

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

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District
 Abram Frink, 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 E. McDonald, Assistant to the Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - August 13 and August 27, 1979

Mr. Frink moved for approval of the minutes of August 13 and August 27, 1979, as printed. The motion carried by a unanimous roll call vote.

C. PUBLIC HEARINGS

I. An Ordinance to Vacate a Portion of that Certain Plat Entitled "Elmwood, Section One, James City County, Virginia," and more Particularly Described as that Common Lot Line of Lots 50 and 51 as Shown on said Plat.

Mr. William C. Porter, Jr., Planning Director, presented this item to the members of the Board.

Mr. Taylor opened the public hearing for this matter. No one wished to speak and Mr. Taylor closed the public hearing.

There was no discussion.

Mr. Donaldson moved for approval of the ordinance to vacate the common lot line between lots 50 and 51 of Elmwood, Section 1. The motion carried by unanimous roll call vote.

ORDINANCE NO. 132

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "ELMWOOD, SECTION ONE, JAMES CITY COUNTY, VIRGINIA," AND MORE PARTICULARLY DESCRIBED AS THAT COMMON LOT LINE OF LOTS 50 AND 51 AS SHOWN ON SAID PLAT.

WHEREAS, application has been made by Joseph A. Abdelnour, Esquire, on behalf of Michael and Susan Vecchione, owners of lots 50 and 51, 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 14.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 10th day of September, 1979, 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 of lots 50 and 51 as shown on that plat entitled, "Elmwood, Section One, James City County, Virginia," prepared by Coenen and Associates, Engineers-Planners-Surveyors and recorded in Plat Book 31, page 31, on November 29, 1973, in the Clerk's office of the Circuit Court for the County of James City be and the same is hereby vacated.
2. That a new plat entitled, "Boundary Line Adjustment Between Lots 50 & 51, Section 1, Elmwood," dated June 28, 1979 and prepared by Small Engineering, Inc., Engineers, Planners, Surveyors, be put to record in the Clerk's office of the Circuit Court for the County of James City, Virginia.

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

2. An ordinance to amend and reordain the code of the County of James City by adding a new chapter, Chapter 5, Bingo and Raffles.

Mr. Frank M. Morton, III, County Attorney, presented this item to the Board.

A brief discussion followed Mr. Morton's presentation.

Mr. Taylor opened the public hearing for this matter.

Mr. George Douglas addressed the Board, requesting that churches be exempted from this ordinance due to the fact that there are quite a few poor churches in the area.

There were no other speakers and Mr. Taylor closed the public hearing.

Mr. Morton responded to Mr. Douglas' request by stating that in accordance with State law, churches could not be exempted from this ordinance.

There was no further discussion.

Mr. Edwards moved for approval of the ordinance establishing local control and restrictions over bingo and raffle operations. The motion carried by unanimous roll call vote.

ORDINANCE NO. 133

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY BY ADDING A NEW CHAPTER, CHAPTER 5, BINGO AND RAFFLES.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that it hereby amends and reordains the Code of the County of James City by adding a new Chapter, Chapter 5, Bingo and Raffles, to read as follows:

ORDINANCE NO.

ARTICLE 1

Section 5-1. Definitions.

The following words shall have the following meanings:

1. "Organization" means any one of the following:

(a) A voluntary fire department or rescue squad or auxiliary unit thereof which has been recognized by an ordinance or resolution of the political subdivision where the voluntary fire department or rescue squad is located as being a part of the safety program of such political subdivision.

(b) An organization operated exclusively for religious, charitable, community or educational purposes; an association of war veterans or auxiliary units thereof organized in the United States, or a fraternal association operating under the lodge system.

2. "Bingo" means a specific game of chance played with individual cards having randomly numbered squares ranging from one to seventy-five, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random. Such cards shall have five vertical rows headed respectively by the letters B.I.N.G.O., with each row having five randomly numbered squares.
3. "Raffle" means a lottery in which the prize is won by a random drawing of the name or prearranged number of one or more persons purchasing chances.
4. "Instant Bingo" means a specific game of chance played by the random selection of one or more individually prepacked cards, with winners being determined by the preprinted appearance of the letters B.I.N.G.O. in any prescribed order on the reverse side of such card.

Section 5-2. Permit required.

Prior to the commencement of any bingo game or raffle by a qualified organization as defined in this article, such organization shall obtain an annual permit from the County Administrator. Such permit shall only be granted after a reasonable investigation has been conducted by the County Administrator.

Section 5-3. Application for permit.

Application for the permit shall be accompanied by a check in the amount of twenty-five dollars payable to the treasurer of James City County. Application for such annual permit shall be made on a form provided by the County Attorney's office. Such application shall be a matter of public record.

Section 5-4. Issuance of permit; requirements, duration, waiver, where valid.

1) Prior to the issuance of any permit, the organization must meet the following:

a) Such organization shall have been in existence and met on a regular basis in the County for at least two years immediately prior to making application for such permit.

b) A permit shall be valid only in the County and only at such locations as are designated in the permit application. However, a permit may be issued to an organization which relocates its meeting place on a permanent basis from one jurisdiction to another and complies with the requirements of subsection (a) of this section and provided further that such organization was the holder of a valid permit at the time of such relocation. An organization which has a permit under this article to conduct a raffle may sell such raffle tickets both in and out of the jurisdiction issuing such permit.

c) Such organization shall be operated currently and shall have been operated in the past as a nonprofit organization and shall have been in existence as such nonprofit organization for a period of at least two years immediately prior to seeking a permit as hereinafter provided.

2) All applications for such permit shall be acted upon by the County Administrator within sixty days from the filing thereof.

3) Upon compliance by the applicant with the provisions of this article the County Administrator may issue an annual permit. All permits shall be subject to reasonable regulation by the County to ensure the public safety in the operation of bingo games.

Section 5-5. Conduct of bingo games.

No organization may hold bingo games more frequently than two calendar days in any one calendar week, except that a special permit may be granted an organization which will entitle an organization to conduct more frequent operations during carnivals, fairs and other similar events at its principal meeting place or any other site selected by such organization which is located in the jurisdiction issuing the permit and which is not in violation of Chapter 20, Zoning.

Section 5-6. "Instant Bingo".

Any organization qualified to conduct bingo games pursuant to the provisions of this article is authorized to play "instant bingo" as a part of such bingo game; provided however, that "instant bingo" may be conducted only at such times as a regular bingo game as defined in Section 5.1 is in progress and only at such location and at such times as are specified in the bingo application permit.

The gross receipts in the course of a reporting year from the playing of "instant bingo" shall not exceed thirty-three and one-third per centum of the gross receipts of an organization's bingo operation.

Any organization playing "instant bingo" shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such instant bingo supplies. The organization shall also maintain a written invoice or receipt from a non-member of the organization verifying any information required by this subsection.

No organization shall sell an "instant bingo" card to any individual below sixteen years of age.

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 during any calendar quarter shall be required to file an additional accounting of its receipts and disbursements during such quarter no later than sixty 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.

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 Article 1 of Chapter 5.

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

the Grand 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."

Solicitation Policy

RESOLUTION

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."

B. Variance for Volunteer Ambulance

RESOLUTION

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.

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RESOLUTION

Sanitary District #2 - Lien

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:

Account Number 011-01-2777000, 011-01-2777002 Blue Ribbon Properties
Barry Silver
(Controller)
Continental Realty
Company

3330 Pacific Avenue
Virginia Beach, VA
23458

Description of Property:
Lot 2777
2777 Pocahontas Trail
Deed Book 167, Page 618

Amount Due:	Water:	\$1025.67
	Sewer:	2047.33
	Penalty:	395.20
	Lien Fee:	.50
Total:		\$3466.70

4. Setting Public Hearing Date Amending and Reordaining Landfill Ordinance (September 8, 1980)

Mr. DePue asked if the Board should actually be considering an ordinance at this time. He commented that he was concerned about the data base and asked Mr. Bass to give some indication as to how much data we have to develop a user fee schedule.

Mr. Oliver stated that three major samplings had been done at different times within a 2-year period. He commented that since the ordinance is being challenged by residents, the County could do more data sampling, if necessary, but several seasonal surveys had been made.

Mr. Bass stated that the County had been recording volumes at several different times for over a year and felt that the data was sufficient.

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.

Notwithstanding the provisions of this article requiring an annual audit, the provisions of this section shall not be construed so as to prohibit the County Finance Department from performing unannounced audits or restrict any right to secure records required to be maintained by the provisions of this article. The County Finance Department 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 article. 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.

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 per centum of the gross receipts which an organization reports. Such audit fee shall accompany each annual report. Such audit fee shall be payable to the Treasurer, James City County.

Section 5-9. Other prohibited practices.

In addition to those other practices prohibited by this article, all those practices enumerated in Section 18.2-340.9 of the Code of Virginia, 1950, as amended, shall also be prohibited in the County.

Section 5-10. Same; penalties.

The Board of Supervisors may deny, suspend or revoke the permit of any organization found not to be in strict compliance with the provisions of this article.

Section 5-11. Enforcement of article; injunctive relief.

In the event that an organization violates the provisions of this article, then the County Attorney may, in addition to the foregoing criminal penalties apply to the circuit court for an injunction restraining the continued operation of bingo games or raffles or any aspect thereof.

Section 5-12. Hearings and appeals.

No permit to conduct bingo games or raffles shall be denied, suspended or revoked except upon notice stating the proposed basis for such action and the time and place for a hearing thereon. After a hearing on the issues, the Board of Supervisors may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of this article. Any organization aggrieved by the decision of the Board of Supervisors may appeal such decision to the circuit court.

Section 5-13. Severability.

All individual provisions of this act shall be severable and if any single provision or portion thereof found by a court of competent jurisdiction to be unconstitutional or in any other way in violation or in conflict with any superior law, such fact shall have no effect on the remainder of this act.

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

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239. Joint Public Hearing Held with James City Service Authority on Revised Water and Sewer Operating Policies and Revised Water and Sewer Rate Schedules for Sanitary District Nos. 2 and 3 and Project Areas Nos. 1, 2, 3, and 4. (Held jointly with Service Authority.)

Mr. Donaldson, Chairman of the James City Service Authority, called to order the meeting for the purpose of this joint hearing, calling the roll and noting that all members of the Board of Directors were present.

Mr. Oliver indicated this matter had previously been the subject of one worksession and asked if there were any comments or suggestions from members of the Boards.

Mr. Oliver suggested that during the September 24th meeting the Board could direct any comments it may have to the staff and then plan the final public hearing for October 8, 1979.

Mr. John McDonald, Assistant to the Administrator, made an in-depth presentation to the Board covering the proposed standard operating policy and revised water and sewer rate schedules. In concluding his presentation, Mr. McDonald suggested the following calendar of activity in reference to this matter:

- | | | |
|--------------|---|---|
| September 10 | - | Preliminary public hearing by joint Board. |
| September 24 | - | Comments and amendments solicited from Boards in worksession. |
| October 8 | - | Final public hearing and adoption of operating policy and rates, effective January 1, 1980. |

Mr. Taylor opened the public hearing for this matter on behalf of the Board of Supervisors.

Mr. Donaldson opened the public hearing on this matter on behalf of the James City Service Authority.

Mr. Edwin Oyer of 139 Indian Circle (Sanitary District No. 2) stated he had been following this matter for a number of years. Mr. Oyer asked if the minimum water service charge in Sanitary District No. 2 was being reduced from \$9.25 to \$7.00.

Mr. McDonald confirmed that fact.

Mr. Oyer stated that he took exception to even paying the \$7.00 service charge due to the fact that this was a closed system and that Newport News and James City County had very little to do with the system.

Mr. McDonald explained that in that particular area the developer had put in a system to provide distribution of water to the neighborhood and then that system connected to a 30" water main on Rt. 60E. He stated that the water line that runs from the Newport News City line, up Rt. 60 and then Rt. 199 to Jamestown Road was built and financed by the County. Mr. McDonald pointed out that although the County had no vested interest in these dedicated lines at this time, there is however, still outstanding debt that relates to those lines.

Mr. Oyer asked if the \$7.00 service charge was paying for water or sewer services. He stated that due to the General Obligation debt for water services being retired, he could not understand why there was still a charge for water service in that area.

Mr. McDonald indicated the water and sewer services in Sanitary District No. 2 had been, in part, financed through a very favorable long-term Farmers Home loan which results in that District having the absolute lowest water rates. Mr. McDonald stated the \$7.00 charge presented the pro-rated share of the Farmers Home debt associated with the water services.

Mr. Oyer asked about the term of this debt.

Mr. McDonald stated the Farmers Home loan was a 38-year loan and it was acquired in 72.

Mr. Oyer asked if there would still be a deficit in Sanitary District No. 2 next fiscal year.

Mr. McDonald stated he did not think there would be a deficit in the district this year although for the first ten years of the debt the County is required to generate revenue equal to 1.2 of the annual financing of the debt. He stated he did not know if the County would meet that debt service requirement.

Mr. Oliver, County Administrator, stated that one of the long range goals of the County was to bring all water and sewer systems under one uniform system. In going back over the history of the financing of some of the systems, he pointed out that S.D. #2 had benefitted from some grants and that economic conditions were more favorable at the time S.D. #2 had been financed. However, other systems had had to finance the systems almost totally with loans. He stated the administration was trying to make the overall system equitable and to have the County as a whole finance all the systems.

Mr. Oyer asked if the rates and tables presented were based on what the consulting firm had determined.

Mr. McDonald stated this proposal was based on the data the consulting firm had submitted.

On one else wished to speak and Mr. Taylor closed the public hearing.

Mr. Donaldson closed the public hearing for the Service Authority.

Mr. Donaldson moved to set the date for public hearing on this matter as October 8, 1979 at 7:30 P.M. The motion carried by a unanimous roll call vote..

No other items came before the Service Authority and Mr. Ware moved to adjourn the meeting. The motion carried by unanimous vote.

It was the consensus of the Board of Supervisors to set the final public hearing for this matter on October 8, 1979.

Q CONSENT CALENDAR

1. Setting Public Hearing Date-Vacation of Plat-Windsor Forest, Section 7, Lot 14.

October 8, 1979 at 7:30 P.M. was recommended as the public hearing date and time for the above listed matter.

2. Certification of Warrants

CERTIFICATION OF WARRANTS

August, 1979

On a motion by Mr. Taylor and carried by a 5-0 roll call vote, the Board of Supervisors of the County of James City, Virginia, hereby certifies the following warrants for the month of August , 1979.

GENERAL FUND	Checks	#8129 - 8414
	Totalling	\$821,238.93
GENERAL FUND PAYROLL	Checks	#17944 - 18330
	Totalling	\$123,049.46
SANITARY DISTRICT NUMBER 1	Checks	#76-77
	Totalling	\$4,298.27
SANITARY DISTRICT NUMBER 2	Checks	#73-96
	Totalling	\$3,600.46
SANITARY DISTRICT NUMBER 3	Checks	#898 - 914
	Totalling	\$7,652.42
SUBDIVISION ESCROW		- 0 -
REVENUE SHARING	Checks	#573 - 585
	Totalling	\$44,487.59
ANTI-RECESSION	Checks	#12
	Totalling	\$266.75
TOANO WATER CONSTRUCTION		- 0 -

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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 the 10th day of September, 1979.

Mr. Taylor moved for approval of both Consent Calendar items. The motion carried by unanimous roll call vote.

E. BOARD CONSIDERATIONS

1. Resolution - Landfill Excavation

Mr. Wayland N. Bass, Director of Public Works, presented this item to the Board, stating that due to unanticipated increases in refuse volumes at the landfill, additional appropriation of funds would be necessary.

A brief discussion followed Mr. Bass' presentation.

Mr. Edwards moved for approval of the resolution. The motion carried by unanimous roll call vote.

R E S O L U T I O N

LANDFILL EXCAVATION

WHEREAS, solid waste volumes reaching the Landfill have shown an unanticipated increase,

NOW, THEREFORE, BE IT RESOLVED, that \$22,000 is hereby appropriated from the Contingency Account (001-184-9011) to the FY 80 Capital Improvement Budget (0013-034-6125) to provide additional Landfill excavation for the proper disposal of solid waste.

2. Resolution - Olde Town Station Construction Contract

Mr. Robert M. Murphy, Assistant to the Administrator, presented this item to the Board, indicating that Philip Richardson Co., Inc. had been determined as the low bidder for construction of the Olde Towne Fire Station.

Mr. Murphy itemized the proposed project budget as follows:

Construction Contract	\$186,350
Furnishings	8,200
VEPCO	2,000
C&P	1,000
Water	2,500
Engineering Fees	11,150
5% Contingency	9,300
Soils Testing	2,000
	<u>\$211,350</u>

A brief discussion followed Mr. Murphy's presentation.

Mr. Frink moved for approval of the resolutions to award the construction contract to Philip Richardson Co., Inc. and to transfer funds necessary from Contingency Account (184-9011) to accomplish this. The motion carried by unanimous roll call vote.

OLDE TOWNE FIRE STATION CONSTRUCTION CONTRACT

A RESOLUTION TO ENTER INTO A CONTRACT WITH PHILIP RICHARDSON COMPANY, INC. IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-SIX THOUSAND THREE HUNDRED FIFTY DOLLARS FOR THE PURPOSE OF CONSTRUCTING THE OLDE TOWNE FIRE STATION.

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

1. That it hereby authorizes and directs the Chairman of the Board of Supervisors and the Clerk to the Board to enter into a contract with Philip Richardson Company, Inc. in an amount not to exceed one hundred eighty-six thousand three hundred fifty dollars (\$186,350.00) for the purpose of constructing the Olde Towne Fire Station.
2. That it hereby authorizes and directs the Chairman of the Board of Supervisors and the Clerk to the Board to execute same and such other documents as may be required on behalf of James City County for the purpose stated above.

R E S O L U T I O N

TRANSFER OF CONTINGENCY FUNDS FOR OLDE TOWNE FIRE STATION

WHEREAS, the Board of Supervisors has been asked to authorize the construction of the Olde Towne Fire Station, and

WHEREAS, sufficient funds are not available in the Olde Towne Fire Station Construction account,

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby approves the transfer of funds indicated below for the purpose of constructing the Olde Towne Fire Station:

Transfer of funds from:	
Contingency account (184-9011)	\$39,735
Transfer of funds to:	
Capital Budget	
Olde Towne Fire Station	\$39,735

3. Boards and Commissions Appointments

Mr. Oliver reminded the Board members of the request to appoint someone to serve as James City County's representative on the "Local Celebrations Committee" for the Yorktown Bicentennial.

Mr. Oliver outlined the purpose of the committee for the benefit of those in the audience.

It was the consensus of the Board that this matter should be continued until the next meeting.

F. MATTERS OF SPECIAL PRIVILEGE

Mrs. Vickie Duke of upper James City County addressed the Board in reference to complaints she had regarding the school bus system. She was concerned specifically with the new policy instituted by the School system whereby for energy conservation measures, children from several bus stops were being asked to gather at a central location, allowing for fewer stops by the bus. Mrs. Duke indicated that her two young children were being forced to cross the road in order to get on the school bus even though the bus turns around at the end of the road and comes right past her house on its return. Mrs. Duke said she was especially concerned about what she considers a very dangerous and hazardous situation. Mrs. Duke stated she and her husband had talked with representatives of the School Board in reference to this situation, but with no satisfaction. Mrs. Duke said if the school system did not have enough funds to operate on, then perhaps the Board of Supervisors should appropriate additional money to allow them to do so. Mrs. Duke also said she questioned the logic behind a bus driver being allowed to drive a school bus 35 miles a day without children on it to and from the driver's home if the objectives was to conserve fuel.

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Mr. Taylor stated that although the Board of Supervisors appropriated funds to the School Boards, this was really a School Board matter, in which the Board of Supervisors did not have any jurisdiction. Mr. Taylor suggested that Mrs. Duke take this matter to the School Board at their next meeting.

Mr. James Duke also addressed the Board and asked if the School Board was required to submit its budget to the Board of Supervisors.

Mr. Taylor said the school budget was presented to the Board, but that it was not broken down in detailed accounts.

Mr. Oliver reported that his office had had some conversation with the School Board in reference to this matter and that it had been indicated to be a policy issue as opposed to a budgetary issue. He stated that he understood through the news media the School system is just trying to conserve energy. In reference to this particular case, he said there seems to be a disagreement over whether there exists a life-safety problem.

Mr. Taylor repeated that the School Board was the governing body for the School system and the Board of Supervisors was really in no position to offer any relief to Mr. and Mrs. Duke.

Mrs. Duke handed out copies of a letter she intended to have published to the members of the Board and Mr. Oliver before returning to her seat.

LETTER

Mrs. Betty Stewart of Lanexa also spoke in reference to the same matter, citing an instance in which her son was almost killed while crossing the road in front of the bus.

Mr. Edwin Oyer also commented on this matter, stating his son had been getting on the bus for the last seven years at the same place and now he has to walk a half-mile to get on the bus.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver brought to the attention of the Board members that a letter of referral to the Peninsula Ports Authority concerning a request by Lamar Jolly for revenue bond financing still remains outstanding. Mr. Oliver pointed out that Mr. Jolly's request for bond financing for a proposed Howard Johnson's hotel complex had recently been denied by the James City County Industrial Development Authority. Although the Authority did not want to recommend a particular course of action to the Board of Supervisors in reference to this matter, it did want to remind the Board of their outstanding letter of referral. Mr. Oliver also pointed out that the Peninsula Ports Authority had tabled Mr. Jolly's proposal.

Mr. Edwards stated that the James City County Industrial Development Authority had turned down Mr. Jolly's request after some careful consideration and therefore the Board of Supervisors should go on record as supporting the position of the Authority and that that opinion be conveyed to the Peninsula Ports Authority and ask that they take appropriate action consistent with the action taken by James City County.

A brief discussion ensued--specifically in reference to the ambiguity of the Virginia Code in regard to commercial issues coming before Industrial Authorities.

Mr. Edwards moved that the Board go on record in support of the decision of the James City County Industrial Authority and that information be conveyed to the Peninsula Ports Authority and that the Peninsula Ports Authority be asked to act in accordance with that decision.

A brief discussion followed during which Mr. Taylor stated he did not like to withdraw a decision the Board had already made. Mr. Edwards pointed out that by the Board being in favor of reactivating the Industrial Development Authority and now that the Authority has considered local opinion and debated a great deal on this matter before finally deciding that this request is not a good idea--the Board should then stand behind the Authority. Mr. Donaldson, although agreeing with Mr. Taylor about withdrawing approval of an item, stated the Board had done so before the Industrial Development Authority had been reactivated but now that it had been activated, the Board should stand behind it. Mr. Frink said he seemed to recall having read that Mr. Jolly intended to build this motel whether he received the bond issue or not. Mr. Ware stated he thought the Board should support the decision of the IDA, just as a matter of policy.

Mr. Edwards' motion carried by a unanimous roll call vote.

None.

There were no further matters to come before the Board and Mr. Ware moved to adjourn until 7:15 P.M. tomorrow, Tuesday, September 11th when the group would be meeting to commence their trip to Jacksonville, Florida in order to view the Anheuser-Busch Turf Farm.

The motion carried by a unanimous roll call vote.

THE MEETING ADJOURNED AT 9:22 P.M.


James B. Oliver, Jr.
Clerk to the Board

DFC/pc

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