March 1, 1984 deposit \$300,000 of existing funds in a construction fund to finance interest during construction and the first lease payment.
- (3) Use operating funds, through the debt service reserve, to stabilize public facility debt service and other payment commitments to finance both the Human Services Building and the other C.I.P. projects such as the expected Bruton Heights renovation without increasing annual budgets.

After a brief discussion, Mr. DePue made the motion to approve the Resolution.

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

R E S O L U T I O N  
Human Services Building Financing

WHEREAS, the Board of Supervisors of James City County is in receipt of ten proposals to finance, on a conditional sales or lease purchase agreement, \$2,200,000 of the cost of a Human Services Building; and

WHEREAS, the building costs as determined by a review of recent construction contract proposals are less than previously estimated and requires a reduction in funds acquired under a financing agreement to \$1,630,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes its Chairman and Clerk to pursue a revised conditional sales agreement for \$1,630,000 with a proposed closing on or before March 1, 1984.

Mr. Taylor stated that Mr. Albert T. Slater had something to bring before the Board.

Mr. Albert Slater requested that the Board reconsider his request for permits to place eight trailers on his property. He stated that he has been getting the run around for the past four years.

Mr. DePue requested that Mr. Morton provide the Board at its next meeting an explanation for the situation and a recommendation.

**G.       REPORTS OF THE COUNTY ADMINISTRATOR**

None.

**H.       BOARD REQUESTS AND DIRECTIVES**

Mr. Brown stated that he had some concerns about liability connected with eighth graders conducting interviews for the 350th Anniversary Celebration.

He then stated that in regard to the Personnel Committee's recommendations, that he hoped that the Police positions are presented as a separate package during the budget session and felt that the Accountant Position for the Commissioner of Revenue's Office can be justified, as well as the Parks Supervisor position. Mr. Brown stated that the memorandum in the Reading File on the Tow Truck was an outstanding memorandum and should receive recognition. He then stated that the trash should be compacted at the landfill to increase the life of the landfill.

Mr. Taylor stated that if no other Board member had any objections, he will appoint Mr. John E. McDonald to the VPEDC banking committee.

Mr. DePue stated that he thought the Board signaled last year its feelings with regard to Building E, and that it had no interest in discussing Building E. He stated that Building E is a red flag in the face of those who are concerned about the growth in the number of personnel in the County and that Building E would stand as a symbol of failure to hold the line on the growth of County personnel.

Mr. Oliver commented that last year the Planning Commission renamed Building E to be space needs which does not have a location at this point.

Mr. Brown stated that if the Board caps the Capital Budget, some of the projects will take care of themselves.

Mr. Mahone stated in reference to the resolution passed at the last meeting pertaining to Leneva Jackson, that the medical costs were covered by the insurance and that the trustees of that fund should have done their homework. He stated that it was not appropriate for the Board to be involved in the collection of funds for funeral expenses.

Mr. Mahone stated that he received a telephone call from a lady that lives adjacent to Dr. Ellis's new development, complaining about the noise and equipment and the damage done to the road.

He stated that he received telephone calls concerning the extending of the street in Lakewood into a new or extended subdivision, and a similar problem in Winston Terrace where the developer is using a vacant lot to provide access into Winston Terrace. He asked where complaints should be directed.

He stated that he agreed with Mr. Oliver's position pertaining to the Chamber and that he was opposed to the spending of \$13,000 to \$27,000 on equipment to televise Board meetings.

He stated that he told the Transportation Safety Commission this morning that he was opposed to reducing the speed limit on Route 199, and that if the speed limit is going to be reduced, he would be opposed to the extension of Route 199.

He stated that a constituent called with complaints about neighborhood dogs. He requested that a summary of the County's leash law be displayed on the cable's government access channel.

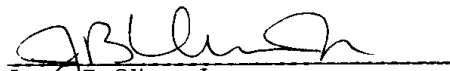
Mr. Brown stated that he is in favor of using the money to televise the Board meetings. He stated that it would be in the public's interest to do it, in that the voters would be educated on what the Board is doing.

Mr. DePue also stated his support for televising the Board meetings.

Mr. Edwards made the motion to adjourn.

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

The Board of Supervisors meeting **ADJOURNED** at 10:47 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

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

**A. ROLL CALL**

Perry M. DePue, Chairman, Powhatan District  
 Abram Frink, Jr., Vice-Chairman, Roberts District  
 Jack D. Edwards, Berkeley District  
 Thomas D. Mahone, Jamestown District  
 Stewart U. Taylor, Stonehouse District

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

**B. MINUTES - November 28, 1983**

Mr. Mahone noted some minor word changes on pages 1 and 3, then moved the approval of the Minutes.

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

**C. PUBLIC HEARINGS**

**1. Proposed Reservoir Protection Overlay Zone Ordinance**

Mrs. Victoria Gussman, Planner, reviewed the changes that were made to the original ordinance.

Mr. Mahone commented that the Planning Commission at their meeting of November 22, 1983, recommended approval of the ordinance to the Board of Supervisors by a 7-3 vote. He stated that there were two changes recommended at the Planning Commission meeting that failed by 5-5 votes.

Mr. DePue stated that James City County is the only Peninsula jurisdiction that enjoys a degree of independence of water supply. He stated that while a permit had not yet been issued by the Corps of Engineers, the Board of Supervisors has been moving in that direction. He then opened the public hearing.

1. Mr. Lamar Jolly, member of the Planning Commission, stated that the Planning Commission had a 5-5 vote on amending Sections 20-175 and 177 in reference to the requirement for special use permits. He stated that a minority of the Planning Commission felt it was unnecessary to require special use permits when an applicant has met the criteria or conditions already set forth in the ordinance. He also requested that the ordinance not be adopted until the County has received a permit from the Corps of Engineers.

2. Mr. A. G. Bradshaw stated that he supported the comments made by Mr. Jolly.

3. Mr. R. M. Hazelwood, Jr. stated that the Board should not adopt the ordinance until it has received a permit from the Corps of Engineers. He said that he did not want to be saddled with the restrictions of this ordinance now with the construction of the reservoir being at least 10 years away.

4. Mr. James B. Berryhill, Rt. 3, Box 293, stated that he was concerned with the haste in adopting this ordinance. He requested that more time be allowed so that a new process could begin with input from the affected landowners. He stated that he was not interested in developing his land but wanted to keep it in its present state.

AAJ113



5. Mr. M. O. Smith, Sr., Treasure Island Road, stated his opposition to the ordinance. He felt that the restrictions required in the ordinance would create undue burdens on the affected landowners.

6. Mr. Jack Scruggs, Stonehouse District, stated that Section 20-170 needs to be studied further. He felt that the ordinance represented a taking without just compensation for the landowners.

7. Mr. Andy Bradshaw, P.O. Box 456, Toano, commended the Board, Planning Commission and staff for the informational meeting held on December 2, 1983 in Toano. He stated his concerns as follows: the public expense for the protection of the reservoir from the C&O Railroad runoffs; the special use requirements and the delegation of authority to the Public Works Department to prepare guidelines for the Runoff Analysis.

8. Mr. Howard W. Smith, 182 Treasure Island Road, felt that the Board did not allow the people enough time to study and understand the ordinance.

Mr. DePue closed the public hearing.

Mr. Oliver stated that no one in their comments, stated any disagreement with the need for quality drinking water. He stated that there is damage to the watershed area already, and that the County must be prudent in protecting the watershed. He suggested that Mrs. Gussman explain the special use permit required in this ordinance.

Mrs. Gussman explained that the special use permit process allows the Board to apply conditions to a use to make the use satisfactory in a watershed. She stated that in relation to a industrial or commercial use, without a permit, the Board would not be able to place limitations on the operation or outside use or quantities of the hazardous substances used. The permit would allow the Board to apply such conditions. In reference to residential areas, she stated that the minimum lot size of one acre implies that there will be some open areas and that the special use permit would allow the Board to be sure open areas are so located that they afford some protection to the reservoir.

Mr. DePue asked if there were any exemptions from Section 170.

Mr. Morton stated that the language applicable to the underlying zone would apply allowing replacement of certain residential structures, if the Board desired, they could also add the language to this ordinance.

Mr. Taylor made the motion to table the ordinance for 60 days because he felt the ordinance was not in a position to be finalized.

Mr. Edwards commented that the purpose of the ordinance was to obtain long-range protection of the watershed and that it is not possible for the Board to say there will be a reservoir at this time but that there is a need to protect the watershed. He felt that this ordinance is not perfect but is the best that the County can do at this point and felt that the Board should go ahead with its adoption and correct any imperfections as they are identified. He stated he would not support Mr. Taylor's motion.

On a roll call, the vote was AYE: Taylor (1). NAY: DePue, Frink, Edwards, Mahone (4). The motion failed by a 1-4 vote.

Mr. DePue stated that everyone has had two and a half months to review this ordinance and that he felt some of the people asking for time were not sincere in their request but only wanted to buy time.

Mr. Mahone stated that although the ordinance was not perfect, the interest of the citizens will be protected, and that if the County plans to have a reservoir it must move now to protect it. He stated that he would support the adoption of the ordinance.

Mr. Edwards made the motion to approve the ordinance with the amendment to Section 170 as follows: "provided however, this shall not apply to single-family dwellings, mobile homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses or multi-family dwellings legally in existence, and they may be repaired or replaced."

Mr. Taylor requested an amendment be made to the ordinance to reflect that the ordinance would become null and void if the Corps of Engineers or the Environmental Protection Agency reject the County's permit or the citizens reject the reservoir in a bond referendum.

Mr. DePue suggested that Mr. Morton comment on that amendment.

Mr. Morton stated that he had problems with that amendment.

On a roll call, the vote was AYE: Mahone, Taylor (2). NAY: DePue, Frink, Edwards (3). The amendment failed by a 2-3 vote.

On a roll call, the vote on Mr. Edwards' motion was AYE: DePue, Frink, Edwards, Mahone (4). NAY: Taylor (1). The motion carried by a 4-1 vote.

#### ORDINANCE NO. 31A-81

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING THE FOLLOWING ARTICLE: ARTICLE XI, OVERLAY DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, that Chapter 20, Zoning, of the Code of the County of James City is hereby amended by adding Article XI, Overlay Districts, Division 1, Reservoir Protection Overlay District.

#### CHAPTER 20

#### ZONING

#### Article XI. Overlay Districts

#### DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP

##### Section 20-168. Statement of Intent

The purpose of this District is to control and regulate runoff at the source to protect against and minimize the pollution of and deposition of sediment in existing or proposed public drinking water supply reservoirs in James City County. This District is intended to prevent causes of degradation of the water supply reservoir as a result of operating or the accidental malfunctioning of the use of land or its appurtenances within the drainage area of such water sources. The regulations in this district are found to be necessary to protect the health, safety, and general welfare of the people of the County.

The Reservoir Protection Overlay District is intended to impose special requirements in addition to the regulations of the principal Zoning District in which the water supply reservoir is located.

##### Section 20-169. Designation of the Reservoir Protection Overlay District.

The governing body of James City County, Virginia hereby establishes and delineates on the Zoning District Map the Reservoir Protection Overlay District, to be referred to on the Zoning District Map by the symbol RP.

##### Section 20-170. Existing Structures and Land Uses

The provisions of this article shall apply only to structures constructed and land uses established after December 5, 1983, the date of adoption of the ordinance. Expansions of existing structures and land uses, however, shall comply with the provisions of this article. If a structure or activity is destroyed or damaged to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire activity or structure, it shall be restored only if it complies with the requirements of this article; provided however this shall not apply to single family dwellings, mobile homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses or multi-family dwellings legally in existence, and they may be repaired or replaced.

##### Section 20-171. Definitions.

AAJ113

For the purpose of this Division, the following words and phrases shall have the meanings ascribed to them below:

**BULK STORAGE.** Above-ground storage of liquids in excess of one thousand three hundred twenty (1320) gallons.

**IMPERVIOUS SURFACE.** An area which prevents the infiltration of water into the soil. Buildings, paved roads and parking lots, sidewalks and any area of concrete or asphalt are impervious surfaces. Compacted soil aggregate and crusher run shall be considered to be impervious surfaces.

**TRIBUTARY STREAM.** Any perennial or intermittent stream, including any lake, pond, or other body of water formed thereon, flowing into any water supply reservoir. Such streams are designated by solid or dashed blue lines on U. S. Geological Survey topographic maps.

**WATER SUPPLY RESERVOIR.** Any impoundment of surface waters owned, operated or controlled by James City County designed to provide drinking water to the public, or any area designated on the Comprehensive Plan of James City County as the site of a future public drinking water impoundment.

**WATERSHED.** Any area within the watershed boundaries indicated on the James City County Watershed Protection Map.

#### Section 20-172. Permitted Uses.

Uses permitted in the Reservoir Protection Overlay District shall be the same as those permitted in the underlying zoning district except as specified in Section 20-173.

Within the Reservoir Protection Overlay District, agricultural or household chemicals, including herbicides, insecticides, fungicides, and pesticides, to be dispersed upon the land or on animals shall be applied in accordance with label directions as attached by the manufacturer. Such chemicals shall be disposed in accordance with regulations cited in 40 CFR 261.5 and 40 CFR 262.51.

#### Section 20-173. Prohibited Uses.

- (a) The following uses shall be prohibited within the Reservoir Protection Overlay District:
  - (1) Storage or production of hazardous wastes as defined in Section 32.1-177 of the Code of VA, 1950, as amended.
  - (2) Transmission pipelines for liquefied natural gas, liquid petroleum products, slurry coal, and any other solids or liquids provided however, that on-site distribution pipelines or connections to existing pipelines, water lines, sewer lines, and storm sewers shall not be prohibited hereunder.
  - (3) Land application of industrial wastes (as defined in guidelines prepared by the Department of Public Works).
  - (4) Commercial livestock feeding operations. For the purposes of this article, the term commercial livestock feeding operation shall mean a lot, yard, structure, corral, or other area in which more than 500 animal units (as defined by the U. S. Environmental Protection Agency) of livestock are confined primarily for the purpose of feeding, growing, raising, holding, and birthing prior to slaughter or sale. The term does not include areas which are being used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.
  - (5) Sanitary landfills.
- (b) The following uses shall be prohibited within two hundred (200) feet of a tributary stream and within two hundred (200) feet of the normal pool of a water supply reservoir (these distances shall be horizontal measurements):

- (1) Bulk storage of petroleum and asphalt products and compounds.
- (2) Storage of hazardous substances in reportable quantities as listed in 44 Fed. Reg. 50777 et seq. (1979).

#### Section 20-174. Requirements for Residential Uses

- (a) Each residential lot shall have a minimum area of one acre (43,560 square feet); provided, however, the minimum area requirement of one acre shall not apply to lots recorded or legally in existence as of December 5, 1983, the date of adoption of this article.
- (b) For residential subdivisions of more than five lots and mobile home parks, the applicant shall, at the time of filing a site plan or a preliminary plat for a subdivision, submit five copies of a Runoff Analysis in accordance with Section 20-178(a). Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth in the study. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.
- (c) Development in the Planned Unit Development-Residential (PUD-R) district may be exempted from the requirements of Section 20-174(a) and (b), Section 20-175, Section 20-176 and Section 20-177 of this article provided the applicant at the time of filing for a rezoning shall provide five copies of a Runoff Analysis in accordance with Section 20-178(a), and performance assurances that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.

#### Section 20-175. Area Requirements - Exceptions.

Residential lots smaller than one acre shall be permitted in accordance with the underlying zoning district after the issuance of a special use permit by the Board of Supervisors and provided that subdivisions shall meet the following conditions are met:

- (a) The overall project density shall not exceed one dwelling unit per acre;
- (b) The applicant shall submit a Runoff Analysis in accordance with Section 20-178; and
- (c) Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Project Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.

#### Section 20-176. Stream and Reservoir Setback Requirements

- (a) Within the Reservoir Protection Overlay District, a buffer strip along any tributary stream shall be required to remain in its natural state or be planted with an erosion retarding vegetative cover. The width of the buffer strip shall be at least one hundred (100) feet. All structures shall be located outside of

AAJ113

the required buffer strip. No septic tank or septic tank drain field shall be located within one hundred fifty (150) feet of a tributary stream.

- (b) All structures shall be located at least two hundred (200) feet from any water supply reservoir. No septic tank or septic tank drain field shall be located within two hundred (200) feet of the normal pool elevation of a water supply reservoir. All land within two hundred (200) feet of the normal pool elevation of a water supply reservoir shall remain in its natural state or be planted with an erosion retarding vegetative cover.
- (c) All distances in (a) and (b) above shall be horizontal measurements. Tributary streams shall be measured from the edge of the water.

#### Section 20-177. Requirements for Commercial and Industrial Uses.

For the purposes of this article, commercial and industrial activities are defined as activities permitted by right or by special use permit in the General Business B-1, Limited Industrial M-1, or General Industrial M-2 Districts.

- (a) Within the Reservoir Protection Overlay District buildings to be erected or land to be used for commercial or industrial activities shall be permitted in accordance with the underlying zoning district after the issuance of a special use permit by the Board of Supervisors and provided that the following conditions are met:
  - (1) The applicant shall submit a Runoff Analysis in accordance with Section 20-178; and
  - (2) Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.
  - (3) The applicant shall submit to the Zoning Administrator a list of all hazardous substances cited in 44 Fed. Reg. 50777 et seq. (1979) and which are intended to be used on the site, and a description of proposed methods of containment of such substances.
- (b) No Runoff Analysis shall be required for commercial or industrial development involving the establishment of less than five thousand (5,000) square feet of impervious surface. No special use permit shall be required for commercial or industrial developments involving the establishment of less than five thousand (5,000) square feet of impervious surface, unless required by the underlying zoning district.

#### Section 20-178. Runoff Analysis

- (a) The Runoff Analysis shall be performed or reviewed by a Virginia Registered Professional Engineer who shall certify that the study has been conducted in accordance with guidelines prepared by the Department of Public Works. The study shall address at a minimum the following topics:
  - (1) Description of the proposed project including location and extent of impervious surfaces, anticipated use of the land and buildings; description of the site including topographic, hydrologic, and vegetative features.
  - (2) Characteristics of natural runoff on the site including its rate and chemical composition including phosphorus

concentration, suspended solids, and other chemical characteristics as deemed necessary by the Director of Public Works to make an adequate assessment of water quality.

- (3) Characteristics of runoff on the site with the proposed project, including its rate, and chemical composition including phosphorus concentration, suspended solids, and other chemical characteristics as deemed necessary by the Director of Public Works to make an adequate assessment of water quality.
- (4) Measures that can be employed to reduce the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.
- (5) Performance criteria proposed to assure an acceptable level of runoff quality and rate. At a minimum such criteria shall provide for a seventy-five (75) percent reduction of suspended solids and phosphorus, and the retention or infiltration of the first one-inch of runoff from impervious surfaces.
- (6) Proposed runoff control and reservoir protection measures for the project.

(b) Procedure for Submittal and Review.

The applicant shall submit five copies of the Runoff Analysis to the Zoning Administrator who shall evaluate the study for compliance with these regulations and, if found to be complete, shall within thirty days after the Runoff Analysis has been filed, prepare a report with recommendations on the proposed project.

The Zoning Administrator's report shall include, but not be limited to the following:

- (1) Impact of the proposed project on the water supply reservoir.
- (2) Adequacy of performance criteria specified in the study, including ability to monitor.
- (3) Recommendations for additional reservoir protection measures, if required, including monitoring.
- (4) Final recommendations regarding the proposed project.

A copy of the Zoning Administrator's report shall be sent to the applicant. The Runoff Analysis and the Zoning Administrator's report shall be considered by the Planning Commission within thirty days after completion of the Zoning Administrator's report. Both reports shall be considered by the Planning Commission and the Board of Supervisors in their deliberations on the issuance of a special use permit.

2. Pre-budget and Revenue Sharing Hearings

Mr. DePue opened the pre-budget hearing, then turned the meeting over to Mr. Oliver who then opened the public hearing on revenue sharing. As there was no one wishing to speak to either matter, Mr. Oliver and Mr. DePue closed the public hearings.

3. Proposed Amendment to Cable Communications Ordinance

Mr. Morton stated that the ordinance would provide that in instances where structures to be served by cable are more than 300 feet from the trunk line, the proposed user would be responsible for all costs of running the line beyond 300 feet. He stated that he had the concurrence of the Communications Administrator and the Cable Television Advisory Committee. He recommended adoption of the ordinance.

Mr. Taylor asked Mr. Spacek when will the cable service be extended further than the EOC Building and Fire Station.

Mr. Paul Spacek, Systems Manager, stated that the engineers are in the process of doing design work on School Lane and Chickahominy Road and the Route 60 extension. He stated that sections such as Elmwood would not be feasible to serve at this time without an additional head-in station in Toano.

Mr. DePue questioned whether the Bush Springs area would be served with cable.

Mr. Spacek replied that it is probable and that the company is studying that area.

Mr. DePue closed the public hearing.

Mr. DePue made the motion to approve the ordinance.

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

#### ORDINANCE NO. 141 A-3

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4-86.1, CABLE COMMUNICATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE VII, SYSTEM OPERATIONS, BY AMENDING CHAPTER 4-86.1.17, FRANCHISE TERRITORY.

BE IT ORDAINED, by the Board of Supervisors that Chapter 4-86.1, Cable Communications, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending Article VII, System Operations, Section 4-86.1.17, Franchise Territory, to read as follows.

#### CHAPTER 4-86.1

#### CABLE COMMUNICATIONS

#### Article VII. System Operations

#### Section 4-86.1.17 Franchise Territory

- (a) The franchise is for the territorial limits of the county. The grantee shall furnish to the county as part of its formal application for a franchise a map of suitable scale showing all highways and public buildings. The map shall indicate the primary service areas to be served, and upon approval by the county, be incorporated into the franchise certificate. The map shall clearly delineate the following:
  - (1) The primary service areas within the franchise territory where the cable system will be available and the construction schedule for making such service available. Any differential rates within the primary service areas shall be specified as required by Article VI, section 4-86.1.14(a).
  - (2) Areas within the franchise territory but outside the primary service area where extension of the cable system cannot reasonably be expected to be made available due to lack of present or planned development, or other similar reasons, but which would receive service according to the grantee's line extension policy incorporated into the franchise certificate.
- (b) Extension of the system into any areas outside the primary service area shall be required if any of the following conditions are met:
  - (1) When potential subscribers can be served by extension of the cable system past occupied dwelling units equivalent to a density of forty (40) homes per mile of cable contiguous to the activated system. Provided, however, where it is necessary to extend the Grantee's trunk and feeder lines more than three hundred (300) feet solely to provide service to subscriber(s) not required to be served by the grantee, the direct costs for such

extension in excess of three hundred (300) feet shall be paid in advance by the potential subscriber(s).

- (2) In areas not meeting the conditions in Article VII, section 4-86.1.17(b)(1) above, the grantee shall provide upon the request of ten (10) or more potential subscribers desiring service, an estimate of the costs required to extend service to said subscribers. If the potential subscribers then wish service, the grantee shall extend service upon request of said potential subscribers according to the rate schedule. The grantee may require advance payment. The amount paid for special extension shall be nonrefundable and in the event the area subsequently reaches the density required for mandatory extension, such payments shall be treated as consideration for special extension.
- (c) Within thirty (30) days of the effective date of this franchise, the grantee shall diligently pursue all efforts to obtain all necessary certificates, permits and agreements which are required to construct and operate a cable communications system in the county. Within ninety (90) days of receipt of such certificates, permits and agreements, the grantee shall commence construction of the cable system. Thereafter, construction shall proceed at such rate so as to make service available to all members of the public desiring such service at the earliest possible time. The construction program shall follow the schedule set forth in franchise certificate. If construction does not begin within twelve (12) months of the date of this franchise, the franchise shall be cancelled.
- (d) The grantee shall notify the county in writing fifteen (15) days prior to the date on which construction will commence. Thereafter, the grantee shall file quarterly written reports with the county within thirty (30) days after the end of each calendar quarter, informing the county of the grantee's construction progress. Such reports shall indicate the number of miles of system and include maps setting forth areas made operational during the current quarter, and any potential delays which the grantee is aware of which could prevent the completion of the system within the required period.
- (e) Nothing in this section shall prevent the grantee from constructing the system earlier than planned. However, any delay in the system construction beyond the times specified in the plan timetable shall require, if so requested in writing by the cable communications administrator, application to and consent by the board. The county may not unreasonably withhold consent when grantee has shown good cause for the delay, but the county may attach reasonable conditions to insure performance. The schedule and maps shall be updated whenever substantial changes become necessary.
- (f) The grantee shall not be responsible for any failure to meet all or any part of the construction schedule deadlines under this agreement due to regulation, act of God, riot or other civil disturbance, and without limiting the foregoing, by any other cause, contingency or circumstance not subject to its control which prevents or hinders the construction of the cable communications system described herein. If construction is delayed or prevented by any of the circumstances set forth hereinabove, the grantee shall notify the county in writing within ten (10) days after the occurrence of any act or ten (10) days after the termination of any continuous act and request that the time of completion of the project be extended for a stated period. If the board agrees, an extension shall be granted in whole or in part. Refusal of the board to agree to an extension shall be final.
- (g) The grantee shall interconnect origination and access channels of the cable system with any or all other cable systems in the adjacent areas, upon the directive of the county. The grantee shall cooperate with any interconnection corporation, regional interconnection authority or city, county, state and federal regulatory agency which may be hereafter established for the purposes of regulating, financing, or otherwise providing for the interconnection of cable systems beyond the boundaries of the county. The grantee may be excused from interconnecting if the operator of the cable facility to

AAJ113



be interconnected or the franchising authorities in other jurisdictions refuse to reach a reasonable agreement regarding such interconnection.

#### 4. Utility Operating Policy

Mr. Oliver stated that this item has been before the Board of Directors and that it reflects the identical rates for the portions of the County using Williamsburg water.

Mr. DePue opened, then closed the public hearing.

Mr. Frink made the motion to approve the resolution.

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

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

#### AMENDMENTS TO UTILITY OPERATING POLICY CUSTOMERS SERVED BY WATER PURCHASED IN BULK FROM THE CITY OF WILLIAMSBURG

WHEREAS, the Board of Directors of the James City Service Authority and the Board of Supervisors of James City County have previously entered into an annexation agreement with the City of Williamsburg for the assumption of ownership of City water facilities within the County and the provision of water services to County residents previously served by the City of Williamsburg; and

WHEREAS, the Board of Directors of the James City Service Authority and the Board of Supervisors of James City County will acquire water through bulk purchase from the City and will retail water to County residents; and

WHEREAS, said agreement becomes effective on January 1, 1984.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority and the Board of Supervisors of James City County do hereby amend the Utility Operating Policy to establish fees for water service in areas provided water by the City of Williamsburg, for those sections attached and made part of this resolution in the following sections:

Section 4-2.2(C) Water and Sewer Availability Fee, Metered Basis

Section 4-3.3(B) Quarterly Water Service Charges - Minimums

Section 4-3.4(B) Quarterly Water Service Charges - Metered Usage

#### 5. Case No. SUP-31-83. Ruby V. Jones

Mr. Orlando A. Riutort, Director of Planning, recommended approval of the issuance of a special use permit with conditions.

Mr. DePue opened, then closed the public hearing.

Mr. Taylor made the motion to approve the resolution.

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

### R E S O L U T I O N SPECIAL USE PERMIT CASE NO. SUP-31-83

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

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:	Ms. Ruby V. Jones
Real Estate Tax Map ID:	(15-3)
Parcel No.	(1-11)
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 must be skirted, and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

6. Proposed Vacation of Easement/Kristiansand

Mr. Morton requested this item be set for public hearing on January 9, 1984.

Mr. DePue opened, then closed the public hearing. By consensus, the matter was set for public hearing.

7. Proposed Quitclaim Deed/Norman Davis Drive

Mr. Morton stated that in order to remove any cloud from the title of the properties in question, a quitclaim deed had been prepared conveying the property at issue back to the adjoining property owners. He recommended adoption of the resolution authorizing the execution of the quitclaim deed.

Mr. DePue opened then closed the public hearing.

Mr. DePue made the motion to adopt the resolution.

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

R E S O L U T I O N  
QUITCLAIM DEED/NORMAN DAVIS DRIVE

WHEREAS, the Board of Supervisors of James City County, following a public hearing held on December 5, 1983 is of the opinion that certain properties fronting on Norman Davis Drive should be quitclaimed to the therein described property owners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it hereby authorizes and directs the Chairman of the Board of Supervisors and the Clerk to the Board to execute that certain quitclaim deed dated 5th day of December, 1983 by and between James City County and the therein described property owners on Norman Davis Drive.

AAJ113

**D. BOARD CONSIDERATIONS****1. Setting of Public Hearing for Ordinance Amendment, Division 3, Permit Fees**

Mr. Edwards made the motion to set this item for public hearing on January 9, 1984.

Mr. Mahone stated that the amendments to this ordinance would result in substantial increases to the building inspection fees. He stated that he was not comfortable with the service being provided by that department and would vote against the public hearing.

On a roll call, the vote was AYE: DePue, Frink, Edwards (3). NAY: Mahone, Taylor (2). The motion carried by a 3-2 vote.

**2. Coastal Energy Impact Grant**

Mr. Oliver stated that this resolution would reappropriate and allocate funds already received to reimburse the County.

Mr. Mahone asked whether part four of the grant has been done.

Mr. Oliver replied that it was part of the original grant application approval but has not been initiated to date.

Mr. Edwards wanted to know what was to be studied.

Mr. Oliver replied that staff has targeted the Blow Flats Road area for study.

Mr. DePue made the motion to approve the resolution.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Taylor (4). NAY: (1). The motion carried by a 4-1 vote.

**RESOLUTION****COASTAL ENERGY IMPACT PROGRAM**

WHEREAS, the Board of Supervisors of James City County has been awarded a grant of \$21,000 from the Commonwealth of Virginia, Council on the Environment under the Coastal Energy Impact Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to accept the grant in reimbursement of expenditures previously incurred and in an effort to evaluate industrial development considerations in the Roberts District, and

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County appropriates these anticipated receipts and a local match to complete the study as follows:

**Revenues**

CEIP Grant	<u>\$ 21,000</u>
------------	------------------

**Expenditures**

Contingency	\$ 13,000
Economic Development	
Industrial Development Study	11,430
Contingency (Local Match)	<u>(3,430)</u>
Total	<u>\$ 21,000</u>

**E. MATTERS OF SPECIAL PRIVILEGE**

None.

## F. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver noted that a report on Mr. James Wagner's request was in the Board Reading File. He then stated that there will be a worksession on December 19, 1983 on Financial Trends and the Police Department Study. He suggested the Board convene into Executive Session at the appropriate time to discuss personnel appointments.

## G. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor stated that he had received a complaint from Mrs. Ruth Coles in Toano that an inspector from the County came to her house and told her that the County was going to tear her barn down, and that the inspector was sent by Mr. Taylor.

Mr. Taylor requested that the matter be resolved to clear his name, in that he knew nothing about this matter. He also requested that a letter of apology be sent to Mrs. Coles.

Mr. Mahone inquired about the issuance of a hunting permit for Mr. Chandler.

Mr. Morton stated staff would have a conversation with Mr. Eggleston regarding a permit for Mr. Chandler.

Mr. Mahone made reference to a newspaper article about the Community Action Agency. He stated that Mr. John McCrimmon, the new Executive Director of that agency, is doing a good job trying to reorganize that agency and that the Board should support the agency during the budget process.

Mr. DePue asked the staff to consider running the minutes of the Board meetings on the government access channel on cable television. He stated that people only know what they read in the papers which is not a complete description of the Board's deliberations.

Mr. Mahone stated that he could support that request.

Mr. Oliver suggested that the complete docket might be placed in the Daily Press and/or Gazette before and after the meetings.

Mr. DePue made the motion to go into Executive Session to discuss personnel matters, pursuant to Section 2.1-344(a)(1) of the Code of Virginia, 1950 as amended.

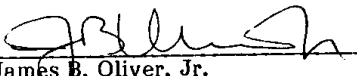
The Board convened into Executive Session at 10:30 P.M. and returned to Public Session at 10:45 at which time Mr. Taylor made the motion to appoint Mr. William R. Carter to the Private Industry Council.

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

Mr. Taylor made the motion to adjourn.

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

The Board of Supervisors meeting **ADJOURNED** at 10:47 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

RS/dfc  
BOS2

AAJ1113

## ITEM SUMMARY

DATE: 5/12/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Historic Minutes - Missing

---

For your information, attached are the Recordation Sheets for the Historic Minutes that are missing and cannot be reproduced.

### ATTACHMENTS:

	Description	Type
📎	Recordation Sheet 1	Cover Memo
📎	Recordation Sheet 2	Cover Memo

### REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	4/27/2015 - 2:26 PM
Board Secretary		Approved	4/30/2015 - 8:53 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2015 - 9:03 AM
Publication Management	Brockmann, Grace	Approved	4/30/2015 - 9:20 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2015 - 9:32 AM
Board Secretary		Approved	4/30/2015 - 12:48 PM
Board Secretary	Fellows, Teresa	Approved	5/4/2015 - 9:38 AM





## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: June 19, 1978

---

The following minutes for the Board of Supervisors of James City County dated June 19, 1978 are acknowledged to be missing and cannot be reproduced at this time.

It is also acknowledged that the June 19, 1978 minutes, were voted on and approved and may be mentioned in later dated minutes of the Board of Supervisors.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMOmissing-1978







## MEMORANDUM

**Date:** May 12, 2015

**To:** Records Management

**From:** The Board of Supervisors

**Subject:** Board of Supervisors Minutes: March 5, 1980; April 15, 1980; April 16, 1980; April 17, 1980; April 21, 1980; and April 24, 1980

---

The following minutes for the Board of Supervisors of James City County dated March 5, 1980; April 15, 1980; April 16, 1980; April 17, 1980; April 21, 1980; and April 24, 1980 are acknowledged to be missing and cannot be reproduced at this time.

It is also acknowledged that the March 5, 1980; April 15, 1980; April 16, 1980; April 17, 1980; April 21, 1980; and April 24, 1980 minutes, were voted on and approved and may be mentioned in later dated minutes of the Board of Supervisors.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMOmissing-1980



## ITEM SUMMARY

DATE: 5/12/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Historic Minutes - Signature Missing

---

For your information, attached are the Recordation Sheets and Meeting Minutes for the Historic Minutes that are missing signatures.

### ATTACHMENTS:

	Description	Type
📎	Recordation Sheet 1	Cover Memo
📎	minutes attachment 1.1	Minutes
📎	minutes attachment 1.2	Minutes
📎	minutes attachment 1.3	Minutes
📎	minutes attachment 1.4	Minutes

### REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	4/27/2015 - 2:27 PM
Board Secretary		Approved	4/30/2015 - 8:53 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2015 - 9:04 AM
Publication Management	Brockmann, Grace	Approved	4/30/2015 - 9:23 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2015 - 9:32 AM
Board Secretary		Approved	4/30/2015 - 12:48 PM
Board Secretary	Fellows, Teresa	Approved	5/4/2015 - 9:38 AM





## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: April 9, 1979; April 10, 1979; April 11, 1979; and April 16, 1979

---

The following minutes for the Board of Supervisors of James City County dated April 9, 1979; April 10, 1979; April 11, 1979; and April 16, 1979 are acknowledged to be missing signatures.

It is also acknowledged that the April 9, 1979; April 10, 1979; April 11, 1979; and April 16, 1979 minutes, were voted on and approved and may be mentioned in later dated minutes of the Board of Supervisors.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMOnosig-1979



AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE NINTH DAY OF APRIL, NINETEEN HUNDRED SEVENTY-NINE, AT 7:30 P.M., IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District  
Abram Frink, Jr., Vice Chairman, Roberts District  
John E. Donaldson, Jamestown District  
Jack D. Edwards, Berkeley District  
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
John W. Watkins, Assistant to the Administrator  
Frank M. Morton III, County Attorney

B. MINUTES - March 26, 1979

Mr. Ware moved the approval of the minutes of March 26, 1979, as printed. The motion carried by a unanimous roll call vote.

C. PUBLIC HEARINGS

1. Proposed FY 1980 Revenues and Expenditures

Mr. Oliver gave a brief explanation of the budget process as it develops throughout the year. He further explained that this public hearing was for informational purposes, specifically to hear citizens comments and to provide answers to their questions.

Mr. Oliver requested Bob Murphy and John McDonald of the staff to give a brief overview of the budget.

Mr. Murphy reported the operating budget was proposed in the amount of \$8,703,310, which represents an increase of 7.89% over the current year's budget. He said the budget gives priority to several basic service areas such as education, human services, public safety and physical development. There is a proposed 3% reduction in the real estate tax rate and no other increases in taxes and fees and, as with the FY 79 budget, approximately 52% of the General Operating budget is earmarked for education with \$4,180,000 proposed as the County's contribution. Mr. Murphy continued by stating the FY 80 Capital Budget is proposed in the amount of \$1,509,800 and stresses the same priority areas as does the Operating Budget.

Mr. McDonald stated there were several other fund budgets included in the total budget document. He briefly explained each of the following special categories:

Capital Budget/Capital Program  
James City Service Authority  
Debt Service  
Virginia Public Assistance Fund  
(Social Services)  
Revenue Sharing  
Rural Transit System  
Sanitary District 1, 2, 3  
Housing and Urban Development Grants

Mr. Taylor opened the public hearing.

Mr. Don Gonzales addressed the Board on behalf of the Regional Library. Mr. Gonzales contended the \$89,600 proposed as the County contribution to the Library would not be sufficient to allow adequate library service to County citizens and asked the Board to reconsider the Regional Library's specific request of \$100,000.

Mrs. Corrine Garland representing Child Development Resources asked that \$3,322 be restored to the Chapter X Budget for support of the CDR Infant Program and a one-time appropriation of \$5,000 be made to the CDR Capital Campaign to be used toward the purchase of a facility to house the program. Mrs. Garland gave a brief synopsis of the CDR program and indicated what the financial impact of the loss of funds from James City County would be on the program.

Mr. Cy Talbot spoke in opposition to the proposed budget, stating it feeds inflation and growth in government.

Mr. Talbot suggested specific actions to be taken in order to make an 8% reduction from last year's budget:

- (1) declare an immediate hire freeze for 12 to 18 months,
- (2) not pay the 5% employee contribution to the retirement system,
- (3) reduce each department's or activity's budget by a given percent,
- (4) delete some capital improvement projects,
- (5) the present organization be studied with the objective of consolidating organizational elements having similar functions -- for example, the James City Service Authority could be merged with Public Works.

Mr. Talbot concluded his remarks by stating the entire James City County organizational structure and staffing should be studied.

Mrs. Anna Glisson spoke in opposition to the budget, referring specifically to the proposed satellite office for the upper end of the County; personnel - the Administrative Analyst position and CETA funding; and the costs involved with the Annual Report and the proposed newsletter.

Mr. Norman Beatty, Chairman of James City County's Economic Development Advisory Committee addressed the Board in reference to the proposal for a full-time economic development coordinator. He stated that increasingly, the competition for economic development necessitates a full time effort if the County is to realize the economic goals established in the Comprehensive Plan.

Mr. Harris W. Daniel representing the Colonial Services Board spoke in reference to the Child Development Resources, re-emphasizing points made earlier by Mrs. Garland. He specifically pointed out that due to the proportionate funding by the four local jurisdictions, the program would not suffer just the deletion of \$2,830 in funds from James City County, but a total deletion of approximately \$17,500 from this budget. By not receiving the \$2,830 for the CDR program and the amount for the Mental Retardation Group Home from James City County, it would mean the program would lose \$9,400 from the four jurisdictions and due to the matched ratio with the State, the program would lose approximately \$62,000. Mr. Harris pointed out that the exclusion of approximately \$5,000 from James City County's budget would have an impact of \$79,000 to \$80,000 on the entire Colonial Services Board's budget.

AAC798



Mrs. Eleanor Davidson representing the James City County Mental Health/Mental Retardation Board spoke on the importance of restoring the \$3,300 in funds to CDR and re-emphasized that this is not a new program.

There being no further comments, Mr. Taylor closed the public hearing.

2. Case No. Z-4-79. An application of King and Queen Corporation to rezone approximately 35 acres located on Route 658 (Olde Towne Road), approximately one-third mile west of the intersection of Route 658 and Route 60 from R-2 Limited Residential to R-3 General Residential.

Following a brief presentation by Mr. Porter, the Planning Director, Mr. Taylor opened the public hearing.

Mr. William H. Darden, 437 Olde Towne Road spoke in opposition to the proposed rezoning stating it was objectionable to see an institution situated in the area in front of his home.

Mr. Vernon M. Geddy, representing Mr. Philip O. Richardson, owner of the property, reported they concurred with the recommendation of the Planning Commission for both the rezoning and the re-referral of the Conditional Use Permit application to the Commission for further study. He requested the rezoning question before the Board tonight be deliberated and approval granted. Mr. Geddy stated that although the Conditional Use Permit issue was to be resolved at a future meeting, Mr. George White representing the psychiatric center, which is proposed for this site, was in attendance and could answer any questions concerning the proposed use.

Mrs. Sandy Stein, a resident of Windsor Forest, asked if there were definite plans for an intersection of Route 199 at Olde Towne Road. She stated the traffic in that area was of major concern to her and asked that the impact of the additional traffic generated by this institution be considered.

Mrs. James Whitley, a resident of the Hamlet stated she objected to this proposal very strenuously on the grounds of the traffic and also stated the residents of that area were not aware of a proposed access road onto Route 199.

There being no further comments, Mr. Taylor closed the public hearing.

A brief discussion followed during which items such as the type of screening to be utilized, anticipated number of occupants and employees and the proposed date of completion were discussed.

Mr. Frink suggested the case be deferred due to expressed opposition.

Mr. Edwards asked when the Planning Commission would have a recommendation on the Conditional Use Permit application.

Mr. Porter indicated the recommendation would be presented during the Planning Commission meeting of April 24.

Mr. Edwards suggested the Board wait until the Planning Commission had prepared a recommendation on the Conditional Use Permit application.

Mr. Donaldson asked if the Board could move Item E-1 forward on the agenda in order to consider the entire matter at one time.

Mr. Frink moved to defer action of this item until May 14 in order to allow time for a recommendation from the Planning Commission on the Conditional Use Permit application listed under Item E-1.

The motion carried by a unanimous roll call vote.

3. Case No. Z-5-79. An application of Mr. Joe Shouse to rezone approximately 2 acres located on Route 60E, in Grove, east of the Anheuser-Busch construction entrance from R-3 General Residential to M-1 Limited Industrial.

Mr. Porter presented this matter to the Board, indicating the Planning Commission had recommended denial.

Mr. Taylor opened the public hearing.

Mr. Charles Burr, Attorney representing Mr. Shouse, addressed the Board and explained the purpose of requesting a rezoning for this property was to allow an office and small warehouse for Mr. Shouse's construction company. He stated Mr. Shouse's proposal was for a use which was in accordance with the M-1 District and the Comprehensive Plan. He added it was a light use which would not contribute to noise, pollution or traffic.

There being no further comments, Mr. Taylor closed the public hearing.

A brief discussion followed.

Mr. Donaldson moved to accept the Planning Commission's recommendation of denial of the proposed rezoning.

The motion carried by a majority roll call vote of 3-2. Mr. Ware and Mr. Taylor voted against the motion.

#### D. CONSENT CALENDAR

1. Resolution Sanitary District No. 2 Lien

2. Certification of Warrants

Mr. Taylor moved for approval of both items listed on the Consent Calendar.

There were no comments and the motion carried by a unanimous roll call vote.

#### RESOLUTION

##### Sanitary District #2 - Liens

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following sewer and water accounts in the James City County Sanitary District No. 2 are delinquent and unpaid, and

WHEREAS, such unpaid or delinquent charges are a lien against the real property on which the use of such systems and for which the charges were imposed;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 21-118.4, paragraph E, of the Code of Virginia, 1950, as amended, the Board of Supervisors directs that the following delinquent charges for use of the Sanitary District No. 2 be entered in the Judgment Lien Docket of the Clerk's Office of James City County, Virginia:

AAC798

Account Number 11-01-277700-6

Blue Ribbon Properties  
George C. Norris  
1805 Airline Boulevard  
Portsmouth, VA 23707

## Description of Property:

Lot 2777  
2777 Pocahontas Trail  
Deed Book 167, Page 618

Amount Due:	Water:	\$1,721.50
	Sewer:	2,145.50
	Penalty:	200.85
	Lien Fee:	.50
Total:		\$4,068.35

Account Number 11-01-278900-7

Blue Ribbon Properties  
Office

## Description of Property:

2789 Pocahontas Trail  
Deed Book 170, Page 387

Amount Due:	Water:	\$ 18.50
	Sewer:	26.50
	Penalty:	2.25
	Lien Fee:	.50
Total:		\$ 47.75

## CERTIFICATION OF WARRANTS

March, 1979

On a motion of Mr. Taylor and carried by unanimous  
roll call vote, the Board of Supervisors of the County of James City, Virginia  
hereby certifies the following warrants for the month of March, 1979.

GENERAL FUND	Checks	#6902 - 7145
	Totalling	\$491,405.39
GENERAL FUND PAYROLL	Checks	#16071 - 16443
	Totalling	\$117,798.81
SANITARY DISTRICT NUMBER 1		- 0 -
SANITARY DISTRICT NUMBER 2	Checks	#30 - 37
	Totalling	\$2,617.34
SANITARY DISTRICT NUMBER 3	Checks	#795 - 810
	Totalling	\$7,596.96
SUBDIVISION ESCROW	Check	#3
	Totalling	\$3,588.00
REVENUE SHARING	Checks	#546 - 551
	Totalling	\$2,586.97
ANTI-RECESSION	Check	#3
	Totalling	\$266.75
TOANO WATER CONSTRUCTION	Check	#102
	Totalling	\$16,868.34
JCC BOND SINKING FUND		- 0 -

## REGIONAL JAIL CONSTRUCTION

- 0 -

Certified a true excerpt of the minutes of the James City County Board of Supervisors' meeting held on 9th day of April, 1979.

E. BOARD CONSIDERATIONS1. CASE NO. CUP-11-79 - Philip O. Richardson

This item had been acted on previously during the meeting.  
(See Item C-2)

2. Resolution - PPDC Draft Staff Report, "Water Supply Distribution"

Mr. Oliver presented this item to the Board.

Mr. Taylor moved for approval of the resolution to adopt the PPDC Draft Staff Report, in concept.

There was no discussion, and the motion passed by unanimous roll call vote.

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

WHEREAS, the Board of Supervisors of James City County recognizes the importance of water supply and distribution for the Peninsula;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it does hereby accept and approve in concept the Draft Staff Report prepared by the Peninsula Planning District Commission entitled, "Peninsula Water Supply and Distribution."

3. Resolution - Toano Water Improvements

Mr. Oliver presented the item to the Board.

Mr. Donaldson stated he would hope that in voting for the resolution it would not preclude the use of an advance as opposed to a grant.

Mr. Ware moved for approval of the resolution.

There were no other comments and the motion carried by unanimous roll call vote.

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

WHEREAS, the James City Service Authority did agree at the July 24, 1978 meeting of the Board to share the cost of certain water improvements with Owens-Illinois Inc. and the Hankins property owners; and,

WHEREAS, bids for the construction of said facilities to increase the capacity and reliability of the Toano Water System have been duly received by Owens-Illinois Inc.

AAC798

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority and the Board of Supervisors of James City County do hereby agree to authorize construction in accordance with the low bids for the construction of the proposed facilities and to obligate funding as shown in Exhibit II in the column marked "Proposed".

4. Resolution - Contingency Transfer/Election Expenses

Mr. Oliver presented this item to the Board.

There was no discussion.

Mr. Edwards moved to approve the resolution.

The motion carried by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, the General Registrar has identified the need for the formal training of Election Officers and for precinct identification signs; and

WHEREAS, no funds are currently budgeted for the above items;

NOW, THEREFORE, BE IT RESOLVED that funds in the Contingency Account in the amount of \$760 be transferred to the Election Expenses Budget.

BE IT FURTHER RESOLVED that the transfer be made as follows:

The transfer of \$760 shall be made from  
Contingency Account 01-01840-9011 to the  
Election Expenses Budget, newly created  
account, Special Election Expenses  
01-1330-0320

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Fred Belden presented a proclamation to designate the third week in April as Landscape Architecture Week. He requested the Board to approve the proclamation to coincide with the State's recognition of Landscape Architecture Week.

Mr. Frink moved for approval of the proclamation.

The motion carried by a unanimous roll call vote.

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

WHEREAS, the profession of Landscape Architecture provides design services that are beneficial to the public and promotes stewardship of environmental quality and conservation through sensitive design; and

WHEREAS, Landscape Architecture promotes environmental aesthetics and quality through good design and recognizes our antecedents through preservation and re-use of existing structures;

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors recognizes the value and importance of the profession of Landscape Architecture to the County, her citizens and visitors and hereby designates April 23 - 29, 1979 as LANDSCAPE ARCHITECTURE WEEK.

Mr. Jack Scruggs requested approval of a resolution to maintain the opening date of the hunting season as the third Monday in November rather than the proposed season of November 3rd through 17th.

Mr. Taylor moved to approve the resolution to maintain the hunting season as in past years.

The motion carried by a unanimous roll call vote.

#### RESOLUTION

WHEREAS, the Board of Supervisors of James City County deems it important that the balance between preservation of wild life and the sport of hunting be preserved,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it urges the Game Commission of the State of Virginia to continue hunting laws and regulations as drafted without any amendments thereto.

Mrs. Irene Douglas thanked the Board members for their prompt response on the Electoral Board's request for additional monies for election expenses.

#### G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver presented a staff memorandum concerning the award of a contract for re-roofing the EOC Building in Toano. He requested that authorization be granted to accept the low bid of L.C. Heath Roofing Company.

A brief discussion followed.

Mr. Donaldson moved to authorize the County Administrator to accept the low bid submitted by L.C. Heath Roofing Company.

The motion carried by a unanimous roll call vote.

#### RESOLUTION

WHEREAS, the Board of Supervisors of James City County deems it a necessity that the roof of the Emergency Operations Center building be replaced and funds therefor in the amount of \$24,800 were approved in the FY 79 Capital Improvements Plan;

AAC798

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does authorize and direct the County Administrator to accept the low bid of L. C. Heath Roofing, Inc. in the amount of \$20,560 for a replacement roof for the Emergency Operations Center in Toano.

Mr. Oliver requested an Executive Session at the end of the meeting to discuss the disposition of publicly held property.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards inquired as to the status of the change to staggered terms and the Federal Voting Rights Act.

Mr. Morton reported that the County has asked for a ruling from the U.S. Attorney's office in reference to staggered terms.

Mr. Edwards also asked if the construction of the fire station on Route 5 had proper erosion control measures in effect.

Mr. Oliver stated he would have the matter investigated.

Mr. Donaldson moved to adjourn into Executive Session for the purpose of discussing the disposition of publicly held property. The motion carried by a unanimous roll call vote. The Board members convened in Executive Session at 9:45 P.M. and returned at 10:10 P.M.

Mr. Ware moved to recess the meeting until 3:00 P.M. the next day, April 10, 1979 for the purpose of conducting a Public Worksession on the budget. The motion carried by unanimous roll call vote.

THE MEETING WAS RECESSED at 10:15 P.M.

---

James B. Oliver, Jr., Clerk  
Board of Supervisors

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF APRIL, NINETEEN HUNDRED SEVENTY-NINE, AT 3:00 P.M., IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA. THE MEETING WAS A WORKSESSION TO REVIEW THE PROPOSED FY 80 BUDGET.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District  
Abram Frink, Jr., Vice Chairman, Roberts District  
John E. Donaldson, Jamestown District  
Jack D. Edwards, Berkeley District  
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
John W. Watkins, Assistant to the Administrator  
Frank M. Morton, III, County Attorney

B. REVIEW OF ESTIMATED REVENUES FOR FY 80 AND PROPOSED OPERATING BUDGET

The Board members were presented budget workbooks detailing the revenues and expenditures for the General Fund.

Mr. Oliver asked John McDonald to begin the presentation to the Board.

Mr. McDonald reviewed the information in the workbook and the corresponding item in the budget, line item by line item.

Mr. Edwards stated he was concerned somewhat with the change in the format of the budget summary section -- going from a line summary technique as last year to a collection of larger categories this year. He stated he had trouble comparing last year's action with this year's and could not locate this year's surplus.

Mr. McDonald stated that although it was true the surplus was not set out clearly in the budget, the workbook did contain a summary which explains the source of total revenues and the anticipated surplus.

Mr. McDonald continued the presentation by stating that real property taxes for next year are expected to increase due to new construction and the increase in assessments. The reassessment and new construction is expected to add \$37 million in assessed property to the tax rolls in 1980. The projected tax rate is expected to decrease from 88¢ to 85¢.

\$464.8 million in assessed property is estimated for next year. At the 85¢ rate that results in gross tax levies of \$3,951,360.

A discussion involving comparisons of farm land values with other jurisdictions in the State followed. There were some questions regarding James City County's agriculture property being assessed for its use-value as opposed to market value. It was also noted that the use-value of timberland is below what the market-value would be.

AAC798



Mr. McDonald continued with an outline of the various categories of personal property tax:

Individual and Business	-	\$4.00 per \$100 value
Machinery and Tools	-	\$4.00 per \$100 assessed value (25% assessed value = 25% of original cost)
Mobile Homes	-	billed at real estate rate

There is a major increase this year in machinery and tools primarily due to the expansion of the Brewery and the addition of property subject to personal property taxes at the Brewery.

Mr. Donaldson asked Mr. Morton, County Attorney, if under existing law, the Board of Supervisors was allowed to pay the chairman a supplement to his salary.

Mr. Morton said he would look into the matter and submit a report in the Board members reading files.

During review of the proposed funding of the Planning Office's budget, Mr. Donaldson asked if any major activity was scheduled in respect to up-dating the Comprehensive Plan.

Mr. Oliver indicated major up-date of the Comprehensive Plan is anticipated for 1981, although that schedule could possibly be accelerated.

In reference to the new Economic Development position proposed in the Planning Office's budget, Mr. Donaldson stated he thought the County could benefit from having a skilled person address the needs to expand the tax base.

A brief discussion followed during which Mr. Taylor pointed out that one of the main objections he heard was that the County was hiring too many employees. He stated he did not see any need to have someone solicit more industry for the County. Mr. Taylor also reported it was his impression that most of the citizens of James City County were content with the industry already located here and they are satisfied with the County's present rate of growth. Mr. Donaldson was in favor of having a person primarily responsible for preparing some marketing data to supply potential industries information regarding James City County's resources. Mr. Edwards stated he felt if a firm was contemplating locating in this area, it more than likely would already have some indication of the County's resources. Mr. Frink said he was not convinced there was a need for an individual to solicit industry and referred to the Brewery and Owens-Illinois Glass Company as examples of unsolicited industry. Mr. Ware was also of the opinion a full-time position was unnecessary for the pursuit of industry for the County at this time.

Mr. Taylor made a motion for tentative instruction to the staff to delete the Economic Development position from the proposed budget.

The motion carried by a 4-1 majority roll call vote. Mr. Donaldson voted against the motion.

Mr. Ware raised the question as to why the contribution to the Chamber of Commerce had been raised from \$300 last year to \$1,500 this year. Mr. Ware stated he viewed this as forcing the taxpayer to belong to such organizations and that the Chamber of Commerce and Williamsburg Players and other similar organizations should more appropriately use fund drives as a means to support their functions.

Staff members explained the proposed contribution would bring James City County in conformance with other neighboring jurisdictions' level of funding for this organization as well as to help support a study on tourism.

Mr. Ware moved to tentatively instruct the staff to delete \$1,200 from the Chamber of Commerce contribution and leave it at \$300 as last year.

A brief discussion followed in which Mr. Donaldson pointed out that in the past the Chamber of Commerce had not been supportive of the Board of Supervisors. However, he felt the amount of the contribution should be more than \$300. Mr. Donaldson made a substitute motion to fund the Chamber of Commerce for a contribution at \$500 a total reduction of \$1,000.

The motion carried by a 3-2 majority roll call vote. Mr. Ware and Mr. Taylor voted no.

Mr. Ware withdrew his original motion.

Mr. Edwards made the comment that he felt the contribution of \$500 to the Chamber was reasonable and fair and that he would like to see it not be raised in future years.

After reviewing the recommended contribution for the Library Board, Mr. Donaldson moved to increase the staff proposal of \$85,000 to \$95,237 as requested by the Library Board.

The motion carried by a unanimous roll call vote.

There was a discussion on the staff recommendation not to provide funds for Child Development Resources under the Mental Health/Mental Retardation Budget Account.

Mr. Oliver pointed out that the County's contribution to Mental Health services was more than generous and due to the fact that a large increase was made last year, the level should be held for a while. He pointed out that the County was making a contribution to the Mental Health/Mental Retardation organization and the funds could then be distributed to fund Child Development Resources or other activities accordingly.

Mr. Donaldson agreed the County was being very generous to Mental Health services, but he felt this item should be considered more in the area of education than health. He stated he felt the County would suffer tremendously if this service was not funded.

Mr. Donaldson moved to increase the appropriation to the Mental Health/Mental Retardation Account in the amount of \$3,322 with the understanding that the amount was to be set aside exclusively for Child Development Resources.

The motion carried by a unanimous roll call vote.

Mr. Donaldson also moved that the staff be instructed to earmark \$5,000 as a one-time appropriation for the Child Development Resources account toward the acquisition of a permanent building for this organization.

The motion carried by a 4-1 majority roll call vote. Mr. Taylor voted no.

AAC798

April 10, 1979

112

Mr. Edwards moved to recess the meeting until the next day, April 11, 1979 in order to continue the budget review process.

The motion carried by unanimous roll call vote.

THE MEETING RECESSED at 6:15 P.M.

---

James B. Oliver, Jr., Clerk  
Board of Supervisors

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF APRIL, NINETEEN HUNDRED SEVENTY-NINE, AT 3:00 P.M., IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA. THE MEETING WAS A WORKSESSION TO REVIEW THE PROPOSED FY 80 BUDGET.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District  
Abram Frink, Jr., Vice Chairman, Roberts District  
John E. Donaldson, Jamestown District  
Jack D. Edwards, Berkeley District  
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
John W. Watkins, Assistant to the Administrator  
Frank M. Morton, III, County Attorney

Mr. Oliver presented one item to the Board prior to continuance of the budget worksession. Mr. Oliver stated that although not requiring any action by Board members at this time, he did wish to know if they had any objections to his authorizing a study by a group of hydrologists to be done at the County landfill. This request is the result of part of the negotiations with Newport News in reference to Little Creek Reservoir. Newport News was interested in relocating part of the old County dump to the County landfill. It is necessary to ascertain if this material could be taken by the landfill. This study would cost \$6,000 -- of which \$5,200 could be transferred from the Refuse Recycling Fund. Mr. Oliver stated if there were no objections he would go ahead and make a commitment for the hydrologists' work and at the next meeting would present a transfer request for the necessary funds. There were no objections.

Frank Morton reported that he had received some good news in reference to the two citations the County had received from OSHA as a result of the accident involving Charles Stearns. He stated the serious violation for failure to provide a safe employment area for a worker had been withdrawn.

Mr. Robert Murphy reconvened the budget worksession.

Mr. Taylor asked that some detail be given in reference to the significant increase reflected in the Sheriff's Department's budget.

Mr. Murphy reported that a recommendation for four additional deputies had been shown in the Sheriff's budget. That brings the total number of personnel for that department to 28.

Mr. Ware asked what was the total number of positions not compensated by the State.

AAC798

Mr. Murphy commented the State would probably fund 22 or 23 positions.

In summarizing the Fire Department's budget, Mr. Murphy noted there was also a recommendation to add four additional positions in this department.

Mr. Edwards asked what was planned for in the future for the Fire Department.

Mr. Murphy stated that both fire and emergency medical services had been geared up rather quickly and therefore no dramatic increases in these areas are anticipated in the near future.

Mr. Edwards and Mr. Taylor both voiced opinions that due to the rapid growth of this budget there should be minimum increase in this budget area. They expressed a belief that James City County is overbuilding for what is in the County at this time and that fire service seems to be adequate for the population.

Mr. Edwards asked if there were any comparisons available of other jurisdictions regarding the relationship between expenditures for fire protection and expenditures for police protection -- is the type of balance James City County has the usual type of balance?

Mr. Oliver stated if the Board so desired, the staff could do some research and show some relationships in this regard.

Mr. Edwards asked to be given more detail concerning the Citizen's Assistance Position.

Mr. Murphy reported the position was proposed to be located in the EOC Building in Toano. The office would exist primarily for providing information and assisting citizens in acquiring various permits and licenses and would also include the responsibility of the Annual Report and a quarterly newsletter.

Mr. Ware asked about the status of this program, wondering when it would get underway.

Mr. Conyers reported the job description had just been graded out and the position would probably be advertised within a week.

Mr. Taylor stated the position in Toano should certainly be utilized for rendering services to citizens rather than just providing information.

Mr. Donaldson asked if James City County had received any indication from the City of Williamsburg regarding their willingness to participate with York County and James City County in a study for a joint recreation plan.

Mr. Oliver said he had received informal word that they were not willing to support the project. If they do not, then James City County would not be committed to it either.

Mr. Ware voiced objection to the contribution to Williamsburg Players and the Peninsula Symphony Orchestra.

Mr. Ware moved to delete the contributions to Peninsula Symphony Orchestra in the amount of \$500 and to Williamsburg Players in the amount of \$2,000.

Mr. Oliver and Mr. Murphy gave brief explanations of the requests for these contributions.

Mr. Ware stated these two organizations required fees to attend and therefore the fees should be used to sustain the organizations or a fund drive used to solicit needed funds -- taxpayers should not be compelled to support these functions.

Mr. Edwards spoke in favor of retaining the contribution for both of the organizations stating they were providing important activities for the people of the community.

Mr. Donaldson also spoke against the motion stating these activities were really different forms of recreation and broadened the resources of the Community.

The motion failed by a majority roll call vote. Mr. Frink, Mr. Donaldson and Mr. Edwards voted against the motion.

In reference to the Transit System listed under the Other Expenditures Account, Mr. Ware asked if the \$10,000 appropriation was not approved it would mean the system would fold.

Mr. McDonald and Mr. Murphy pointed out that a condition of the grant award for the Transit System was that matching funds be provided by the locality and without the \$10,000 appropriation the system would be terminated.

A brief discussion concerning the Transit System ensued.

Mr. Ware moved to eliminate the \$10,000 proposed appropriation for the Transit System in the budget.

The motion failed by a 3-2 majority roll call vote. Mr. Frink, Mr. Donaldson and Mr. Edwards voted against the motion.

The next category of the budget reviewed was the Capital Improvement Section and discussion focused on two items; first, the Social Services Building for which construction funds are budgeted for FY 83-84, and secondly, the Health Administration Building for which \$27,000 was budgeted next year for a feasibility study.

A brief discussion followed.

Mr. McDonald continued the review of the other categories of the Capital Improvement Program pointing out that although there are no current funds allocated, there is a need for a storage building in the Public Works Department.

Mr. Oliver stated this item had been deferred due to inadequate funds; however, if due to some of the deletions made in the budget a sum of \$16,000 might be accrued, he would ask consideration be made to allocate that amount for the storage building.

Review of Section F of the budget was deferred until a later time and after a five minute recess the Board continued review of the budget, starting with Section G-1, Debt Service.

AAC798

Mr. Taylor asked when the bond issues would end.

Mr. McDonald reported the following termination dates of bond issues.

1964	Bond Issue	1984
1964B	Bond Issue	1982
1972	Bond Issue	1991
S.D.1	Bond Issue	1987
S.D.2	Bond Issue	beyond 2000
S.D.3	Bond Issue	beyond 2000

Mr. Edwards spoke in reference to the Economic Development position which had been tentatively eliminated during yesterday's work-session. He stated he had given this item more thought and although he was still opposed to hiring a full-time employee, he did feel some economic development activities should be accomplished. As there does not appear to be a staff person with enough time to devote to economic development activities within the Planning Department, Mr. Edwards suggested this could be done by hiring a consultant, or someone on a part-time basis.

Mr. Edwards moved that \$12,000 of the \$20,000 which was eliminated for this item be restored in the budget and that the Administrator consider other methods of accomplishing these economic development activities.

A brief discussion followed.

The motion carried by a 4-1 majority vote. Mr. Taylor voted against the motion.

It was pointed out that the Service Authority section of the budget would be reviewed at the next regular Service Authority meeting.

Mr. McDonald stated the amendments that have occurred as a result of these worksessions would be available on Monday, April 16, at the public hearing.

Mr. Ware asked what the effect would be of an additional 1¢ or 2¢ cut in the real estate tax rate.

Mr. Donaldson said he also would like to see the tax rate lowered and would invite the staff to pursue that possibility.

Mr. Oliver stated he and the staff would take the Board's comments into consideration.

Mr. Ware moved to recess the meeting until Monday, April 16th, at 7:30 P.M. for the purpose of conducting the final public hearing on the budget. The motion was approved by a unanimous roll call vote.

THE MEETING ADJOURNED AT 5:47 P.M.

---

James B. Oliver, Jr., Clerk  
Board of Supervisors

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SIXTEENTH DAY OF APRIL, NINETEEN HUNDRED SEVENTY-NINE, AT 7:30 P.M., IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA. THE MEETING WAS FOR A FINAL PUBLIC HEARING ON THE PROPOSED FY 80 BUDGET.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District  
Abram Frink, Jr., Vice Chairman, Roberts District  
John E. Donaldson, Jamestown District  
Jack D. Edwards, Berkeley District  
David W. Ware, Jr., Powhatan District

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

B. PUBLIC HEARING

1. Final Public Hearing on Proposed FY 1980 - Revenues and Expenditures.

Mr. Taylor opened the public hearing.

No one wished to speak, therefore, Mr. Taylor closed the public hearing.

Mr. Oliver reported notification had been received from Congressman Tribble's office that James City County has passed the pre-application stage for its Community Development Application for funds for the Carriage Road area. He asked that these funds in the amount of \$994,000 be appropriated in the budget in anticipation of receiving this Community Development Grant.

In reviewing the adjustments to the budget, Mr. McDonald pointed out the amendments which had been approved tentatively during the worksessions:

- (1) net decrease in Economic Development of \$8,000,
- (2) net decrease in contribution to the Chamber of Commerce - \$1,000,
- (3) increase for Child Development Resources through the Colonial Services Board of \$3,322,
- (4) a one-time contribution to capital improvements of Child Development Resources of \$5,000,
- (5) adjustment in the proposed budget for the regional library, for an increase of \$5,637.

The budget adjustments result in a total budget of \$8,724,970 and a tax rate of 84¢ per \$100 of assessed value.

AAC798



Mr. Donaldson requested reconsideration be given the contribution to the Chamber of Commerce. Although he stated he had voted in favor of reducing the contribution from \$1,500 to \$500 earlier, he now has reconsidered his action and feels the overall value of the Chamber's contribution to the economic base of the County justifies a larger contribution than \$500.

Mr. Donaldson moved the appropriation of \$500 to the Chamber of Commerce be increased to \$1,500.

A brief discussion followed.

The motion failed by a 4-1 majority roll call vote. Mr. Donaldson voted in favor of his motion.

Mr. Frink asked if the level of funding for the Dirt Street Program, as proposed in the budget, would allow the flexibility to go on to the next road if the first one did not get underway for some reason.

Mr. Oliver indicated the next road could be started and also pointed out if it were possible to complete the two roads as listed within the budgeted amount, a third road could be considered.

Mr. Oliver stated the staff would now like to convert the adjustments made in the budget into resolutions for presentation to the Board on Monday, April 23.

Mr. Ware asked if any consideration had been given to the Service Authority to defray some of the expenses of Public Works, Administration and Computer Services in Finance.

Mr. Oliver stated no additional consideration of the matter had been taken into account, although there are two worksessions scheduled for the Board and the Service Authority in late June. At that time, some policy concerning this can be established.

Mr. Donaldson moved that the County Administrator be directed to prepare the necessary resolutions and documents for adoption of the budget as revised during the worksessions, including the appropriation for the Community Development funds and reflecting the 84¢ tax rate.

The motion was approved by a unanimous roll call vote.

Mr. Taylor thanked Mr. Oliver and members of the staff for doing a good job of preparing the budget.

Mr. Ware moved to adjourn the meeting.

The motion carried by a unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 8:04 P.M.

---

James B. Oliver, Jr., Clerk  
Board of Supervisors



## ITEM SUMMARY

DATE: 5/12/2015

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Secretary to the Board

SUBJECT: Historic Minutes - Typographical Error

---

For your information, attached are the Recordation Sheets and Minutes for the Historic Minutes that contain a typographical error in the adoption date.

### ATTACHMENTS:

	Description	Type
📎	Recordation Sheet 1	Cover Memo
📎	minutes attachment 1.1	Minutes
📎	minutes attachment 1.2	Minutes
📎	Recordation Sheet 2	Cover Memo
📎	minutes attachment 2.1	Minutes
📎	minutes attachment 2.2	Minutes

### REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	4/27/2015 - 2:27 PM
Board Secretary		Approved	4/30/2015 - 8:53 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2015 - 9:04 AM
Publication Management	Colonna, Tina	Approved	4/30/2015 - 9:24 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2015 - 9:32 AM
Board Secretary		Approved	4/30/2015 - 12:48 PM
Board Secretary	Fellows, Teresa	Approved	5/4/2015 - 9:38 AM





## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: December 11, 1978 and November 27, 1978

---

This memorandum serves to acknowledge a typo in the December 11, 1978, Board of Supervisors minutes of James City County.

**Section B. Minutes.**

The date of minutes listed for approval is November 25, 1978. These minutes should actually be November 27, 1978.

Please accept this correction into the official record with the minutes.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMOtypo-1978



AT A WORKSESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTY-SEVENTH DAY OF NOVEMBER, NINETEEN HUNDRED SEVENTY-EIGHT, AT 1:30 P.M.

---

All of the members of the Board of Supervisors were present, as follows:

Jack D. Edwards, Chairman, Berkeley District  
Stewart U. Taylor, Vice Chairman, Stonehouse District  
John E. Donaldson, Jamestown District  
Abram Frink, Jr., Roberts District  
David W. Ware, Jr., Powhatan District

The following persons were also present:

James B. Oliver, Jr., County Administrator  
Frank M. Morton, III, County Attorney  
Robert M. Murphy, Assistant to Administrator/Projects  
John E. McDonald, Assistant to Administrator/Finance  
Eric Zicht, Civil Engineer  
William C. Porter, Jr., Director of Planning  
Agnes Turchiano, Administrative Secretary

Susie Dorsey, Staff Reporter, Daily Press  
Dan Rowland, Staff Reporter, Times Herald

Mr. Oliver introduced Mr. Morton, who presented a survey of recent zoning decisions in Virginia, with a detailed review of the theory and philosophy of ordinances, giving various citations and background.

Mr. Donaldson moved to recess to reconvene at the Board of Supervisors Regular Meeting. The Board members voted unanimously and the Worksession recessed at 2:52 P.M.

AAC795

November 27, 1978

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-SEVENTH DAY OF NOVEMBER, NINETEEN HUNDRED SEVENTY-EIGHT, AT 3:00 P.M., IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA

---

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Stewart U. Taylor, Vice Chairman, Stonehouse District  
John E. Donaldson, Jamestown District  
Abram Frink, Jr., Roberts District  
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
John W. Watkins, Assistant to the County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Oliver stated that a correction should be noted in Item E, Public Hearing, Case No. Z-4-78 in eliminating the word "adjacent" in the sixth and eighth lines and adding the words "on Jamestown Island" after "property owner" on the eighth line of the minutes of November 15, 1978.

With the correction noted, Mr. Frink motioned for approval of the minutes of November 15, 1978. The motion carried by unanimous roll call vote.

C. PRESENTATION OF CERTIFICATES OF SERVICE AND APPRECIATION

The following certificates of appreciation were awarded by Mr. Edwards. None of the recipients were present.

Michael E. Tompkins, Planning Department	5 years
Horace L. Otey, Public Works Department	5 years
Patricia R. Sharp, Social Services	3 years

D. HIGHWAY MATTERS

Mr. Edwards called upon Mr. Frank Hall, Resident Engineer. Mr. Hall said the Department of Highways construction schedule for December contains Route 615, Ironbound Road. Mr. Hall said he did not believe it could go to contract because the financing at this point is not sufficient to finance two-thirds of the cost, which is the normal policy. He said this matter probably will be deferred until at least July or August of next year and will be on next year's budget.

Mr. Oliver requested that this matter be expedited because it is already overdue. He requested the opportunity for Mr. Hall and Mr. William C. Porter, Jr., Director of Planning, to discuss the matter and return to the Board of Supervisors with their finding.

Mr. Donaldson inquired about work going on at Route 199, where it crosses Tutter's Neck Creek. Mr. Hall said the work was being done to reinforce the embankment just behind the guardrail, which was constructed on a one-to-one slope, which in his judgment was a little steep.



Mr. Donaldson inquired about concerns raised by the residents of Lakewood Subdivision. Mr. Hall said he received the results of a speed study last week and prior to that, larger "B" signs had been erected denoting the intersection at Lake Drive. He said "Reduce Speed Ahead" signs had also been erected and a "45 M.P.H." sign at the southside of Lake Drive. Mr. Hall said a review of the speed study disclosed four samplings, two in the 55 m.p.h. zone and two in the 45 m.p.h. zone. In the 55 m.p.h. zone, which is south of Lake Drive, both of the studies revealed that 85% of the speed is 56 m.p.h., with 70% of the motorists at one station and 73% of the motorists at the other station exceeding the 55 m.p.h. He said they were apparently exceeding the speed limit by just one or two miles per hour. He said the study revealed that in the area near the Episcopal Church, 85% of the car speed was 51 m.p.h., with 51% of the motorists exceeding 45 m.p.h. The other station just north of Lake Drive revealed that nearly 85% of the motorists exceeded 54 m.p.h. and 70% of the motorists exceeded 45 m.p.h. With these results, Mr. Hall said he does not see any way the speed limits can be reduced in the 55 m.p.h. zone, but it definitely indicates a need for enforcement in the 45 m.p.h. zone.

Mr. Hall said it is planned to delete the passing zone just north of Lake Drive and that this had not been done to date because they were awaiting the results of the speed study.

Mr. Oliver indicated that this was an enforcement problem on Route 31 and that the matter should be referred to the Sheriff. Mr. Hall said he would write a letter to Sgt. Petefish in addition to notifying the Sheriff.

Mr. Frink said he had several complaints by Grove residents about street signs being replaced and asked Mr. Hall if this was the responsibility of the Highway Department. Mr. Oliver said the replacement of street signs was the responsibility of the County.

E. SETTING PUBLIC HEARING DATE

1. Case No. Z-15-78 - Consideration to rezone approximately 43 acres located north of C&O Railroad tracks adjacent and east of the Williamsburg Pottery Factory in Lightfoot from M-2, General Industrial, to M-1, Limited Industrial.

2. Vacation of Plat - Eustis Terrace, Lots 6, 7 and 8.

Mr. Edwards asked if there was any objection to setting both of these matters for the next meeting of the Board of Supervisors, December 11, 1978, at 7:30 P.M. It was the consensus of the Board that these matters should be heard on that date.

F. PUBLIC HEARINGS

1. Vacation of Plat - Elmwood Subdivision, Section 1.

Mr. William C. Porter, Jr., Director of Planning, presented the matter of an application for the vacation of certain property lines in the Elmwood Subdivision, Section 1. He stated that Mr. John P. Beier, owner of lots 53 and 54, has applied for the vacation, with the intention of selling Lot 54 and retaining certain fruit trees on his property.

Mr. Edwards opened the public hearing. No one wished to speak and Mr. Edwards closed the public hearing.

Mr. Ware motioned for approval of the vacation of the plat. The motion carried by unanimous roll call vote.

AAC795

## ORDINANCE NO. 121

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "ELMWOOD, SECTION 1, JAMES CITY COUNTY, VIRGINIA," AND MORE PARTICULARLY DESCRIBED AS THAT COMMON LOT LINE OF LOTS 53 AND 54 AND THE NORTHERN PROPERTY LINE OF LOT 54, AS SHOWN ON SAID PLAT.

WHEREAS, application has been made by Mr. John P. Beier, owner of lots 53 and 54, to vacate certain property lines, as more particularly described below, as

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 27 day of November, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That the common lot line dividing lots 53 and 54 and the northern property line of lot 54 as shown on that plat entitled, "Elmwood, Section 1, James City County, Virginia," dated November 15, 1973, and prepared by Coenen and Associates, Engineers-Planners-Surveyors, and recorded in Deed Book 31, Page 32, in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City be and the same are hereby vacated.
2. That a new plat entitled, "Boundary Line Adjustment, Lots 53 and 54, Elmwood, Section 1, Stonehouse District, James City County, Virginia," dated August 21, 1978, and prepared by Paul C. Small, Land Surveyor, be put to record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

2. Vacation of Plat - Pine Dell, Section A, Lot 4.

Mr. Porter presented the matter of a vacation of a property line that is not indicated on the plat which was shown on the staff memorandum. He said Mr. Paluzzsay, the applicant, plans to combine 1.764 acres into the rest of the property he owns.

Mr. Edwards inquired if any objections had been received from adjacent property owners. Mr. Porter said there had been no objections.

Mr. Edwards opened the public hearing. No one wished to speak and Mr. Edwards closed the public hearing.

Mr. Ware motioned for approval of the vacating of the property line. The motion carried by unanimous roll call vote.

## ORDINANCE NO. 122

AN ORDINANCE TO VACATE A CERTAIN PROPERTY LINE AS ESTABLISHED BY DEED DATED NOVEMBER 8, 1962, RECORDED IN DEED BOOK 88, PAGE 181 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY, VIRGINIA, AND MORE PARTICULARLY DESCRIBED AS THE WESTERLY LINE 'A'-'B' ON A PLAT ENTITLED, "A SURVEY OF 1.764 ACRES FOR CONVEYANCE TO PETER L. PALUZZAY LYING IN BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA".

WHEREAS, application has been made by W. L. Person, counsel for Peter L. Paluzzay, to vacate lot Line 'A'-'B' more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 27 day of November, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That that property line as established by Deed dated November 8, 1962, recorded in Deed Book 88, page 181, in the Clerk's Office for the City of Williamsburg and County of James City, Virginia, and more particularly described as the westerly Line 'A'-'B' as shown on the plat attached hereto and made a part hereof, entitled, "A Survey of 1.764 Acres for Conveyance to Peter L. Paluzzay, lying in Berkeley District, James City County, Virginia," be and the same is hereby vacated.
2. That said plat entitled, "A Survey of 1.764 Acres for Conveyance to Peter L. Paluzzay, lying in Berkeley District, James City County, Virginia," be put to record in the Clerk's Office for the City of Williamsburg and County of James City.

This ordinance shall be in full force and effect from the date of its adoption.

3. Vacation of Plat - Riverview Plantation, Section 2, 3 and 4.

Mr. Morton requested a 30-day delay in this matter, stating that he had received a telephone call from counsel representing a number of the property owners in this matter, which is a case to quiet title on a portion of the subdivision plat to allow the sale of the original plantation house which was designated on the plat as a clubhouse. Mr. Morton suggested deferring any decision and continuing the public hearing on this matter to the first meeting of the Board of Supervisors in January. He said he felt this delay would have no influence on the outcome of the case.

Mr. Porter presented the matter, stating that Ms. Elizabeth N. Vaiden had applied for the vacation of certain property lines in the Riverview Plantation Subdivision, Sections 2, 3 and 4 and to re-subdivide. He said there is adequate recreational land shown on the plat for the proposed subdivision. Mr. Porter said no comments had been received from the public.

Mr. Edwards opened the public hearing.

Mr. Patrick Micken, a Riverview resident, said around 1962 a group of people known as Riverview Plantation, Inc. put this subdivision up for development and made a number of promises, such as a golf course, tennis courts, a pro shop, a clubhouse, a swimming pool and a marina. Mr. Micken said all of the promises were broken. He did not believe the present owner's "track" record justified the vacation of property lines. He said he would like the Board of Supervisors to request specific plans from the owners as to what they wished to do.

AAC795

Mr. Louis Galanos, a Riverview resident, said he has been living in Riverview since 1971. Mr. Galanos said at the time of his purchase, he was told a portion of the money was for a clubhouse. He said the owners made unkept promises and the area has been deserted for the last three or four years.

Mr. Edwards asked if anyone else wished to speak on the matter. No one wished to speak and Mr. Edwards closed the public hearing.

After discussion, Mr. Edwards asked if there was any objection to continuing the public hearing to the first meeting in January. It was the consensus of the Board of Supervisors to continue the public hearing to the first January meeting.

#### 4. Vacation of Plat - Louis C. Goodfarb

Mr. Porter presented the matter of vacating certain easements of Parcel 20A in the Busch Properties Corporate Center. Mr. Porter said that parcel has been sold and the construction shed formerly standing there removed so there is no reason to have an easement.

Mr. Edwards opened the public hearing.

Mr. William Brown, a representative of the Busch Corporate Center, said new sewer and water lines were put down with new easements, and the easement to be vacated are no longer necessary. He said Vepco has vacated their easement.

Mr. Edwards asked if anyone else wished to speak. No one wished to speak and Mr. Edwards closed the public hearing.

Mr. Ware motioned for approval of the vacating of the easements. The motion carried by unanimous roll call vote.

#### ORDINANCE No. 120

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "BUSCH CORPORATE CENTER SUBDIVISION OF PROPERTY OF BUSCH PROPERTIES, JAMES CITY AND YORK COUNTIES, LANGLEY, McDONALD & OVERMAN, CONSULTING ENGINEERS, VIRGINIA BEACH, VIRGINIA," AND MORE PARTICULARLY DESCRIBED AS THAT CERTAIN FIFTY-FOOT UTILITY EASEMENT AS SHOWN ON SAID PLAT AS BEING DEDICATED TO THE JAMES CITY SERVICE AUTHORITY.

WHEREAS, application has been made by Samuel T. Powell on behalf of Louis C. Goodfarb, owner of Lot 20A, and Busch Properties, Inc., owners of the road contiguous to said property, to vacate portions of that plat, as more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 27 day of November, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That the certain fifty-foot utility easement shown on a plat entitled, "Busch Corporate Center Subdivision of Property of Busch Properties, James City and York Counties, Langley, McDonald and Overman, Consulting Engineers, Virginia Beach, Virginia," dated March 5, 1976, and recorded in Plat Book 33, page 72 in the Clerk's Office of the City of Williamsburg and County of James City, Virginia, be and the same is, hereby, vacated.
2. That said plat entitled, "Plat Showing Utility Easement on Former John Jefferson Road at Busch Corporate Center-Williamsburg to be Abandoned by James City Service Authority," be put to record in the Clerk's Office for the City of Williamsburg and the County of James City, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

G. BOARD CONSIDERATIONS1. Certification of Warrants

Mr. Edwards read the certification of warrants and asked if there was any discussion. No one wished to discuss the matter and Mr. Edwards moved for approval of the warrants. The motion carried by unanimous roll call vote.

## CERTIFICATION OF WARRANTS

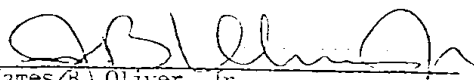
October, 1978

On a motion by Mr. Edwards and carried by unanimous roll call vote, the Board of Supervisors of the County of James City, Virginia, hereby certifies the following warrants for the month of October, 1978.

GENERAL FUND	Checks #5911 thru #6097 Totalling \$742,583.36
GENERAL FUND PAYROLL	Checks #13,901 thru #14,252 Totalling \$110,479.31
SANITARY DISTRICT NUMBER 1	Check #58 Totalling \$12.00
SANITARY DISTRICT NUMBER 2	Temp. Checks #1 thru #7 and Checks #1 - #4 Totalling \$4,039.21
SANITARY DISTRICT NUMBER 3	Checks #699 thru #719 Totalling \$61,435.51
SUBDIVISION ESCROW	- 0 -
REVENUE SHARING	Checks #451 thru #452 and #501 thru #503 Totalling \$17,403.83
ANTI-RECESSION	- 0 -
TOANO WATER CONSTRUCTION	- 0 -
JCC BOND SINKING FUND	Check #6 Totalling \$65,722.65
REGIONAL JAIL CONSTRUCTION	Check #1 Totalling \$25,332.00

Certified a true excerpt of the minutes of the James City County Board of Supervisors' meeting held on 27th day of November, 1978

ATTEST:

  
James B. Oliver, Jr.  
County Administrator

AAC795

## 2. Virginia Independence Bicentennial Commission Meeting

Mr. Oliver stated that the staff memorandum was self-explanatory. He said no action was necessary immediately, other than to give the matter some consideration, particularly since Mr. Wilfred Kale, Chairman of the previous Bicentennial Commission was not present.

Mr. Oliver said some interesting things were being talked about in Yorktown and the Board of Supervisors should give serious consideration to reactivating the previous commission or designate a new group to ascertain if it is appropriate for James City County to participate.

Mr. Oliver said if the idea is conceptually all right, he would like to talk with individual members of the Board of Supervisors about any interested people they might suggest who would like to be involved and he wanted to discuss the matter with Mr. Kale.

Mr. Edwards asked if there was any objection to Mr. Oliver's pursuing the matter in this manner. There were no objections and the matter was tabled.

## 3. Solid Waste Management/Resource Recovery Planning

Mr. Oliver said County planners have been exploring the feasibility of investing in a refuse-fired steam generator and selling the steam to industry. He said the potentiality of major users of steam in this part of the Peninsula had been overlooked and some

general interest has been shown by some of these corporate entities. He said the idea of being able to use steam is acceptable to Dow Badische and Anheuser Busch, subject to a number of conditions, such as price, fuel alternatives and some technical considerations.

Mr. Oliver said James City County must get York County and possibly Williamsburg to participate in a Phase II study of solid waste disposal, because federal funds are available only on a regional basis to populations of at least 50,000. He said the second phase study will cost approximately \$100,000, but 75% of that amount is eligible for Environmental Protection Agency funding. Mr. Oliver said he should know about York County's participation by December 15.

Mr. Ware said the amount involved in the study caused him a problem, but he favored recycling garbage. Mr. Ware stated that he would vote for the pre-application, with the understanding that he might vote against the actual expenditure.

Mr. Donaldson motioned for approval of authorization for James City County to apply for a Phase II grant by obligating \$5,400 in the Capital Improvements Fund previously allocated for regional solid waste planning. The motion carried by unanimous roll call vote.

## 4. Proposed Amendment to Military Leave Policy

Ms. Terry Frank, Personnel Officer, presented the matter, stating that the present County policy for military leave provides that employees be given a maximum of 13 work days for military training. Ms. Frank said this policy applied basically to employees working a standard five-day week, but a 24-hour shift schedule in the Fire Department causes the need for clarification.

Ms. Frank proposed amending the personnel policy by providing a maximum of 16 calendar days for military training attendance.

Mr. Ware asked if the military trainees were receiving full salary plus the military pay. Ms. Frank said they were. Mr. Ware said he considered this to be "double dipping", which he opposed, and requested a change in the personnel policy. Ms. Frank said she would review the personnel policy in this regard and present recommendations about the matter at a later date.

Mr. Taylor motioned for approval of a resolution amending the James City County personnel and specifications manual with regard to military leave. The motion carried by unanimous roll call vote.

WHEREAS, the Board of Supervisors of James City County on December 18, 1973, adopted a personnel system entitled the "James City County Personnel Regulations and Class Specifications Manual"; and

WHEREAS, the Personnel Regulations and Class Specifications Manual, Chapter V, Section 7, Military Leave, provides that probationary and permanent employees shall be granted a maximum of 13 work days leave without loss of vacation or sick leave for training purposes as a member of any reserve component of the Armed Forces of the United States or the Commonwealth; and

WHEREAS, the 13 work days granted by the aforementioned policy does not adequately provide employees working a 24-hour shift with the maximum leave time required to fulfill the annual active duty reserve training obligation; and

WHEREAS, the intent of this policy is to comply with state and federal law by providing leave for mandatory annual active duty reserve training.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that Chapter V, Section 7, Military Leave, be amended to:

1. Provide a maximum of 16 calendar days of leave annually.
2. State that such military leave shall be granted in compliance with state and federal law for the purpose of providing employees the time required to fulfill their annual active duty reserve training obligation.
3. This policy shall not apply to weekly or monthly drills for which the employee shall be entitled to use annual leave or make arrangements with his department or agency head to make up the hours missed.

5. HRSD Facility Plan for the Upgrading and Expansion of the Williamsburg Sewage Treatment Plant

Mr. Oliver presented the matter, recommending that a resolution be approved to assist HRSD in securing approval and financial aid from the State Water Control Board and the U.S. Environmental Protection Agency.

Mr. Donaldson motioned for approval of the resolution. The motion carried by unanimous roll call vote.

RESOLUTION

WHEREAS, the James City County Board of Supervisors recognizes inherent advantages of resource recovery for the conservation of natural resources; and

WHEREAS, a Phase I Feasibility Study provided through U.S. Environmental Protection Agency Technical Assistance certifies the feasibility of a refuse generated steam facility, a voluntary source separation depository, and mechanical separation in this region; and

WHEREAS, the potential markets for steam and recycled materials and reliable equipment manufacturers have all indicated their interest and support of such a project;

AAC795

THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the staff be directed to prepare and submit applications for a U.S. Environmental Protection Agency grant in cooperation with York County, and with Williamsburg if that city so desires; and

BE IT FURTHER RESOLVED that James City County authorize the obligation of \$8,100 towards this cause, namely \$2,700 of in kind services and \$5,400 in cash previously appropriated in the County Capital Improvements Budget for Regional Solid Waste Planning.

H. MATTERS OF SPECIAL PRIVILEGE

Mr. Frink stated that he had previously voted against staggered terms for members of the Board of Supervisors, but after further consideration, requested Frank Morton to check into the ramifications of the matter so that he could reconsider his position.

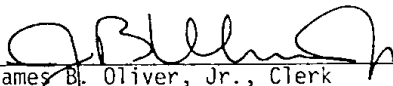
Mr. Ware asked if it would not be feasible to mail certificates of service and appreciation to James City County employees who had less than a certain number of years' service. He said it appeared that people with only three or five years' service did not attend the meetings to accept the certificate. Mr. Oliver said he would review the matter.

Mr. Donaldson requested that more information be obtained on the Riverview Plantation matter.

Mr. Oliver said he would attempt to eliminate the second Board of Supervisors meeting in December, which conflicts with the Christmas holidays. He said the next meeting will be held on Monday, December 11, 1978, at 7:30 P.M.

Mr. Taylor motioned to adjourn the meeting. The motion carried by a unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 4:20 P.M.

  
James B. Oliver, Jr., Clerk  
Board of Supervisors



AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF DECEMBER, NINETEEN  
HUNDRED SEVENTY-EIGHT, IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD,  
JAMES CITY COUNTY, VIRGINIA

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Stewart U. Taylor, Vice Chairman, Stonehouse District  
John E. Donaldson, Jamestown District  
Abram Frink, Jr., Roberts District  
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
John W. Watkins, Assistant to the County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Taylor motioned for approval of the minutes of November  
25, 1978. The motion carried by unanimous roll call vote.

C. SETTING PUBLIC HEARING DATE

Case No. Z-14-78 - An ordinance to amend Section 20,  
Permitted Uses, in the R-4 District.

It was the consensus of opinion of the Board of Supervisors  
that this matter be set for public hearing on January 8, 1978.

D. PUBLIC HEARINGS

1. Vacation of Plat - Toano Terrace, Lots 49, 50, 51 and 52

Mr. William C. Porter, Jr., Director of Planning, presented  
the matter, stating that Mr. Howard Clayton has applied, on behalf of  
Country-Farm House, Inc., for the vacating of the above property lines.  
Mr. Porter said the applicant plans to resubdivide, creating four con-  
forming lots from four which do not conform. He displayed a map to members  
of the Board of Supervisors.

Mr. Edwards opened the matter to public hearing. No one  
wished to speak and the public hearing was closed.

Mr. Taylor motioned for approval of the plat vacation. The  
motion carried by unanimous roll call vote.

ORDINANCE NO. 124

AN ORDINANCE TO VACATE PROPERTY LINES ON THAT CERTAIN PLAT ENTITLED, "COLONIAL  
TERRACE, A PLAT OF AND DIVISION OF OPEN LAND SITUATE AT TOANO, VA.," AND MORE  
PARTICULARLY DESCRIBED AS ALL OR A PORTION OF THE SOUTHERLY, NORTHERLY AND  
EASTERLY LINES OF LOTS 49, 50, 51 and 52, AS SHOWN ON A PLAT ENTITLED, "A RE-  
SUBDIVISION OF TOANO TERRACE, LOTS 49, 50, 51 and 52."

AAC798

WHEREAS, application has been made by Howard V. Clayton, President of Country-Farm House Inc., on behalf of Country-Farm House, Inc.-Owner/Developer of Colonial Terrace, to vacate certain property lines of Colonial Terrace, as more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 11 day of December, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That all or a portion of the southerly, northerly and easterly lines of lots 49, 50, 51 and 52 as shown on that plat entitled, "Colonial Terrace, A Plat of and Division of a Certain Piece of Open Land Situate in James City County, Va.," dated September 25, 1915, prepared by A. Smith, Surveyor for York County, Va., and recorded in Plat Book 2, Page 29 in the Clerk's Office of the City of Williamsburg and County of James City, Va., and more particularly described on the plat attached hereto and made a part hereof entitled, "A Resubdivision of Toano Terrace, Lots 49, 50, 51 and 52," be and the same are, hereby, vacated.
2. That said plat entitled "A Resubdivision of Toano Terrace, Lots 49, 50, 51 and 52, Country-Farm House, Inc.-Owner/Developer, Stonehouse District, James City County, Va.," be put to record in the Clerk's Office for the City of Williamsburg and County of James City, Va."

This ordinance shall be in full force and effect from the date of its adoption.

2. Vacation of Plat - Eustis Terrace, Lots 6, 7 and 8

Mr. Porter presented the matter, stating that Mr. Oliver Tabb has applied for the vacation of certain property lines in order to create one large lot.

Mr. Edwards opened the matter to public hearing. No one wished to speak, and the public hearing was closed.

Mr. Donaldson motioned for approval of the plat vacation. The motion carried by unanimous roll call vote.

ORDINANCE NO. 123

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "EUSTIS TERRACE SUBDIVISION, OWNED AND DEVELOPED BY CYNTHIA HILL, SITUATED IN JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA".

WHEREAS, application has been made by Mr. Roger D. Spearman, Certified Land Surveyor, on behalf of Mr. Oliver Tabb, owner of lots 6, 7 and 8, to vacate certain property lines, as more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and Section 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 11 day of December, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That the common lot line dividing Lots 6 and 7, and the common lot line dividing Lots 7 and 8 as shown on that certain plat entitled, "Eustis Terrace Subdivision, owned and developed by Cynthia Hill, situated in Jamestown District, James City County, Virginia", prepared by V. D. McManus, Certified Surveyor, and recorded in Plat Book 9, page 43 in the Clerk's office of the City of Williamsburg and County of James City, Virginia, be and the same are hereby vacated.
2. That a new plat entitled, "Plat of property standing in the name of Oliver Tabb showing lines to be vacated between Lots 6 and 7 and between 7 and 8, Eustis Terrace Subdivision in Roberts District, James City County, Virginia", dated November 3, 1978 and prepared by Roger D. Spearman, Certified Land Surveyor, be put to record in the Clerk's office for the City of Williamsburg and County of James City, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

3. Case No. Z-15-78 - Artstone Investors, Inc.

Mr. Porter presented the matter, stating that Mr. J. F. Phillips, Jr., on behalf of the applicant, has applied to rezone 35.4 acres of a 43.3 parcel from M-2, General Industrial, to M-1, Limited Industrial. Mr. Porter stated that approximately one-half of the 35.4 acres is already zoned as M-1, Industrial. He indicated that the Land Use Concept Map shows the area to be designated as Limited Industrial and Commercial. Mr. Porter said the proposed rezoning is in agreement with the Comprehensive Plan.

Mr. Edwards asked Mr. Porter if the uses were to be commercial and Mr. Porter advised they would.

Mr. Edwards opened the public hearing.

Mr. Jack Lee stated that he felt the land use was impractical because it might be 40 years before the use would develop into reality.

Mr. J. F. Phillips stated that the property will probably be developed in connection with the Pottery, but there are no specific plans at this time for such development.

Mr. Edwards asked if anyone else wished to speak. No one wished to speak and the public hearing was closed.

Mr. Donaldson stated that because of a relationship with the applicant, he would abstain from voting.

Mr. Ware motioned for approval of the rezoning. The motion carried by majority roll call vote Mr. Donaldson abstained.

4. Amendments to Chapter 9, Licenses, and Chapter 18, Taxation, of the Code of the County of James City, Virginia - Ordinances, Amendment to Chapter 18, Taxation, Section 18-4, assessment of new buildings and computation of tax thereon, when penalty accrues for non-payment, An ordinance to amend Chapter 18, Taxation, Section 18-7.3, penalties for late application or filing. An ordinance to amend Chapter 18, Taxation, Section 18.7-4, penalties and interest for late payment of taxes.

AAC798

Mr. Morton made the presentation on this matter, stating that in order to increase the tax collection process recommendation is made that penalties on real and personal property be increased from 5% to 10%, that the interest remain the same at a fixed 8%, but the levy of the interest be accelerated. He said interest would be charged after one month instead of six months and penalties established for failure to file applications for licenses and personal property returns. Mr. Morton said the amendments he was proposing would not become effective until December 5, 1979. He said the percentage of delinquent taxes has been increasing in recent years.

Mr. Edwards opened the public hearing.

Mrs. Frances Waltrip, Commissioner of Revenue, requested that no action be taken on the Chapter 9 amendment until she had an opportunity to discuss it with Mr. Morton.

Mr. Edwards asked if anyone else wished to speak. No one wished to speak and the public hearing was closed.

Mr. Donaldson motioned for approval of three of the four proposed amendments, requesting that no action be taken on the Chapter 9 amendment, in accordance with Mrs. Waltrip's request.

Mr. Taylor stated that he did not support the 10% penalty. He said he presumed a person who cannot pay their taxes also cannot pay a penalty.

On Mr. Donaldson's motion, a vote on the three amendments was taken, with Chapter 9 being continued. The motion carried 4-1, with Mr. Taylor voting no.

#### ORDINANCE NO. 125

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING A NEW SECTION, SECTION 18-7.3, ENTITLED PENALTIES FOR LATE APPLICATION OR FILING.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 18, Taxation, of the Code of the County of James City be and the same is, hereby, amended and reordained by adding a new section, Section 18-7.3, entitled, "Penalties for Late Application or Filing."

#### CHAPTER 18

#### TAXATION

#### Article 1. In General.

#### Section 18-7.3. Penalties for late application or filing.

Pursuant to section 58-847 of the Code of Virginia, 1950, as amended, the Board of Supervisors hereby imposes the following penalties for failure to file applications for local license taxes and returns for personal property taxes.

Each person failing to file an application or return for county levies on or before the first day of May shall incur a penalty thereon of ten percent or ten dollars, whichever shall be the greater. Said penalty shall be added to the amount due from such taxpayer on the day after such return or application is due and said penalty shall be accounted for in the settlement when the tax is collected by the treasurer; provided, however, that no penalty shall be incurred for failure to file a return for personal property taxes if such failure was not in any way the fault of the taxpayer.

The assessment of such penalty shall not be deemed a defense to any criminal prosecution for failing to make an application for a local license as required by section 9-4 of this code.

This ordinance shall be in full force and effect from and after December 5, 1979.

ORDINANCE NO. 41A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING SECTION 18-4, ASSESSMENT OF NEW BUILDINGS AND COMPUTATION OF TAX THEREON: WHEN PENALTY ACCRUES FOR NONPAYMENT

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 18, Taxation, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending Section 18-4, Assessment of New Buildings and Computation of Tax Thereon; When Penalty Accrues for Nonpayment to read as follows:

CHAPTER 18.

TAXATION.

Article I. In General.

Section 18-4. Assessment of new buildings and computation of tax thereon; when penalty accrues for nonpayment.

The board of supervisors hereby resolves that all new buildings in the county shall be assessed when substantially completed and fit for occupancy and enjoyment, and the commissioner of the revenue of the county shall enter in the books the fair market value of such building; provided, that no such partial assessment shall become effective until information as to the date and amount of such assessment is recorded in the office of the official authorized to collect taxes on real property and made available for public inspection. The tax on such new building shall be computed according to the ratio which the portion of the year such building is fit for use, occupancy and enjoyment bears to the entire year, and with respect to any assessment made under this section after September first of any year the ten percent penalty for nonpayment by December fifth shall be extended to February fifth of the succeeding year.

This ordinance shall be in full force and effect from the date of its adoption.

ORDINANCE NO. 126

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING A NEW SECTION, SECTION 18-7.4, ENTITLED PENALTIES AND INTEREST FOR LATE PAYMENT OF TAXES.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 18, Taxation, of the Code of the County of James City be and the same is, hereby, amended and reordained by adding a new section, Section 18-7.4, entitled, "Penalties and Interest for Late Payment of Taxes."

AAC798

CHAPTER 18

TAXATION

Article 1. In General.

Section 18-7.4. Penalties and interest for late payment of taxes.

Pursuant to section 58-847 of the Code of Virginia, 1950, as amended, the Board of Supervisors hereby imposes the following penalties and interest for the late payment of county levies.

Each person failing to remit county levies on or before the fifth day of December shall incur a penalty thereon of ten percent or ten dollars, whichever is greater, which shall be added to the amount due from such person, which, when collected by the treasurer, shall be accounted for in said person's settlements; in addition thereto interest in the amount of eight percent per annum shall commence the first day of the month following the month in which such taxes are due.

This ordinance shall be in full force and effect from and after December 5, 1979.

5. Amendment to Chapter 18, Taxation, Section 18-7.1,  
Subparagraph 1, of the Code of the County of James City, Virginia.

Mr. Morton said that in connection with an ordinance amended by the Board of Supervisors on July 10, 1978, a subarticle 1(d) was inadvertently omitted. He asked for consideration of the amendment.

Mr. Edwards opened the public hearing. No one wished to speak and the public hearing was closed.

Mr. Donaldson stated that although he would vote affirmatively for this amendment, it was a matter of public record that he is opposed to land use assessment ordinances.

Mr. Ware motioned for approval of the amendment. The motion carried by unanimous roll call vote.

ORDINANCE NO. 80A-3

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 18-7.1, LAND USE ASSESSMENT, SUBPARAGRAPH 1., APPLICATION BY PROPERTY OWNER OF ANY REAL ESTATE.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 18, Taxation, of the Code of the County of James City, Virginia, be and the same is, hereby, amended and reordained by amending Section 18-7.1., Subparagraph 1., entitled, "Application by Property Owner of Any Real Estate."

CHAPTER 18

TAXATION

Article 1. In General.

Section 18-7.1. Land use assessment.

The County of James City declares that the preservation of real estate devoted to agricultural, horticultural or forestry uses within its boundaries is in the public interest; and therefore, such qualifying real estate shall be taxed in accordance with the provisions of Article 1.1 of Chapter 15 of Title 58 of the Code of Virginia, 1950, as amended, (hereinafter referred to as the Code) and pursuant to the terms of this ordinance.

1. Application by property owner of any real estate.

- a. The owner as defined in Section 58-769.8 of the Code, meeting the criteria set forth in sections 58-769.5(a) or (b) and 58-769.7 (b)(1) of the code, may on or before November 1, of each year, apply to the commissioner of the revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in section 58-769.9 of the code. Such application shall be on forms provided by the state department of taxation and supplied by the commissioner of the revenue and shall include such additional schedules, photographs and drawings as may be required by the commissioner of the revenue.
- b. Each application shall be accompanied by a fee of ten dollars (\$10.00) per parcel plus ten cents (\$0.10) per acre or portion thereof contained in such parcel. For purposes of this paragraph contiguous parcels owned by the same applicant or applicants shall be treated as a single application.
- c. A separate application shall be filed for each parcel listed in the land book.
- d. No fee shall be levied for those reapplications by the same owner made in subsequent years for property previously processed under this section.

This ordinance shall be in full force and effect from the day of its adoption.

E. PRESENTATIONS

1. Presentation on Expansion Plans of Patrick Henry International Airport by Timothy L. Campbell and Dr. Charles L. Quittmeyer.

Dr. Quittmeyer introduced Mr. Campbell, Executive Director of Patrick Henry International Airport, who made a brief presentation on the expansion plans and progress of the Airport.

2. Presentation on Regional Youth Services Committee by James N. McCord, Jr., Chairman

Mr. McCord, Chairman of the Regional Youth Services Committee, made a presentation, requesting that an advisory board be created, with Williamsburg and York County participating. He stated that the creation of such a board was recommended last spring by an authorized committee. Mr. McCord said such a board would assess needs and services to youth, advise the governing bodies and assist in setting budget priorities, serve as a community forum and establish a Council of Youth, which in turn involve youth in programs directly affecting them.

Mr. Donaldson stated that on the assumption a more formal document than the attached report would be forthcoming, the motion for approval of an advisory board be made now, subject to the concurrence of Williamsburg and York County. The motion carried by unanimous roll call vote.

AAC798

F. BOARD CONSIDERATIONS1. Anti-Recession Funds

Mr. Oliver made the presentation, stating that the County has received federal anti-recession funds which it has used to expand tax mapping and utility development programs. He said this fiscal year \$18,900 has been received which must be appropriated or forfeited. Mr. Oliver said the growth of County clerical personnel has been restricted through organizational arrangements. He said some secretaries have been shifted to pool arrangements, the Building Inspections and Planning Departments have been combined, and one secretarial position has been omitted.

Mr. Oliver requested permission: To lease an MTST (Magnetic Tape Selectric Typewriter), the leasing of which would cost \$3,201; the hiring of an administrative analyst to assist in the examination of effectiveness and efficiency of County services, at a salary of \$12,500; fringe benefits \$1,625; and cost of producing the annual report \$1,574. Total cost: \$18,900.

Mr. Ware stated that the matter was ludicrous, bearing the title "Anti-Recession Funds" when it involved spending funds, and said he was opposed to it.

Mr. Frink stated that he objected to the MTST and that he preferred to table the matter.

Mr. Taylor said he would like to see the items voted on separately.

Mr. Donaldson moved for a vote on the resolution. The motion failed 3-2, with Mr. Donaldson and Mr. Edwards voting affirmatively and Messrs. Ware, Taylor and Frink voting no.

Mr. Donaldson then moved for a vote on the personnel position. The motion passed 3-2, with Mr. Donaldson, Mr. Edwards and Mr. Frink voting for the position and Mr. Ware and Mr. Taylor voting no.

Mr. Donaldson then moved for a vote on the MTST and the annual report. The motion passed, with Messrs. Donaldson, Edwards and Taylor voting affirmatively and Mr. Ware and Mr. Frink voting no.

R E S O L U T I O N

WHEREAS, an entitlement payment has been received in the Anti-Recession Fund in the amount of \$18,900,

BE IT RESOLVED, that the Board of Supervisors hereby authorizes the appropriation of \$18,900 to create the following budget:

## Personnel Expenses:

Salary, full time	\$12,500
Fringe Benefits	1,625
	<u>\$14,125</u>

## Non-Personnel Expenses:

MTST Typewriter Rental	\$ 3,201
Annual Report	1,574
	<u>\$ 4,775</u>

Total	<u>\$18,900</u>
-------	-----------------



2. Howard Johnson's Restaurant - Dance Hall Permit

Mr. Oliver said an application had been filed requesting a dance hall permit, as required by the County Code. He said the Fire Marshal, Sheriff and Planning Director had reviewed the request and recommended the issuance of the permit.

Mr. Donaldson motioned for approval. The motion carried by unanimous roll call vote.

3. Sanitary District No. 1 - Liens

Mr. Oliver presented this proposed resolution certifying 17 delinquent sewer accounts and directing charges be entered in the Lien Docket.

Mr. Donaldson motioned for approval of the resolution. The motion carried by unanimous roll call vote.

RESOLUTION

Sanitary District No. 1 - Liens

WHEREAS, the Manager of the James-York Joint Sanitary Board has certified to the Board of Supervisors of the County of James City that the following list of sewer accounts in James City County Sanitary District No. 1 are delinquent and unpaid, and

WHEREAS, such unpaid or delinquent charges are a lien against the real property on which the use of such systems are made and for which the charge was imposed;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 21-118.4 paragraph E of the Code of Virginia, 1950, as amended, the Board of Supervisors directs the following attached delinquent charges for use of the Sanitary Sewer System in James City County Sanitary District No. 1 be entered in the Judgment Lien Docket of the Clerk's Office of James City County, Virginia.

4. County Insurance Program

Mr. Oliver said this matter is an interim report. He stated that administrative action was taken last spring to cut costs on the County insurance program and that local agents' offers had been considered with a view to matching or improving the program. A review of the proposals, he said, indicates Johnson & Higgins services should be continued.

It was the consensus of opinion of the Board of Supervisors to continue using the firm of Johnson & Higgins for the County insurance program.

5. Agreement to Subordinate County Advances to the Service Authority - Toano Construction Finance.

Mr. Oliver presented a proposed resolution in connection with a loan agreement presented to the Board of Directors of the James City Service Authority containing a provision requesting the subordination of County advances and loans to the notes issued for construction financing of the Toano Sewer, as follows:

Advance for Toano Step II (1977)	\$115,000
Balance of loan made for Powhatan (1975)	53,900
	<u>\$168,900</u>

Mr. Donaldson motioned approval of the resolution. The motion was approved by unanimous roll call vote.

AAC793

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

JAMES CITY COUNTY CONSTRUCTION FINANCING  
TOANO/ROUTE 60 WEST SEWER

WHEREAS, the Board of Supervisors of James City County considers the completion of the Toano/Route 60 West Sewer Construction Project to be in the best interest of the County; and

WHEREAS, the Board of Directors of the James City Service Authority has petitioned this Board to allow them to obtain construction financing with the condition that James City County subordinate its claims to the reimbursement of advances and loans made to the Authority;

THEREFORE, BE IT RESOLVED, that the Chairman or Vice-Chairman of the Board of Supervisors be authorized to act on its behalf in closing the short-term financing for the James City Service Authority Toano/Route 60 West Sewer Project under the provisions indicated in the attached Loan Agreement.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County does agree to subordinate its claims to the reimbursement of outstanding advances and loans due from the James City Service Authority to the County under the conditions indicated in the attached Loan Agreement.

6. Certification of Warrants

Mr. Edwards read the Certificate of Warrants and motioned for its approval. The motion carried by unanimous roll call vote.

GENERAL FUND	Checks #6098 - 6300 Totalling \$801,185.43
GENERAL FUND PAYROLL	Checks #14,253 - 14,623 Totalling \$111,444.60
SANITARY DISTRICT NUMBER 1	- 0 -
SANITARY DISTRICT NUMBER 2	Checks #5 - 8 Totalling \$737.03
SANITARY DISTRICT NUMBER 3	Checks #720 - 731 Totalling \$2,495.24
SUBDIVISION ESCROW	- 0 -
REVENUE SHARING	Checks #504 - 515 Totalling \$20,383.30
ANTI-RECESSION	- 0 -
TOANO WATER CONSTRUCTION	- 0 -
JCC BOND SINKING FUND	Check - 0 - Totalling
REGIONAL JAIL CONSTRUCTION	Check #2 Totalling \$19,589.00

7. Resolution Requesting Virginia Department of Highways and Transportation Accept Norman Davis Drive in the Secondary System

Mr. Oliver stated that improvements on Norman Davis Drive are nearly complete and tentative approval has been obtained from the Virginia Department of Highways and Transportation. He requested approval of a resolution formally requesting the Department of Highways to accept Norman Davis Drive into their road system. Mr. Oliver said this is the final road scheduled for construction in the County's dirt street program. He said County personnel, using rented equipment, paved the road for \$33,000, while earlier estimates from the Highway Department were \$48,000 and would have subsequently increased approximately 20%.

Mr. Donaldson motioned approval of the resolution. The motion carried by unanimous roll call vote.

RESOLUTION

WHEREAS, by resolution of agreement adopted by the James City County Board of Supervisors on June 12, 1978, funds have been committed for the improvement of certain roads in James City County, Virginia and,

WHEREAS, the Board of Supervisors desires a road in Temple Hall Estates to be included in the State Secondary Highway System, providing this road meets with the requirements of the Virginia Department of Highways and providing that any alterations, corrections or other matters that might be found desirable by the Virginia Department of Highways are made within a ninety (90) day period from the day that the Department of Highways makes its final inspection,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia in accordance with the above referenced agreement, that the Department of Highways be, and it hereby is respectfully requested, contingent upon the above, to include the following street in Temple Hall Estates Stonehouse Magisterial District, James City County in the State Secondary Highway System.

Description: Norman Davis Drive  
From: State Route 645  
To: Dead End  
Distance: 0.42 miles

A right-of-way of fifty feet is guaranteed as evidenced by plat of record, entitled Temple Hall Estates, Sections I and II, Plat Book 18, Page 12, dated 3/18/60 and Plat Book 20, Page 47, dated 5/7/63.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Resident Engineer of the Department of Highways.

AAC793

8. Resolution Requesting Virginia Department of Highways  
and Transportation Accept Sand Drive in the Secondary System

Mr. Porter introduced a resolution requesting acceptance of one street into the State Secondary Road System.

Mr. Donaldson motioned approval. The motion carried by unanimous roll call vote.

RESOLUTION

DEDICATION OF STREETS INTO  
STATE SECONDARY ROAD SYSTEM

WHEREAS, the developer of Sand Hill Subdivision, Section II, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System, and

WHEREAS, the Board of Supervisors desires these roads to be included in the State Secondary Highway System, providing these roads meet with the requirements of the Virginia Department of Highways and Transportation and providing that any alterations, corrections or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a ninety (90) day period from the day that the Department of Highways and Transportation makes its final inspection;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Department of Highways and Transportation be, and it hereby is respectfully requested, contingent upon the above, to include the following streets in Sand Hill Subdivision, Section II, James City County in the State Secondary Highway System.

Description:

Sand Drive - From: Route 751	0.12 Mi.
To: 0.12 Mi. E. to End Cul-de-sac	50' R/W

A right-of-way of 50 feet as shown above is guaranteed as evidenced by plat of record, entitled Sand Hill Subdivision, Section II, Plat Book 34, Page 76.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the developer of Sand Hill Subdivision, Section II, and the Resident Engineer of the Department of Highways and Transportation.

9. Sanitary District No. 2 User Charge - Emergency Ordinances

Mr. Oliver stated that the current ordinance contains a quarterly minimum water charge. He said the proposed ordinances would set minimum water and sewer charges in accordance with the water meter size. Mr. Oliver said adoption of these ordinances would bring Sanitary District No. 2 in line with Authority project areas.

Mr. Edwards asked if there was any discussion on this matter. There was no discussion and Mr. Donaldson motioned for emergency adoption and public hearing of the Emergency Ordinances on January 8, 1979. The motion passed by unanimous roll call vote.

## EMERGENCY ORDINANCE No. 127

## AN ORDINANCE TO ESTABLISH A USER CHARGE SYSTEM

## FOR WATER SERVICES

## SANITARY DISTRICT NO. 2

## JAMES CITY COUNTY, VIRGINIA

## SECTION I

## FEES

## 1-1 Water Service Charges

## 1-1-1 City of Newport News Service Charges

All users of the Sanitary District water system shall pay water service charges to the City of Newport News at their established rates. In addition, the District shall levy a quarterly charge to each user of the water system adequate to pay all expenses in connection with the water system, including the cost of amortizing any capital expenditures by the District for water facilities.

The quarterly charge by the District shall be in addition to and separate from the water charges by the City of Newport News. The District charges shall be called "Amortization Charge" to distinguish this charge from that of the City of Newport News.

The District users will be required to make direct payment to the City of Newport News at their prevailing rates at all times.

## 1-1-2 District Service Charges

The District Water System bills (called, "Amortization Charge") shall be rendered by the District to each water user quarterly. The District quarterly charges for water service shall be as follows:

## Minimum Quarterly Water Amortization Charge

<u>Water Meter Size</u>	<u>Quarterly Charge</u>
5/8"	\$ 9.25
3/4"	13.90
1"	23.00
1 1/2"	46.00
2"	74.00
3"	148.00
4"	231.00
6"	740.00

Where a single water meter is used to serve multi-unit users the quarterly charge shall be computed as indicated below but shall not be less than the minimum charge set forth above.

AAC798

<u>Description</u>	<u>Quarterly Charge</u>	<u>Unit</u>
Residential	\$ 9.25	Each Unit
Motels and Hotels	5.00	Room
Restaurants	1.00	Seat
Mobile Home Parks	8.25	Each Unit
Manufacturing and Others	To Be Negotiated	

## 1-2 Water Connection Charges

## 1-2-1 City of Newport News Connection Charges

All users of the District water system shall pay water connection charges to the City of Newport News in accordance with their established policies. In addition, the Sanitary District No. 2 shall collect a connection fee from each user of the water system.

The connection charge by the District shall be in addition to and separate from the water connection charge by the City of Newport News. The District charges shall be called an "Availability Charge" to distinguish this charge from that of the City of Newport News.

## 1-2-2 Water Availability Charges

- a) Existing Structures - There shall be a water availability charge. The charges shall be payable to the District at the time application is made for connection to the water system.
- b) Proposed Structures - The charges shall be payable to the District prior to a building permit being issued.

The Availability Charges shall be as follows:

The water availability charge for apartment, condominiums and town-houses shall be \$225 per unit. The water availability charge for all other users shall be determined by the size of the domestic water meter as follows:

<u>Domestic Water Meter Size-In.</u>	<u>Sanitary District No. 2 Availability Charge</u>
5/8"	\$ 250
3/4"	375
1"	675
1 1/2"	1350
2"	2000
3"	4000

## 1-3 Billing, Penalty, and Pro Rata Bills

## 1-3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Water and/or sewer service shall be discontinued by the District if Sanitary District No. 2 bills are not paid within thirty days of the mailing date.

In all cases where there are delinquent charges, including disconnection and/or reconnection costs, due the District, the owner of record of the property shall be held responsible or liable for payment of these outstanding accounts.

## 1-3-2 Penalty

All unpaid water charges shall become a lien on land or property served by the water line as provided in the Code of Virginia, Section 21-118.4(e).

## 1-3-3 Pro Rata Bills

Customers requesting discontinuance or establishing new accounts for service shall be billed by the District on the number of months or part thereof in the billing period when service was provided. Customers that do not give notice to the District of discontinuance during a quarter shall be responsible for all bills rendered until such notice is given.

An emergency is hereby declared to exist and this ordinance shall be in full force and effect beginning January 1, 1979.

## EMERGENCY ORDINANCE No. 128

## AN ORDINANCE TO ESTABLISH A USER CHARGE SYSTEM

## FOR SEWER SERVICES

## SANITARY DISTRICT NO. 2

## JAMES CITY COUNTY, VIRGINIA

## SECTION I

## FEES

## 1-1 Sewer Service Charges

## 1-1-1 Hampton Roads Sanitation District (H.R.S.D.C.) Service Charges.

All users of the sewer system shall pay sewer service charges to the Hampton Roads Sanitation District at their established rates. In addition, Sanitary District No. 2 shall levy a quarterly charge to each user of the sewer system, including the cost of amortizing any capital expenditures for sewerage facilities.

The quarterly charge by the District shall be in addition to and separate from the sewer charges by the Hampton Roads Sanitation District. The Sanitary District No. 2 charges shall be called "Amortization Charge" to distinguish this charge from that of the Hampton Roads Sanitation District.

The Sanitary District No. 2 users will be required to make direct payment to the Hampton Roads Sanitation District at their prevailing rates at all times.

## 1-1-2 Sanitary District No. 2 Service Charges

The District Sewer System bills (called, "Amortization Charge") shall be rendered by the Sanitary District to each sewer user quarterly. The initial District minimum quarterly charges for sewer service shall be as follows:

Single-Family Residence	\$13.25	/	Family Unit
Multiple-Family Residence	13.25	/	Living Unit
Mobile Home Parks	11.25	/	Unit
Hotels and Motels	12.50	/	First Unit and
	5.00	/	Each Additional Room
Restaurants	18.75	/	Minimum Plus
	1.00	/	Seat
Commercial			

AAC793

<u>Water Meter Size</u>	<u>Quarterly Charge</u>
5/8"	\$ 13.25
3/4"	20.00
1"	33.00
1 1/2"	66.00
2"	106.00
3"	212.00

Manufacturing and others to be determined when needed.

1-2 Sewer Connection Charges

1-2-1 Hampton Roads Sanitation District Connection Charges

All users of the Sanitary District No. 2 sewer system shall pay sewer connection charges to the Hampton Roads Sanitation District in accordance with their established policies. In addition, Sanitary District No. 2 shall collect a connection fee from each user of the sanitary sewer system.

The connection charge by Sanitary District No. 2 shall be in addition to and separate from the sewer connection charge by the Hampton Roads Sanitation District. Sanitary District No. 2 charges shall be called "Availability Charge" to distinguish this charge from that of the Hampton Roads Sanitation District.

1-2-2 Sewer Availability Charges

- a) Existing Structures - There shall be a sewer availability charge. The charges shall be payable to Sanitary District No. 2 at the time application is made for connection to the sewerage system.
- b) Proposed Structures - The charges shall be payable to Sanitary District No. 2 prior to a building permit being issued.

The Availability Charges shall be as follows:

For apartments, condominiums and townhouses, the sewer availability charge shall be \$300 per unit.

The Sewer Availability Charge for all other users shall be based on water meter size as follows:

<u>Domestic Water Meter Size-in.</u>	<u>Sanitary District No. 2 Availability Charge</u>
5/8"	\$ 400
3/4"	600
1"	1000
1 1/2"	2000
2"	3200
3"	6400

All other categories to be established when needed.

1-3 Billing, Penalty, and Pro Rata Bills

1-3-1 Billing



All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Water and/or sewer service shall be discontinued by the District if Sanitary District No. 2 bills are not paid within thirty days of the mailing date.

In all cases where there are delinquent charges, including disconnection and/or reconnection costs, due the District, the owner of record of the property shall be held responsible or liable for payment of these outstanding accounts.

1-3-2 Penalty

All unpaid sewer charges shall become a lien on land or property served by the sewer line as provided in the Code of Virginia, Section 21-118.4(e).

1-3-3 Pro Rata Bills

Customers requesting discontinuance or establishing new accounts for service shall be billed by Sanitary District No. 2 on the number of months or part thereof in the billing period when service was provided. Customers that do not give notice to the District of discontinuance during a quarter shall be responsible for all bills rendered until such notice is given.

An emergency is hereby declared to exist and this ordinance shall be in full force and effect beginning January 1, 1979.

10. Central Communications

Mr. Watkins presented a proposed resolution which would adopt a central communications network for the County which would tie together fire, emergency medical and police calls. He estimated the savings from not duplicating dispatchers would amount to approximately \$40,000 annually. Mr. Watkins said the County will seek a three-digit number, such as 911, for all emergency calls when a central system is installed.

Mr. Frink motioned for approval. The motion passed by unanimous roll call vote.

R E S O L U T I O N

BE IT RESOLVED, that the Board of Supervisors of James City County does hereby authorize and direct that all County emergency communications be centralized and administered in the best interest of the safety and welfare of the citizens of James City County, Virginia.

AAC795

December 11, 1978

11. Staggered Terms for Members of the Board of Supervisors

Mr. Morton stated that this proposed resolution was prepared in order to stagger board terms by resolution or referendum. He said if either method was adopted, the electoral board would select by lot, two members for two-year terms and three members for four-year terms.

After discussion, it was the consensus of opinion of the Board of Supervisors to set a public hearing on the proposal for January 8, 1979.

12. Purchase of Replacement School Bus

Mr. Oliver requested authorization to replace a school bus which had been demolished in an accident on October 18, 1978.

Mr. Donaldson motioned for approval of authorization to disburse the requested amount, \$14,400, from the County's capital replacement fund. The motion carried by unanimous roll call vote.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. Title Information - Circuit Court Clerk's Office

Mr. Oliver gave a brief summation of this matter pertaining to a dual record-keeping system (at the Courthouse and at the Government Center).

2. Appointments

Mr. Oliver requested the matter of appointments be discussed in executive session.

3. Authorized Personnel - Sanitary District No. 3

Mr. Oliver said this report covered payroll reporting, personnel policy and insurance classification problems regarding three positions in Sanitary District No. 3 (two equipment operators and one clerk-typist) and a "paper" transfer was requested to transfer these classifications from Sanitary District No. 3 to the Public Works Department.

It was the consensus of opinion of the members of the Board of Supervisors that such transfer be made.

Mr. Ware stated that he wished to thank and commend the staff for money saved on the roadwork, as in Norman Davis Drive.

Mr. Ware said he would appreciate having ample time to consider some agenda items prior to meetings and suggested a meeting be considered in some instances.

Mr. Ware said thought should be given to putting a ceiling on the budget, particularly since he felt a recession is imminent. He said such a ceiling would be a framework for the staff which could be changed by the Board of Supervisors during budget deliberations. Mr. Taylor said setting a ceiling might not be a good idea because if it was not set low enough, the set ceiling might be reached.

Mr. Ware said projections are based on real estate assessment and if the value of land rises 10%, then revenue projections also increase that much. He said he felt the burden of inflation has been passed on to the taxpayers.

Mr. Donaldson said similar public sentiment might be expressed at the January 8, 1979 pre-budget hearing.

Mr. Taylor motioned to adjourn to executive session to discuss personnel and legal matters. The motion carried by unanimous vote.

The meeting convened to executive session at 9:35 P.M.

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF JAMES CITY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY  
ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE ELEVENTH DAY OF DECEMBER,  
NINETEEN HUNDRED AND SEVENTY-EIGHT

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Stewart U. Taylor, Vice Chairman, Stonehouse District  
John E. Donaldson, Jamestown District  
Abram Frink, Jr., Roberts District  
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
John W. Watkins, Assistant to the County Administrator  
Frank M. Morton, III, County Attorney

B. LEGISLATIVE PROGRAM - 1979

After general discussion, Mr. Donaldson motioned for approval of two resolutions which suggest changes to the state code. The motion passed by unanimous roll call vote.

RESOLUTION REQUESTING AMENDMENT OF SECTION 18.2-287.1, TRANSPORTING A LOADED RIFLE OR SHOTGUN, OF THE CODE OF THE STATE OF VIRGINIA.

BE IT RESOLVED, by the Board of Supervisors of James City County that Section 18.2-287.1 be amended by the General Assembly to include the term "firearm" in place of the terms "Shotgun" and "rifle".

RESOLUTION REQUESTING AMENDMENT OF SECTION 24.1-43, APPOINTMENT, QUALIFICATIONS OATH AND COMPENSATION OF GENERAL REGISTRAR; OFFICE TO BE FURNISHED: PROHIBITIVE AS TO OFFICE HOLDING, OF THE CODE OF THE STATE OF VIRGINIA.

BE IT RESOLVED, by the Board of Supervisors of James City County that Section 24.1-43 be amended by the General Assembly to permit local governing bodies to supplement the salaries of registrars.

C. APPOINTMENTS

Board of Plumbing Examiners

Mr. Ware motioned to reappoint Carl F. Roy to a three-year term, effective January 1, 1979. The motion passed by unanimous roll call vote.

Board of Electrical Examiners

Mr. Ware motioned to reappoint James B. Bowry to a three-year term, effective January 1, 1979. The motion passed by unanimous roll call vote.

Colonial Mental Health Retardation Services Board

Mr. Donaldson motioned to reappoint Dr. Neill P. Watson to a three-year term, effective January 1, 1979. The motion passed by unanimous roll call vote.

Mr. Taylor moved to adjourn the meeting. The motion carried by unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 10:50 P.M.

---

James B. Oliver, Jr., Clerk  
Board of Supervisors



## MEMORANDUM

**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: August 25, 1980 and September 8, 1980

---

This memorandum serves to acknowledge a typo in the September 8, 1980 Board of Supervisors minutes of James City County.

**Section B. Minutes.**

The date of minutes listed for approval is September 8, 1980. These minutes should actually be August 25, 1980.

Please accept this correction into the official record with the minutes.

---

Michael J. Hipple  
Chairman

---

Bryan J. Hill  
Clerk

MEMOtypo-1980



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

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
 Abram Frink, Vice-Chairman, Roberts District  
 Gilbert A. Bartlett, Jamestown District  
 Perry M. DePue, Powhatan District  
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator  
 John E. McDonald, Assistant to the Administrator  
 Frank M. Morton, III, County Attorney

Mr. Edwards stated that it was a pleasure to have Mr. Taylor back with the Board of Supervisors.

B. MINUTES

Mr. Bartlett moved for approval of the minutes of the reconvened July 28, 1980 meeting and the August 11, 1980 meeting as printed. The motion carried by a unanimous roll call vote.

C. RESOLUTIONS OF APPRECIATION

Mr. Edwards read the Resolutions of Appreciation for Ms. Alleyne H. Blayton and Ms. Kay Champion. He stated that the resolutions would be presented at a later date.

Mr. Edwards commented that Ms. Champion was a friend of his and they had conversed many times about school matters and her decision to work for the City of Williamsburg was a loss for the County and a gain for the City.

Mr. Frink stated that Ms. Blayton had been a very valuable member of the School System for years. He further stated that her absence at the meeting was due to a family reunion.

WHEREAS, ALLYNE H. BLAYTON has served the citizens of James City County as a member of the School Board since July 1, 1974 until her resignation as of June 30, 1980; and

WHEREAS, during her tenure as a School Board member, ALLYNE H. BLAYTON consistently advocated educational programs to serve all segments of our school age population, i.e., vocational education, improved reading and math skills, special education, and alternative programs;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the Board wishes to extend its sincere appreciation and gratitude to ALLYNE H. BLAYTON for her outstanding service to the County and its citizenry.

NOW, BE IT FURTHER RESOLVED that this resolution be spread upon the Minutes of this meeting of the Board of Supervisors to be preserved in perpetuity.

AAC802

WHEREAS, KAY CHAMPION has served the citizens of James City County as a member of the School Board from December 15, 1977 until her resignation as of June 30, 1980; and

WHEREAS, during her tenure as a School Board member, KAY CHAMPION provided capable leadership as its vice-chairperson and was active on numerous educational committees and task forces which were concerned with quality education for all children;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the Board wishes to extend its sincere appreciation and gratitude to KAY CHAMPION for her outstanding service to the County and its citizenry.

NOW, BE IT FURTHER RESOLVED that this resolution be spread upon the Minutes of this meeting of the Board of Supervisors to be preserved in perpetuity.

#### D. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer for Virginia Department of Highways and Transportation, addressed the Board regarding the intersection of South Henry Street and Route 199. He presented a partial report which recommended that warning signs be installed at the intersection. He stated that the Longhill Road project was underway and completion is anticipated before winter weather begins.

Mr. Bartlett requested a detailed report of the South Henry Street and Route 199 intersection traffic volumes.

Mr. Hall informed the Board that he would have that information available at the next meeting.

Mr. Frink asked the staff about the status of the Grove Interchange.

Mr. Hall commented that he was uncertain.

Mr. Oliver stated that the staff would get the Board a status report.

Mr. Frink asked if the Board could do anything to speed up the funding process for the Grove Interchange.

Mr. Hall stated that on a local level they could start with the Allocation Hearings in Richmond and on the federal level they could try to obtain funding started through the FHWA, but basically, it is up to our local department to work with the FHWA to receive funding.

Mr. Frink requested that the staff see what could be done to alleviate the traffic problem in the Grove area.

Mr. Oliver stated that he would check into the matter.

#### E. PRESENTATIONS

##### 1. Emergency Medical Services Five-Year Plan

Mr. Russ Lowry, Emergency Services Coordinator, presented this matter before the Board explaining that the purpose of the EMS Five-Year Plan is to provide the County with well-trained personnel, both paid employees and volunteers; have units that are schematically located for the best response; to have the best equipment available to help those who need first aid services; and to educate the public through first aid courses, CPR, and the correct usage of the 911 Emergency System. Mr. Lowry also commented that they are trying to have at least one cardiac technician per shift per station which involves cross-training of personnel.



He further stated that a replacement chassis for the Grove ambulance is planned in next year's budget, and in the FY 83/84 Budget, an ambulance is proposed to be stationed at the Olde Town Station. Mr. Lowry concluded his presentation by recommending that the Board of Supervisors fully endorse the EMS Five-Year Plan.

Mr. DePue asked if a cardiac technician would be on each shift for each of the three stations.

Mr. Lowry stated that they could have the technicians there, however, they would not be able to function efficiently because the proper equipment isn't available at this time. The equipment will be available, hopefully, by October 1, 1980.

Mr. DePue asked when the equipment was ordered.

Mr. Lowry stated that a pre-bid conference had been set up to discuss the matter.

Mr. DePue asked Mr. Oliver whether the Board had approved the placement of cardiac technicians to be on the job by August 15, 1980.

Mr. Oliver replied yes, the funding was budgeted. He stated that the problem was that Mr. Lowry went to bid once, they were too high, so they are now readvertising.

Mr. DePue stated that he regretted the delay particularly since the citizens in the district he represents are affected by this issue. He suggested that the County go forward with it, being prudent at the same time. He expressed particular concern about the vulnerability of Olde Town Road and the Longhill Road areas and asked if any special provisions had been made for Lafayette High School.

Mr. Lowry stated that the personnel at the Olde Town Station were EMT trained and the fire engine is equipped with a very viable first-aid unit that is backed up by an ambulance from the Central Fire Station, which can be at Lafayette High School within eight to nine minutes.

Mr. DePue asked if they had a back-up system for emergencies.

Mr. Lowry stated that there is back-up available only if extremely necessary and is determined by the number of people injured and or the severity of the emergency.

Mr. DePue asked what area or areas in the County required the most response time.

Mr. Lowry stated that the Centerville Road and Longhill Road areas required the most response time, but volunteers from the Toano Fire Station handle the job well in emergencies, arriving in about eight minutes.

Mr. DePue asked if the volunteers were supplemental to the paid technicians.

Mr. Lowry replied that it is a joint venture with the volunteers and paid employees working together.

Mr. DePue asked the staff if the Plan would be reviewed and updated annually if necessary.

Mr. Oliver replied yes.

Mr. DePue asked Mr. Lowry if the County answered the City's emergency calls.

Mr. Lowry replied yes.

AAC802

Mr. DePue asked if it was an automatic response or a when called situation.

Mr. Lowry replied that the County responded when called especially when a large number of people are involved.

Mr. DePue asked if the County received a call concerning a heart attack victim on Olde Town Road, would the City be called if they could get there faster than the County could.

Mr. Lowry stated that there had never been a situation where both responded, but if the conditons were favorable, the County could respond just as fast as the City could.

Mr. DePue asked if there would be any hesitation about calling the City for their assistance.

Mr. Lowry replied that the County and the City have a good working relationship and the County would not hesitate to call upon the City in extreme emergencies.

Mr. Oliver mentioned that the Board had been provided with the EMS Five-Year Plan two weeks ago and perhaps they had not had a chance to absorb it. He stated that the staff would like the Plan to be adopted and given official sanction to be used as a guide.

Mr. Edwards asked Mr. DePue whether or not he felt comfortable with the Plan.

Mr. DePue stated that he would like for the Plan to be deferred to the Board's next meeting because he has questions that he would like cleared up before voting aye or nay to adopt the Plan as a guide.

Mr. Bartlett stated that he wholeheartedly endorsed the effort that went into the Plan and felt that it was essential for the Board to adopt the Plan as a guide.

Mr. DePue asked if there were any EMT trained personnel at Lafayette High School, aside from the school nurse.

Mr. Oliver stated that to our knowledge there were no school personnel with EMT training, but there have been courses offered to the school system's administrative personnel as well as students, therefore he felt that if an emergency arose, it is realistic to assume that someone other than the school nurse would be able to offer assistance.

## 2. Community Development Grant - Forest Glen

Mr. Robert Murphy, Assistant to the Administrator, presented this matter before the Board requesting the approval of the application and authorization for the County Administrator to file the application and make arrangements with HUD. Mr. Murphy stated that the application was a scaled-down version of the program offered to HUD December 1979. He indicated that the needs of the community have been prioritized with sufficient monies to correct road, drainage, sewer and water problems, but the rehabilitation and recreation programs have been reduced. Mr. Murphy stated that the County hoped to get \$428,000 in assistance from Farmers Home Administration which would enable the County to acquire land originally set aside by the developer for recreation purposes as well as expand the scope of the rehabilitation program. He indicated that the County was actually working with two deadlines: (1) HUD monies need to be appropriated by September 30, 1980, and (2) the need for the County to begin before winter. He also commented that the County will conduct two public hearings; one on September 2, 1980 and the other on September 3, 1980 at New Zion Baptist Church on Longhill Road.

Mr. Murphy concluded by stating that there is a lot of support from neighborhood residents, and he would recommend that the Board of Supervisors approve the resolution. Mr. Murphy added that Mr. Jerome Harrington, Director of Community Development, and Deward Martin, Water Development Engineer, were present to answer any questions.

Mr. Edwards questioned the length of time involved in preparing the grant, because some people are under the impression that they are done rather quickly.

Mr. Murphy stated that they had been working on the Forest Glen application for two years. The problem was that Farmers Home didn't have any programs such as HUD, so they couldn't help.

Mr. Frink asked who owned the property that Farmers Home was appropriating \$88,000 for recreational facilities.

Mr. Murphy stated that First City Bank was the owner.

Mr. DePue asked if the figures could be changed within the application.

Mr. Murphy stated that the figures were not set in concrete, but Deward Martin had prepared the cost estimates and he felt they were in the ballpark.

Mr. DePue asked if priorities within categories could be changed.

Mr. Murphy said that if the reasons could be justified then changes could be made with HUD approval.

Mr. DePue stated that the application looked promising, however, he would reserve his praise to the staff until the final stamp of approval is granted and that the application would have his full support.

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

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

#### A Resolution to Authorize the Filing of the Forest Glen Community Development Application

WHEREAS, James City County has been requested by the United States Department of Housing and Urban Development to file a Community Development application on behalf of the Forest Glen Neighborhood; and

WHEREAS, the Board of Supervisors of James City County has reviewed said application.

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

1. The County Administrator is authorized and directed to file such application, including all understandings and assurances contained therein, with the United States Department of Housing and Urban Development.
2. The County Administrator is hereby designated as the authorized representative of James City County, Virginia, and is directed to act as such representative in connection with the application and to provide such additional information as may be required.

Adopted by the Board of Supervisors, James City County, Virginia, this 25th day of August, 1980.

I, James B. Oliver, Jr., the Clerk to the Board of Supervisors of James City County, Virginia, do hereby certify that the foregoing is a true and correct copy of a resolution of the Board of Supervisors of James City County duly adopted by the Board of Supervisors of James City County, Virginia, on August 25, 1980, at which a quorum was presented and acting throughout.

AAC802

F. CONSENT CALENDAR

Mr. Edwards read the items on the Consent Calendar and asked for comments.

Mr. Bartlett pointed out that item number 4 should be corrected to read September 8, 1980 instead of September 10, 1980.

Mr. Oliver said that was correct.

Mr. McDonald requested that item number 4, the Landfill Ordinance, be removed from the Consent Calendar and set for public hearing dates of September 8, 1980 and September 22, 1980 because the County had missed the legal deadline for advertising, and did not wish to deprive anyone from speaking at the September 8, 1980 meeting.

Frank M. Morton, III, County Attorney, stated that the advertisement would appear before the September 8, 1980 meeting, but it would not meet the legal requirements of the Code.

Mr. Oliver commented that the public hearing on the Landfill Ordinance be held on September 8, 1980 and continued at the September 22, 1980 Board meeting.

Mr. DePue requested that the Landfill Ordinance be removed from the Consent Calendar.

Mr. Edwards moved to approve the remaining items on the Consent Calendar. The motion carried by a unanimous roll call vote, and the following items were approved:

1. Case No. CUP-23-80 - Conditional Use Permit - Victor A. Liguori

R E S O L U T I O N

CONDITIONAL USE PERMIT

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

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

Applicant:	Victor A. Liguori
Tax Map ID:	(36-2) (1-14A)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Terms:	N/A
Further Conditions:	None

2. Case No. CUP-24-80 - Conditional Use Permit - Vicent Gene Russell

R E S O L U T I O N

CONDITIONAL USE PERMIT

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

1  
AAC802  
THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County<sup>23</sup> that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and as detailed in the attached application and site location:

Applicant: Vincent G. Russell  
Tax Map ID: (36-3) (1-7A)  
District: Powhatan  
Zoning: A-1, General Agricultural  
Permit Terms: N/A  
Further Conditions: None

3. Street Dedication - Patriot Condominium Street

R E S O L U T I O N

PATRIOT CONDOMINIUM STREET

WHEREAS, the developer of Patriot Condominium has requested the Board of Supervisors to include a certain street in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires a street in Patriot Condominium to be included in the State Secondary Highway System, providing this street meets with the requirements of the Virginia Department of Highways and Transportation, and providing that any alterations, corrections or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a ninety (90) day period from the day that the Department of Highways and Transportation makes its final inspection;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Department of Highways and Transportation be, and it hereby is, respectfully requested, contingent upon the above, to include the following street in Patriot Condominium, Berkeley Magisterial District, James City County, in the State Secondary Highway System.

Description: Patriot Lane

From: Intersection Route 60, Station 9+68,  
in a westerly direction

To: Station 19+34.54 (Cul-De-Sac)

Distance: 966.54 feet (0.18 miles)

A 50 foot right-of-way set out and shown on the plat hereafter described being approximately 966 feet in length.

A right-of-way of 50 feet is guaranteed as evidenced by a Plat of Record entitled "Plat Showing 50' Right-of-way Dedicated To The Virginia Department of Highways and Transportation and 20' Drainage Easements Granted To The Virginia Department of Highways and Transportation By Philip O. Richardson and/or Richardson Investments, Inc., Berkeley District, James City County, Virginia" dated August 14, 1980, and recorded in Plat Book 36 at Page 41; and

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that this resolution supercedes the resolution of June 23, 1980 entitled "Patriot Condominium Street" because of an error in the plat dated June 11, 1980, and recorded in Plat Book 36 at Page 28; and

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

5. Case No. SP-20-80 - Site Plan Approval - Busch Properties Phase II

R E S O L U T I O N

SITE PLAN APPLICATION

CASE NO. SP-20-80 - R-3, RESIDENTIAL, PHASE II

WHEREAS, it is understood that all conditions for consideration of this application have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by Busch Properties, Inc. as described below and as detailed in the attached memorandum.

Applicant:	Mr. Norman H. Mason on behalf of Busch Properties, Inc.
District:	Roberts
Zoning:	R-4, Residential Planned Community
Further Conditions:	None

6. Case No. SP-21-80 - Site Plan Approval - Quarterpath Trace Village Phase III

R E S O L U T I O N

SITE PLAN APPLICATION

CASE NO. SP-21-80 - QUARTERPATH TRACE VILLAGE

PHASE III

WHEREAS, It is understood that all conditions for consideration of this application have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by the applicant as described below and as detailed in the attached memorandum.

Applicant:	Norman H. Mason on behalf of Busch Properties, Inc.
District:	Roberts
Zoning:	R-4, Residential Planned Community
Further Conditions:	None

7. Applicability of Grievance Procedure

R E S O L U T I O N

APPLICABILITY OF GRIEVANCE PROCEDURE

WHEREAS, the applicability of the James City County Grievance Procedures to various groups of employees has been unclear;

THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that Chapter VIII, Section 1 of the James City County Personnel Regulations and Specifications Manual entitled Policy be amended by adding the following sentences:

"This procedure applies to permanent employees of the County only. It does not apply to employees who are temporary or who are serving their six month probationary period.

Employees of Constitutional Officers may be covered provided there is a written agreement between the Board of Supervisors and the Constitutional Officer agreeing to the use of the County procedure. Otherwise the State procedure would apply."

#### 8. Solicitation Policy

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

##### SOLICITATION POLICY

WHEREAS, solicitation of County employees while on duty can be disruptive to the work place and a burden on employees;

THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that Chapter VII, Employee Relations of the James City County Personnel Regulations and Specifications Manual be amended by adding the following:

"The unauthorized solicitation of County employees on or off County property is prohibited while employees are on duty.

Persons desiring to make solicitations must apply to the County Administrator for written authorization. This authorization must be presented to the department head before any solicitor or representative may contact employees.

Printed or written announcements posted anywhere on County property which deal with outside activities must be authorized by the department head in charge of a given area."

#### 9. Variance for Volunteer Ambulance

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

##### REQUEST FOR AMBULANCE VARIANCE

WHEREAS, the Board of Supervisors has reviewed the application by the James City Rescue Squad, Inc. for a variance from the State of Virginia Department of Health; and

WHEREAS, the Board acting in compliance with 32.1-54 Rules and Regulations of the Commonwealth of Virginia Department of Health pertaining to applications for variances or exceptions for ambulances;

THEREFORE, BE IT RESOLVED that the Board of Supervisors request the Commissioner of Health to issue the requested variance to the James City Rescue Squad, Inc.

AAC802

Mr. Edwards moved the approval for setting public hearing dates for September 8, 1980 and September 22, 1980. The motion carried by a unanimous roll call vote.



1. Fire Department Mini-Pumper

Mr. James B. Oliver, Jr., County Administrator, stated that that Garland Woody, Fire Chief, was present to answer any questions regarding this matter.

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

R E S O L U T I O NCAPITAL IMPROVEMENT BUDGET - MINI-PUMPER

WHEREAS, the Board of Supervisors of James City County had previously authorized \$35,000 of the Capital Improvement Budget for the purchase of a mini-pumper, and

WHEREAS, the previous authorization was not sufficient to fund this necessary piece of fire equipment,

NOW, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County authorizes the transfer of \$2,244 from the Contingency account for this purpose.

FROM: Contingency \$2,244

TO: Capital Improvement Budget - Mini-Pumper \$2,244

2. 1980 Affirmative Action Plan

Mr. Oliver stated that Anthony Conyers, Director of Personnel, was available to answer any questions concerning the Affirmative Action Plan.

Mr. Bartlett stated that the letter from the Local Government Management Relations really summed things up, therefore he felt the Board should adopt the Plan.

Mr. Bartlett motioned to approve the resolution. The motion carried by a unanimous roll call vote.

R E S O L U T I O N1980 AFFIRMATIVE ACTION PLAN

WHEREAS, James City County annually updates its Affirmative Action Plan; and

WHEREAS, the FY 1980 updated Affirmative Action Plan has been approved by the State;

THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the attached Affirmative Action Plan be adopted and made a part thereof by reference.

3. Lease - EOC Building Office Space

Mr. Oliver presented this matter before the Board asking that the resolution be approved.

Mr. Edwards asked how the rates were computed.

Mr. McDonald stated that an analysis was done about every three years.

AAC802

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

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

### LEASE OF EOC OFFICE SPACE

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

THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to execute the attached lease for the period September 1, 1980 through August 31, 1981, at an annual rate of \$1485.00 for the office space currently occupied by the ASC Committee at the EOC Building.

#### H. MATTERS OF SPECIAL PRIVILEGE

None

#### I. REPORTS OF THE COUNTY ADMINISTRATOR

##### 1. Virginia Public School Authority Bonds

Mr. John E. McDonald, Assistant to the Administrator, presented this matter before the Board explaining the two resolutions attached to the memorandum. He stated that the first resolution authorized and defined the issuance of \$700,000 to finance the County's share of the Matthew Whaley's renovation; and the second resolution appointed Hunton and Williams as Bond Counsel to the County. Mr. McDonald informed the Board that they should be in session on the date of the sale; therefore, he extended and invited them to attend a special luncheon meeting at 12:00 P.M. on September 18, 1980. Mr. McDonald concluded his presentation by requesting that the Board of Supervisors adopt the two resolutions.

After a brief discussion, Mr. Frink motioned for approval of the two resolutions. The motion carried unanimously.

## RESOLUTIONS

#### J. BOARD REQUESTS AND DIRECTIVES

Mr. Oliver informed the Board that the County had won a special merit certificate for a clean-up campaign in a "Keep Virginia Beautiful Program." He also stated that on Monday, August 24, 1980 Mr. Frink represented the Board in the closing of the Sanitary District Number 3 Bonds. He also mentioned that the ISO agency would be in the County on September 3, 1980 to do additional surveying on housing rates in the County since the Olde Town Road and Central Fire Stations were now operating and housing rates can be adjusted in that area.

Mr. Oliver closed by requesting the Board of Supervisors to get a date for the Board to reconvene as a panel for the VPI Extension Agent interviews.

Following a brief discussion, it was decided that the Board would meet at 11:30 A.M. on September 9, 1980 at the EOC Building in Toano.

Mr. Bartlett asked who will be making the presentation on September 8, 1980 on the Housing Worksession.

Mr. Oliver said that Robert M. Murphy, Assistant to the Administrator, William C. Porter, Jr., Director of Planning, and Jerome Harrington, Director of Community Development will be making the presentation.

Mr. Edwards moved to recess the meeting until 5:00 P.M. on September 8, 1980.

The meeting RECESSED at 4:25 P.M.

\_\_\_\_\_  
James B. Oliver, Jr.  
Clerk to the Board

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

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
 Abram Frink, Vice-Chairman, Roberts District  
 Gilbert A. Bartlett, Jamestown District  
 Perry M. DePue, Powhatan District  
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator  
 John E. McDonald, Assistant to the Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Frink moved for approval of the Minutes of the September 8, 1980 meeting. The motion carried by a unanimous roll call vote.

C. PUBLIC HEARINGS

1. Landfill User Charge Ordinance - An ordinance amending and reordaining Chapter 8, Article II of the James City County Code of 1972, as amended, concerning the operating policy and the establishment of user charges for the County Landfill.

Mr. David Clark, Operations Engineer, presented this matter before the Board. He stated that the purposes of the ordinance are twofold: (1) to encourage conservation of recoverable resources, and (2) to offset the cost increases for operating the Landfill.

Mr. Edwards opened the public hearing and noted that the public hearing will be continued at the Board of Supervisors' September 22, 1980 meeting.

Reverend J. B. Tabb, of Tabb's Disposal Company, stated that he was representing some of the solid waste carriers of the area. He expressed concern about the affect the ordinance may have on the small businessmen with operating costs already at an all time high. Mr. Tabb stated that he will have to increase his rates 50% if the ordinance is adopted. He suggested that all county residents share in the cost of operating the Landfill, and he questioned whether or not the cost of administering the user charge fee would exhaust the \$142,000 annual revenue.

Mr. Ezekiel Lee, suggested that the County charge a \$1,000 fee for refuse disposal.

Mr. DePue extended an invitation to private haulers to come and see him to discuss the financial impact the Landfill Ordinance may have on their businesses.

There being no further comments, Mr. Edwards closed the public hearing until the September 22, 1980 meeting.

2. Case No. Z-6-80. - An ordinance to amend Chapter 20, Zoning, of the Code of the County of James City, Article I, Section 20-12, Minimum Off-street Parking.

Mr. William C. Porter, Jr., Director of Planning, presented this case before the Board and stated that the amendment of the parking regulations in the Zoning Ordinance is proposed for several reasons; (1)

AAC802

(1) to increase the flexibility in design, (2) to encourage more functional landscaping areas; (3) to provide more control over entrances; (4) to recognize the trend toward smaller vehicles; and (5) to reflect the changing economy.

Mr. Bartlett expressed concern about the term "adequate lighting" in the ordinance.

Mr. Porter commented that the Planning Commission had decided to use that term until there were some set standards to follow.

Mr. Morton, County Attorney, mentioned that he had persuaded the Planning Commission to use the term "adequate lighting" because at this time there are no set standards.

Mr. Bartlett asked that the Planning Commission reconsider the use of the term "adequate lighting."

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

Mr. Bartlett moved to adopt the ordinance. The motion carried by a unanimous roll call vote.

#### ORDINANCE NO. 31A-67

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING ARTICLE 1, SECTION 20-12, MINIMUM OFF-STREET PARKING.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City, be and the same is, hereby, amended by amending Article 1, Section 20-12, Minimum off-street parking, to read as follows:

#### CHAPTER 20

#### ZONING

#### Article 1. In General.

#### Section 20-12. Minimum off-street parking.

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking with adequate landscaping and provision for entrance and exit by standard sized automobiles, as follows:

#### A. General provisions.

1. No certificate of occupancy shall be issued for any structure which does not comply with these requirements; however, structures already in use or those which have already received site plan approval are exempted, provided that:

(a) exempted buildings remain in continuous use and at no time remain vacant or unused for a continuous period of one year.

(b) no parking lot for any exempted property is enlarged or materially altered. In the event an existing parking lot is to be enlarged or materially

altered, the existing parking area as well as the new parking area shall be brought into conformance with this chapter; provided however, the Commission may waive the requirements for revised setbacks and geometric design standards found in B. 1, 2 and 5 below as they apply to existing parking areas with cement, asphalt, or hard surface pavement; provided further, that prior to such waiver being granted, the applicant shall demonstrate the costs of complying with these standards would impose a severe hardship, or that insufficient area exists to allow such revision.

For purposes of this section, enlarged or materially altered shall mean expansion or change in the parking lot which either increases the number of parking spaces by more than 15% or reduces the landscaped areas of the parking lot by more than 15%. Nothing in this section is intended to prohibit paving or surfacing of parking lots, the installation of curbs or bumpers, or other improvements which do not effect the number of spaces or the areas of the site dedicated to landscaped open space.

(c) any parking lot constructed between July 11, 1977 and which conforms to the landscaping and geometric design standards adopted as Ordinance No. 31A-42 on July 11, 1977 shall be considered as meeting those standards for landscaping and geometric design as contained herein; however, any expansion or enlargement shall meet those requirements in effect at the time of the expansion or enlargement.

2. Required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot adjacent thereto which has the same zoning classification.

3. Required off-street parking spaces may be provided jointly for two or more uses, subject to permanent easements that will assure access and availability. The number of such combined parking spaces to be required shall equal eighty percent of the sum of the amounts which would be required for each of the separate uses. Where such joint parking lots are proposed, they shall have one common point of ingress and egress, shall be designed as one parking lot, and shall have both properties shown on the site plan.

4. Off-street parking spaces shall be used solely for the parking of vehicles in operating conditions by patrons, occupants or employees of the use to which such parking is accessory. Permanent storage of vehicles shall not be allowed. Storage of vehicles for sale shall not be allowed.

5. Site plans, in accordance with Article II of this Chapter, shall be submitted for all new off-street parking areas with four or more spaces, or for any additions to existing off-street parking areas.

6. Parking areas required by this section are intended to accommodate the off-street parking needs of the customers and employees of commercial, institutional, industrial, and residential uses. They are specifically intended to eliminate the need for parking along adjoining streets and roads. As such, all required parking areas shall be generally accessible and free of charge to the customers and employees they are designed to serve. Separate lots for employees and customers may be permitted; but parking for a fee, meter or rent of the minimum number of spaces required by this section shall be by conditional use permit only.

AA0802

7. Parking spaces for the handicapped and any necessary curb cuts and ramps shall be provided in all parking lots in conformance with the standards for numbers and design found in the Virginia Uniform Statewide Building Code.

B. Design.

Parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Parking areas accessory or otherwise, containing more than ten parking spaces shall comply with the following:

1. The parking area shall be separate from the street right-of-way and property lines by a landscaped strip at least ten feet in width. Ingress and egress shall be provided through driveway openings only. In the event a joint parking lot is proposed, the required landscaped strip along the common property line shall be waived.

2. The parking area shall be constructed so that spaces are grouped into bays. At the end of each bay, a landscaped island of at least ten feet in width and fifteen feet in length shall be built to separate the bays from each other or from traffic lanes. When the parking bays contain double rows of parking spaces, the landscaped island shall be increased to ten feet in width and thirty feet in length.

3. The landscaped area within the parking lot shall not be less than 7.5% of the surface area of the parking lot. The perimeter landscaped strip required by this chapter shall be excluded from the calculations of the minimum landscaped percentage; except that any portion of the perimeter landscaped strip which exceeds the minimum required may be counted as up to one-third of the required landscaped percentage or against up to 2.5% of the surface area of the parking lot. Parking lots with two bays or less of single rows or parking may include the entire perimeter landscaped strip, including the minimum required, in the calculation of the landscape percentage without limitation.

4. "Landscaped area," "landscaped setback," "landscaped strip," "landscaped island," or "perimeter open space," as herein used are defined as areas containing shrubs, trees, flowers and grass. Such areas shall be shown on the site plan or a separate landscaping plan for the site which shows the size and type of existing trees, trees to be removed and new trees, shrubs, flowers and grass to be planted. A minimum of one tree, ten feet in height or taller shall be provided within the landscaped areas in the parking lot for each ten parking spaces in the lot. Existing trees and natural vegetation shall be retained wherever possible, particularly where they border adjacent property. All landscaped areas contiguous to parking bays shall be protected from intrusion by vehicles by curbs or bumpers.

5. Adequate lighting shall be provided if the uses which are served by the parking lot will be in operation at night. The lighting in parking lots shall be directed so as not to produce objectionable glare on adjacent property or streets, and no lighting fixture shall exceed a height of thirty feet.

6. The design of the parking lot shall meet the minimum geometric standards presented in the following table:

MINIMUM OFF-STREET PARKING AREA DIMENSIONS

Angle of Parking (degrees)	Direction of Traffic	Dimension of Stall (feet)	Width of Aisle (feet)*
Parallel	One-way	8 x 22	12
45	One-way	9 x 18	12
60	One-way	9 x 18	18
90	Two-way	9 x 18	24

\* Minimum width of traffic aisles in parking lots for two-way traffic shall be twenty-four feet.

7. Parking areas, driveways, and entrances shall be surfaced with gravel, stone, asphalt or concrete, and shall be maintained in good repair. Adequate drainage shall be provided for the removal of storm water and a drainage plan shall be submitted with the site plan and approved by the County Engineer.

8. The location, size, and number of entrances from parking areas onto public or private roads shall be shown on the site plan. Upon finding that on-site traffic circulation, off-site traffic flow, or public safety would be improved, the Planning Commission may require the location, number or size of entrances to be limited or increased.

C. Special provisions for bus parking.

Bus parking areas shall be arranged for functional efficiency and convenience and shall be designed to be amenable to surrounding property. Bus parking areas, accessory or otherwise, are exempted from the requirements of B. "Design," but shall comply with A. "General provisions" and with the following:

1. Site plans, in accordance with Article II of this Chapter, shall be submitted for all new off-street parking areas for buses or for any additions to existing off-street parking areas for buses. (This requirement supercedes A. 5 above.)

2. Parking areas to be used for bus parking shall be used for bus parking only. Signs shall be erected within the parking lot indicating those areas designated for bus parking only.

3. For perpendicular or angled parking, the minimum size of a bus parking space shall be twelve feet wide and forty feet long. For parallel bus parking spaces, the minimum size shall be twelve feet wide by fifty feet long. The width of aisles within bus parking lots shall be determined by the turning radii necessary to safely maneuver into and out of the parking spaces; however, shall in no case be less than twenty-four feet wide.

4. Bus parking areas shall be surfaced with gravel, stone, asphalt or concrete and shall be maintained in good repair. Adequate drainage shall be provided for the removal of storm water and a drainage plan shall be submitted with the site plan and approved by the County Engineer.

5. Bus parking areas which contain less than four spaces shall be separated from all street rights-of-way and property lines by a landscaped strip ten feet or greater in width. Bus parking areas which contain four or more spaces shall be separated from all street rights-of-way and property lines by a landscaped strip twenty feet or greater in width. The landscaped strip shall be planted with trees, shrubs, flowers or grass and shall contain at least one tree ten feet in height or greater for each ten bus spaces or fraction thereof.

6. Adequate lighting shall be provided if the uses which are served by the bus parking area will be in operation at night. The lighting shall be directed so as not to produce objectionable glare on adjacent property or streets, and no lighting fixture shall exceed a height of thirty feet.

D. Minimum off-street parking requirements.

1. Residential uses: The minimum number of off-street parking shall be one space per single-family residential unit. Other residential uses shall provide one and one-half spaces per residential unit.

2. Commercial uses: Commercial and institutional uses shall be divided into various categories according to the parking demand which they generate, as follows:

AAC802

CATEGORY A. High Parking Demand Generators shall provide one parking space per two hundred square feet of retail floor area, to include:

- General retail stores.
- Retail food stores, bakeries, and fish markets.
- Laundries and dry cleaners.
- Wearing apparel, shoes, yard goods, toys, music and records, tailors, dressmakers, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, tobacco and pipes, jewelry sales and service, books, greeting cards, and sporting goods stores.
- Drug stores.
- Plants and garden supply, hardware and paint, and home appliance sales and service.
- Antique, novelty, arts and crafts, and gift shops.
- Libraries and post offices.
- Lodges, civic clubs, fraternal organizations, service clubs, public billiard parlors, arcades, pool rooms, dance halls, and private clubs.
- All other commercial uses not specified in Category B or C below.

Category B. Moderate Parking Demand Generators shall provide one parking space per two hundred and fifty square feet of retail floor area, to include:

- Banks and financial institutions.
- Corporate, business and professional offices.
- Lumber and building supply.
- Plumbing and electrical supply.
- Tire, transmission, glass, body and fender, and other automotive product sales and service.
- Machinery sales and service.
- Photography studios and sales and artist and sculptor studios.

Category C. Uses with unique requirements.

- (a) Motels, hotels and tourist homes shall have one parking space per rental unit plus one parking space for every two hundred square feet of accessory, retail or business use.
- (b) Theaters, auditoriums and places of public assembly shall have one parking space per five seats based upon the planned seating capacity.
- (c) Hospitals, nursing homes or convalescent facilities shall provide one parking space for every three patients or beds, plus one parking space for each employee on the largest shift.
- (d) Outdoor retail sales/display areas shall provide at least one parking space per five hundred square feet of area.
- (e) Bowling alleys shall have three parking spaces per alley plus one space for every two hundred square feet of accessory business use.
- (f) Barber shops and beauty shops shall have at least three spaces plus two spaces for every barber or beautician chair.
- (g) Planned shopping centers, with four or more stores using a common parking lot, which contain from twenty thousand square feet to sixty thousand square feet of retail floor area shall provide at least one parking space for every two hundred and fifty square feet of retail floor area. Planned shopping centers which contain sixty thousand square feet or more of retail floor area shall provide at least one parking space for every three hundred square feet of retail floor area. Where a theater is proposed in conjunction with any shopping center which contains at



least sixty thousand square feet of retail floor area the number of parking spaces required for the theater may be reduced by twenty-five percent of what would have been required under (b) above. All shopping centers utilizing the provisions of this paragraph shall have a minimum landscaped strip along street rights-of-way of twenty feet and the landscaped strip along all other property lines shall be a minimum width of fifteen feet.

(h) Medical and dental clinics shall provide at least three parking spaces for each doctor or dentist having offices in such clinic.

(i) Mortuaries and funeral homes shall provide at least thirty parking spaces.

(j) Furniture stores, carpet show rooms and indoor vehicular sales show rooms shall have one parking space for every four hundred square feet of retail floor area.

(k) Restaurants shall have one parking space for every four seats based upon the maximum seating capacity allowed.

3. Industrial uses: Industries, warehouses and wholesale establishments not selling directly to the public shall provide a minimum of one parking space per two employees or the largest shift.

4. Where the required number of parking spaces is not set forth for a particular use in the preceding sections, where the applicant is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the Commission shall determine the number of spaces to be provided.

5. Appeals, variances, special exceptions.

(a) Appeals. The Commission shall determine the category and the number of spaces required for each use. A property owner may appeal for a change of a commercial use from Category A to Category B or a less restrictive requirement within Category C; however, the burden of proof shall be upon the applicant to show that the particular activity will not reasonably generate parking demand sufficient to justify the parking requirement of its present classification. Appeals for changes to different parking classifications shall be made to the Board of Supervisors.

(b) Variances. A property owner may be granted a variance by the Board of Zoning Appeals from the minimum off-street parking requirements if it can be shown that due to unique circumstances, a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any variance granted by the Board of Zoning Appeals shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The Board of Zoning Appeals may place conditions upon the granting of a variance, and may require that the parking area not required upon the granting of the variance be landscaped in addition to the minimum landscaping requirements.

3. Case No. Z-7-80. - Application of Mr. Joseph T. Welstead to rezone Temple Hall Estates Subdivision (82 acres) from A-1, General Agricultural to R-2, Limited Residential. The property is located between old Route 168 and I-64.

Mr. William C. Porter, Jr., Director of Planning, presented this case before the Board of Supervisors. Mr. Porter stated that he had received a phone call from Mr. Welstead, requesting that the application be withdrawn, therefore, he recommended that the Board withdraw the case.

A brief discussion was centered around the fact that Mr. Welstead's request was not in writing to the Board of Supervisors. Mr. Porter and Mr. Taylor commented that they had mentioned to some residents of the area that Mr. Welstead had called to withdraw his application.

Mr. Taylor motioned to allow Mr. Welstead to withdraw the case. The motion carried by a 4-1 roll call vote, with Mr. DePue dissenting.

4. Case No. SUP-4-80. Application of Mrs. Joycie P. Braxton for a Special Use Permit to allow the operation of a small day care center within her home, which is located within the R-2, Limited Residential District. The property is located at 103 Indigo Terrace.

Mr. William C. Porter also presented this case before the Board explaining the location, topography, public utilities, surrounding development, and the recommendations of the Planning Commission regarding the issuance of the Special Use Permit.

Mr. Bartlett asked that Mr. Porter explain the procedure for notifying adjacent property owners.

Mr. Porter explained that they first check the real estate records to find out who the adjacent property owners are. The case is advertised twice before the Planning Commission's meeting at which time adjacent property owners are notified and letters are sent prior to the appearance of the first advertisement. The same procedure is followed with the Board of Supervisors' meeting.

Mr. Edwards asked if any responses had been received from any adjacent property owners.

Mr. Porter replied that the Planning Department had not received any responses.

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

After a brief discussion about the time limit of a Special Use Permit, Mr. Taylor moved for approval of the Special Use Permit. The motion carried by a unanimous roll call vote.

##### 5. Proposed Master Water Plan

Mr. James B. Oliver, Jr., County Administrator stated that the staff was prepared to make a presentation on the Proposed Master Water Plan if the Board desired. He added that the Water Plan has been presented at two Planning Commission meetings, and has also been before the Board of Supervisors.

Mr. Edwards opened the public hearing.

Mr. Walter J. Scruggs, Chairman of the James City County Planning Commission, addressed the Board concerning the Water Plan. He commented that the County has been working on this Plan for 15 years and has finally come up with a good one. He mentioned that James City County is very fortunate not to have had the water problems of other areas, and the County should develop their own natural resources. He concluded by saying that he felt the Board of Supervisors should endorse the Plan.

Mr. Robert Gilley, resident of the Jamestown District, commented that the water in his deep well has dropped considerably since 1962; therefore, he urged the Board of Supervisors to adopt the Water Plan before the County faces serious water problems.

Reverend James B. Tabb, resident of James City County, commented that he also felt the Board of Supervisors should adopt the Plan.

Following a brief discussion, Mr. Bartlett motioned to adopt the Plan. The motion carried by a unanimous roll call vote.

#### 6. Public Discussions

Mr. Edwards asked if anyone in the audience wanted to address the Board on any matter.

Ms. Alleyne Blayton, resident of James City County, commented on the terrible odor in the Grove community. She urged the Board of Supervisors to assist the community in getting the Hampton Roads Sanitation District to do something about the odor, because evidently something is not being done right.

Mr. Frink commented that he had spoken with the manager of the sewage treatment plant, and there is definitely a problem.

Mr. Bartlett mentioned that he had smelled the odor on Interstate 64 on several occasions, and suggested that the County Attorney check to see what the County's rights are in such matters.

Following a brief discussion, the Board of Supervisors decided to invite Mr. Jim Borberg, General Manager of Hampton Roads Sanitation District, to attend the Board's September 22, 1980 meeting.

#### D. CONSENT CALENDAR

Mr. Edwards motioned to approved all items on the Consent Calendar. The following items were approved:

#### 1. Landscaping at Fire Station No. 4

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

#### TRANSFER OF FUNDS - FIRE DEPARTMENT

WHEREAS, it is desirable to improve the landscaping at Fire Station No. 4 on Olde Towne Road;

THEREFORE, BE IT RESOLVED that \$1,595.00 is hereby transferred from School Administration Construction Account No. 0013039.6102 to the Fire Department Operating Budget Account No. 0001072.0430 for landscaping at Fire Station No. 4.

#### 2. Case No. CUP-25-80. Conditional Use Permit - Mr. Lawrence E. White

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

#### CONDITIONAL USE PERMIT

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

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

AAC802

Applicant: Lawrence E. White  
 Tax Map ID: (11-2) (1-17B)  
 District: Stonehouse  
 Zoning: A-1, General Agriculture  
 Permit Terms: N/A  
 Further Conditions: None

3. Setting Public Hearing Date

A public hearing will be held on Case No. Z-4-80 and SUP-5-80 at the Board of Supervisors' October 13, 1980 meeting.

4. Sanitary District Number 1 Liens

RESOLUTION

Sanitary District #1 - Liens

WHEREAS, the Manager of the James-York Joint Sanitary Board has certified to the Board of Supervisors of the County of James City that the following list of sewer accounts in the James City County Sanitary District #1 are delinquent and unpaid; and,

WHEREAS, such unpaid or delinquent charges are a lien against the real property on which the use of such systems are made and for which the charge was imposed;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 21-118.4, paragraph E of the Code of Virginia, 1950, as amended, the Board of Supervisors directs that the following attached delinquent charges for use of the sanitary system in James City County Sanitary District #1 be entered in the Judgment Lien Docket of the Clerk's Office of James City County, Virginia.

E. BOARD CONSIDERATIONS

1. Discussion of Bough Springs Subdivision Road

Mr. John E. McDonald, Assistant to the Administrator, informed the Board that the people who were to make the presentation had called to say that they are not prepared at this time, but it will probably be on the agenda at a later date.

2 Delinquent Taxes - 1979

Mr. James B. Oliver, Jr., County Administrator, informed the Board that this item was informational, therefore no action is required.

3. EMS - Five Year Plan

Mr. Oliver stated that this item was a carryover from the Board's last meeting, and recommended adoption of the resolution authorizing the endorsement of the EMS Five Year Plan.

Mr. DePue moved to adopt the resolution. The motion carried by a unanimous roll call vote.

WHEREAS, the Board of Supervisors of James City County wishes to establish a long range planning approach to the delivery of Emergency Medical Services to County residents; and,

WHEREAS, the proposed EMS 5-Year Plan seeks to provide for the orderly deployment of manpower and equipment and financial resources to the Emergency Medical Services Program,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County adopts the EMS 5-Year Plan.

4. School Contract

Mr. Edwards mentioned that this item is not complete at this time, but will be discussed at the next Board meeting.

F. MATTERS OF SPECIAL PRIVILEGE

None

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver requested that the Board of Supervisors adopt a resolution to change the County's associate membership with the Virginia Municipal League to become a regular member.

Mr. Edwards moved to approve the resolution. The motion carried by a 4-1 roll call vote, with Mr. DePue dissenting.

R E S O L U T I O N

VIRGINIA MUNICIPAL LEAGUE MEMBERSHIP

WHEREAS, the Board of Supervisors of James City County has previously enjoyed associate membership in the Virginia Municipal League; and,

WHEREAS, full membership in the Virginia Municipal League would provide the County with voting privileges and opportunities for elective office in this progressive local government organization;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to request full membership of the County in the Virginia Municipal League.

Mr. Oliver reported that dog tags and auto decals are available through the Citizen's Assistance Office in Toano.

Mr. Edwards moved to go into executive session for the purpose of discussing a pending legal matter and personnel item, pursuant to Section 2.1-344 (a)(1) of the Code of Virginia, 1950, as amended. The motion carried unanimously.

The Board convened into executive session at 9:05 P.M. and reconvened to public session at 9:37 P.M.

Mrs. Laura Rhyne was reappointed a 3-year term to the Peninsula Agency on Aging.

Mr. Edwards moved that the Board recess until 11:00 A.M., Tuesday, September 9, 1980.

The meeting RECESSED at 9:39 P.M.

\_\_\_\_\_  
James B. Oliver, Jr.  
Secretary

AAC802