

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 TWENTY-SIXTH DAY OF MARCH, NINETEEN HUNDRED AND SEVENTY-NINE AT 3:00 P.M.

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, County Administrator
John W. Watkins, Assistant to the Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - March 12, 1979

Mr. Frink moved the approval of the minutes of March 12, 1979, as printed. The motion carried by a unanimous roll call vote.

1. Highway Matters

Mr. Taylor noted that Mr. James P. Kelley of the Highway Department was in attendance and asked if he had any matters to bring before the Board.

Mr. Kelley said he was attending the meeting in Mr. Hall's absence due to the fact that Mr. Hall was attending another meeting. Mr. Kelley stated he did not have any matters to bring before the Board, but would be glad to relate to Mr. Hall any problems the Board might have.

Mr. Taylor asked if any solutions had been found regarding the problems he had talked to Mr. Hall about during a past meeting. He said the items involved a guardrail at Route 603 and Berkeley Town Road and a stop sign at the intersection of Route 168 and Route 601.

Mr. Kelley said he would ask Mr. Hall to contact Mr. Taylor regarding these items.

Mr. Donaldson asked what actions were planned to correct the deteriorating pavement on South Henry Street where it crosses Paper Mill Creek.

Mr. Kelley reported that when construction goes through a swamp, as done for South Henry Street, deterioration is anticipated. Last year a minor overlay was applied to this street and as more settlement was anticipated, another surface overlay treatment is scheduled. Mr. Kelley also indicated another surface treatment application would probably be scheduled for this year.

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C. SETTING PUBLIC HEARING DATE

1. Vacation of Plat-Shellbank Woods Corporation

The Board members agreed the Public Hearing should be scheduled for April 23.

D. PUBLIC HEARING

1. Case No. Z-1-79. An application of Dr. William M. Lee to rezone approximately 6.2 acres located on Route 612 (Longhill Road) and adjacent to New Zion Baptist Church from A-1, General Agriculture to R-3, General Residential.

Mr. Taylor reported that this case was continued from the last Board meeting in order to allow time for notification of New Zion Baptist Church.

Mr. Oliver said there was no plan to make a further presentation on this case; however, if any questions arise, Mr. Porter was prepared to answer them.

Mr. Oliver noted that Rev. Moody was in the audience and that he might have some comments for the Board.

Mr. Taylor opened the public hearing.

Rev. J.H. Moody, Pastor of the New Zion Baptist Church reported that he met with the trustees of the Church and there was no objection to this application.

Rev. Moody further indicated that Mrs. Elizabeth Carter, an adjacent property owner, was also in attendance.

Mrs. Carter asked what effect the rezoning of this property from Agriculture to Residential would have on surrounding property. "Does this mean taxes would be going up?"

Mr. Porter stated that this rezoning case involved only Dr. Lee's property and would not affect the uses permitted on her property.

Mrs. Carter stated she was concerned because she would be located between Middle Plantation on one side and Dr. Lee's property on the other.

Mr. Porter stated that although he was not an assessor, he would expect property values to increase in the Longhill Road area, which would in turn affect taxes.

There were no further comments; therefore, Mr. Taylor closed the public hearing.

Mr. Frink moved for approval of the rezoning of this property from A-1 to R-3 and the issuance of a conditional use permit to allow construction of a 4-unit multi-family dwelling with the following conditions:

1. The developer establish a 30,000 square foot lot for each of the two uses on the site.
2. A minimum setback from each side yard of 25 feet for the 4-unit multi-family dwelling. The front yard setback to be 35 feet (parking under the ordinance may take place in the 35 foot setback).
3. The duplex be supplied with 3 off-street parking spaces and the 4-unit multi-family dwelling be supplied with 6 off-street parking spaces.
4. The Longhill Road entrance meet the Virginia Department of Highways and Transportation commercial entrance standards.
5. Any gravel or paving must be set back from the adjacent property line 10 feet. The required right-of-way may be adjacent to the property line but the driveway should be set back 10 feet.
6. A 50 foot road right-of-way be established to provide access to the two lots.

The motion carried by a unanimous roll call vote.

E. PRESENTATION OF FY 79-80 OPERATING BUDGET AND CAPITAL IMPROVEMENTS PROGRAM

Mr. Oliver requested Mr. Robert Murphy to address the Board with a few remarks regarding the budget.

Mr. Murphy presented a brief report on the budget, pointing out the following highlights:

- (1) a 3¢ reduction in the real estate tax rate,
- (2) no increase in any other taxes or fees,
- (3) 7.89% increase in expenditures, with the most significant program increases occurring in the basic service areas of public safety, human services, physical development and recreation.

Mr. Murphy commented that the budget document represented several months of work involving almost all members of the staff. He briefly outlined the process from the initial budget analyses to the technical aspects of putting the budget together.

Mr. Murphy reminded the Board and audience of the schedule that had been established at the last Board meeting for review of the proposed budget.

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| April 9 | - Public Hearing | - 7:30 P.M. |
| April 10 | - Public Worksession | - 3:00 P.M. |
| April 11 | - Public Worksession | - 3:00 P.M. |
| April 16 | - Public Hearing | - 7:30 P.M. |
| April 23 | - Proposed Adoption of Budget | - 3:30 P.M. |

Mr. Oliver stated there were adequate numbers of budgets available for distribution to the public and budgets had already been delivered to most of the major agencies having an interest in the proposed budget.

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Mr. Oliver also explained that, as has been done in the past with the budget, the first Public Hearing is always for the public-at-large. Therefore, the Public Hearing on April 9 is geared to having the public acquire copies of the budget and receiving comments regarding the budget. The Board would not actually be expected to take any definite action during that meeting but rather listen to public reactions. During the worksessions on April 10 and 11, the staff would review the budget, page by page, with the public and the Board. The final public hearing for the document would be held on April 16, with the proposed adoption of the budget taking place on April 23.

F. BOARD CONSIDERATIONS

1. Zoning Advertisement Policy

Mr. Oliver briefly explained the staff memorandum on this item, stating that he was recommending that the Board reinstitute its former policy on advertisements for public hearings. That policy was amended in September of 1977 in an effort to speed up the legislative process as it relates to zoning. At that time it was suggested and the Board concurred that some time could be saved by simultaneously advertising Board Public Hearings with the Planning Commission's hearings. However, because the Planning Commission is deliberating more on some items, cases are being deferred, resulting in a need for the advertisement to be corrected. This process has resulted in confusion for the general public and increased costs to the County. It is requested that the Board repeal Legislative Policy No. 17, which would mean a return to the original policy of advertising Board hearings after the Planning Commission has completed its reviews.

There was no discussion on the matter.

Mr. Donaldson moved to repeal Legislative Policy No. 17 concerning scheduling of Public Hearings.

The motion carried by a unanimous roll call vote.

2. Agreement Between James City County and Alan M. Voorhees to Perform a Transit Marketing Study.

Mr. Oliver stated this was an item that had been before the Board several previous times but had been tied up with a lot of review by State and Federal agencies. Mr. Oliver then called upon Mr. Tony Conyers to make a brief presentation of this matter.

Mr. Conyers briefed the Board members on the proposed agreement with Alan M. Voorhees to perform a Transit Marketing Study; further pointing out that no local money is required for this project. The study is funded with planning assistance money from the Urban Mass Transit Administration through the Peninsula Planning District Commission.

A brief discussion followed Mr. Conyers' presentation.

Mr. Donaldson moved to approve authorization for James City County to enter into an agreement with Alan M. Voorhees to perform a Marketing Study for the County Transit System.

The motion carried by a unanimous roll call vote.

3. Resolution - Consent Calendar

Mr. Oliver presented this matter to the Board. He explained that a Consent Calendar would enable routine items to be grouped as one agenda item, requiring a single motion and vote. This would be for items not requiring debate or discussion, but which must be acted upon in formal session. If any Board member felt it necessary to have an item pulled from the calendar, it would simply be added to the regular agenda for full deliberation and debate.

A brief discussion followed Mr. Oliver's explanation.

Mr. Edwards moved for approval of the resolution establishing a Consent Calendar as part of the regular agenda.

The motion carried by a unanimous roll call vote.

ESTABLISHMENT OF CONSENT CALENDAR

WHEREAS, it is the desire of the Board of Supervisors to expedite its routine and non-controversial business in order to provide additional time for deliberation by the Board on matters requiring such deliberation,

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does establish the following order of business for its meetings:

- A. Roll Call
- B. Minutes of Prior Meetings
- C. Public Hearings
- D. Presentations
- E. Consent Calendar
- F. Board Considerations
- G. Matters of Special Privilege
- H. Reports of the County Administrator
- I. Board Requests and Directives

BE IT FURTHER RESOLVED that the following procedures are established for use of the Consent Calendar:

In preparing the agenda, the County Administrator, or his designee, shall place within the Consent Calendar items of a routine and non-controversial nature. The Consent Calendar shall be introduced by a motion to approve the Consent Calendar. There shall be no debate or discussion by any member of the Board regarding any item on the Consent Calendar except to receive simple clarification. All items on the Consent Calendar which require public hearings shall be open for hearing simultaneously and the Chairman shall announce, or direct the County Administrator to announce, the titles of all such items for public hearing. On objection by any member of the Board of Supervisors to the inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the Consent Calendar. All such items removed from the Consent Calendar shall be considered individually, in the order in which they were removed, immediately following consideration of the Consent Calendar, at which time there shall be full opportunity for discussion. Approval of the motion to approve the Consent Calendar shall constitute approval, adoption or enactment of each motion, resolution, ordinance or other item of business thereon exactly as if each had been acted upon individually.

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G. MATTERS OF SPECIAL PRIVILEGE

Mr. Taylor asked if anyone from the audience had anything to bring before the Board.

There were no comments.

Mr. Taylor asked if the Board members or staff had anything to discuss.

Mr. Oliver briefed the Board on the status of the two new fire stations, stating that he expected to sign a contract today for engineering services on Station #4.

Mr. Oliver indicated he would like to request an executive session to discuss a legal matter and a personnel matter following all other agenda items.

H. REPORTS OF THE COUNTY ADMINISTRATOR

None.

I. BOARD REQUESTS AND DIRECTIVES

None.

Mr. Donaldson moved to adjourn into Executive Session to consider legal and personnel matters. The motion carried by a unanimous roll call vote. The Board members convened in Executive Session at 3:33 P.M. and returned at 4:40 P.M.

Mr. Edwards moved to approve the following statement concerning the school contract and to send it to the members of the City Council and members of the School Boards.

The motion carried by unanimous roll call vote.

STATEMENT ON BEHALF OF THE
JAMES CITY COUNTY BOARD OF SUPERVISORS

We have been notified that Williamsburg intends to sue James City County over an interpretation of the joint school contract. We express our extreme disappointment about this action on the part of Williamsburg. Williamsburg and James City County have had a partnership in education for almost 25 years. There have been high spots and low spots in the partnership, but it has generally increased the opportunity for improved educational services in both jurisdictions. The joint system has been a real advantage to the entire community.

A joint system must depend upon discussion, negotiation and compromise rather than the ultimate step of the filing of litigation. The intention of Williamsburg to sue James City County over the interpretation of one part of the joint school contract is potentially damaging to our partnership in education. It may be said it is only a friendly suit, one that does not express discontent with the joint system, but the fact is that a partnership is weakened rather than strengthened when one party chooses to sue the other to resolve differences. Going to court is costly not only in terms of money spent in legal proceedings, but also because of damages which are done to human relationships in the process; it is a tacit admission of failure in that the partners are professing an inability to resolve their own differences of opinion. In this dispute there has been no opportunity to mutually resolve our own differences.

Over the past several years, we have discussed the school contract with representatives of Williamsburg on several occasions. We have started with two assumptions: (1) the joint school system should be maintained and strengthened, and (2) we should not limit discussions to a single item, but should be willing to discuss all those items which go together to make up the compromise under which we have been working for 25 years. James City County has agreed to talk in the past, and we are prepared to continue to do so in the future. We believe that discussion and negotiation are preferable to litigation.

The current controversy concerns the question of whether fringe benefits should be shared equally by the two jurisdictions or paid on a per pupil basis. This is one example of several disputes that has arisen frequently because of the complicated system in the current contract for allocating costs. A possible alternative is the development of a simple formula which would allocate costs without regard to the particular kinds of expenses which are incurred by the school system. The formula would enable the two jurisdictions to determine the percentage which would be paid by each. This would be much simpler, would save the cost of complicated accounting within the current system and would prevent many disputes from arising. We suggested this formula in discussions with Williamsburg representatives in 1973 and reiterated this approach in discussions again in 1977. We continue to believe that such a change might strengthen the joint system. If we need to change the contract, we should talk about general issues of the contract as a whole rather than simply talking about one specific item.

We believe that the joint system should be continued and strengthened and that discussion between Williamsburg and James City may have that effect. A law suit, on the other hand, can only be seen as a challenge to the joint system. We urge the City Council of Williamsburg to join with us in discussions rather than take legal steps which tend to discourage cooperation.

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

THE MEETING WAS ADJOURNED AT 4:45 P.M.

James B. Oliver, Jr., Clerk
Board of Supervisors

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