

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, 295
VIRGINIA, HELD ON THE TWENTY-SIXTH DAY OF NOVEMBER, NINETEEN HUNDRED SEVENTY-NINE,
AT 3:00 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 (Arrived at 3:09 P.M.)

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

B. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer of the Highway Department, updated the Board on the status of the Grove Interchange, stating that although he did not have anything encouraging to report concerning it, the Federal Highway Administration had been supplied with additional information on the project and that material is being studied at this time.

Mr. Taylor asked if it were possible to have additional signs placed near the intersection of Rt. 607 and Rt. 60 in front of the Soap and Candle Factory, as he understood there had been several accidents in that area.

Mr. Hall said he would check into the matter.

Mr. Taylor also inquired as to the status of Otey Drive in Chickahominy Haven.

Mr. Hall stated that the Highway Department had officially taken Otey Drive into the system.

Mr. Taylor said he had received reports concerning the fact that where Otey Drive intersects with Riverside Drive, it nearly runs into a residence. Mr. Taylor asked if a "Dead End" sign or some other indicator could be posted.

Mr. Hall stated he would investigate the matter.

Mr. Frink asked the status of the Rt. 60-E Widening Project.

Mr. Hall indicated that project has been shelved for the time being. He further stated that although it was thought the right of way acquisition could proceed, that also had been shelved at this time.

Mr. Hall reported that the Rt. 199 Corridor Alignment plans were now available at his office and he would also have a set delivered to the Planning Office by the end of the week.

C. CONSENT CALENDAR

1. Proposed Revision of Grievance Procedure

A resolution authorizing the adoption of a revision to the County Grievance Procedure involving the selection of grievance panel members.

Mr. Taylor moved for approval of the Consent Calendar item. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

ADOPTION OF REVISED GRIEVANCE PROCEDURE

WHEREAS, James City County adopted a Grievance Procedure on February 26, 1979;
and

WHEREAS, action of the 1979 General Assembly made that procedure not in conformance with State law regarding the selection of Grievance panel members;

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Mr. Morton recommended that at the time this matter was presented, the ceiling for compensation be set a little higher than the Board actually anticipated due to the fact that the Board actually has the right to set the amount within that boundary and then it would not necessitate having to go back to the General Assembly with another request.

RESOLUTION

COMPENSATION OF BOARD MEMBERS

WHEREAS, the Board of Supervisors recognizes that the duties of Chairman and Vice-Chairman have become positions of ever-increasing responsibility;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, under the provisions of Section 14.1-46.01 of the Code of Virginia, that the compensation for the position of Chairman be increased to \$3,000 per annum and that the compensation for the position of Vice-Chairman be increased to \$2,400 per annum; and

BE IT FURTHER RESOLVED that such increases shall be made effective on January 1, 1980 and that said increases shall be funded by transferring \$900 from the Contingency Account (0001 084.9011) to the Board of Supervisors Salaries Account (0001 011.0110).

5. Planner I Position for Office of Planning

Mr. William Porter, Jr., Director of Planning, presented this item to the Board, setting forth the reasons and justification for the request for a Planner I position in order for the Planning Department and Planning Commission to meet their comprehensive planning responsibilities.

Following Mr. Porter's presentation, Mr. Walter J. Scruggs, Chairman of the Planning Commission, also addressed the Board regarding this matter. Mr. Scruggs pointed out that the Planning Commission has, in addition to its regular monthly meeting, set up a work session for the first Monday of each month and this in itself has meant an increase in workload for the staff.

A lengthy discussion ensued.

Mr. Ware voiced concern that some of the projects listed as reason for this request due to the complexity of their reviews, had in fact now been completed or withdrawn. Mr. Ware also referred to the citizens group which had been responsible for much of the work involving the Comprehensive Plan and asked if a staff person would now be responsible for the updating of that plan. He also asked if it would be necessary to hire a consultant in addition to this new staff person.

Mr. Edwards said he supported the request and that he could see how many times the routine little things would push aside the more important items due to lack of help. Mr. Edwards also stated he thought it would be beneficial to have someone work in the area of economic development for the County.

Mr. Frink said he had mixed emotions concerning the request for this position. He said he was not sure one individual could handle all the responsibilities set forth in Mr. Porter's justification for the position, and especially considering all the work involved with the mobile home situation during the past few months. However, on the other hand, he agreed with Mr. Ware that some of the projects listed had been completed.

Mr. Frink continued by stating he would like to have the staff held to a minimum and not put on any new employees. Mr. Frink said he would in this instance support the recommendation for the Planner I with reluctance and with the understanding that an evaluation report would be presented at the end of twelve months. Mr. Frink further stated that at that time, after the Comprehensive Plan work had been completed, there may no longer be a need for the position.

Mr. Taylor said he also had hoped to see the number of employees held at a minimum, further citing that as the most often voiced criticism of county government by his constituents.

Mr. Donaldson moved to approve the resolution authorizing the Planner I position. The motion carried by a 3-2 roll call vote. Mr. Ware and Mr. Taylor voted no.

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RESOLUTIONPLANNER I POSITION

WHEREAS, the need exists for an additional Planner I position in the Office of Planning;

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the addition of a new position of Planner I; and

BE IT FURTHER RESOLVED that the General Fund budget for the fiscal year ending June 30, 1980 be adjusted as follows:

Transfer to Office of Planning:

016-0110	Salaries, full-time	\$6,790
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Transfer from:

184-9011	Contingency Account	\$6,790
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BE IT FINALLY RESOLVED that this position authorization shall become effective as of the date of this resolution.

6. County Police Department

Mr. Oliver presented this item to the Board, referring to the November 15 meeting when Mr. Otis Brown of Overman Brown had responded to a request by the Board concerning changes in funding formulae by the State, and specifically, if it would be a good idea for James City County to give additional consideration to creation of a County Police Department.

Mr. Oliver said the findings of the staff, through the assistance of Mr. Brown's firm had been that the Board of Supervisors has the authority to establish such a police department and that the establishment of a police department could be economically advantageous to the County. Mr. Oliver explained that in the past funding had been more favorable for Sheriff Departments than Police Departments; however, with the passage of H.B.599 during the last General Assembly session, that differentiation would no longer be made and therefore additional funds could be available to James City County if its Police Department were to be considered eligible.

Mr. Oliver said he had talked with the Sheriff several times regarding this issue and the Sheriff had indicated he thought this was a good time, with the changing of the State law regarding funding, to create a Police Department.

Mr. Oliver concluded his remarks by stating he was presenting an emergency ordinance to create a Police Department and a resolution transferring funds from the Sheriff's Department to the newly established Police Department, as well as a resolution for the appointment of Sheriff A. M. Brenegan as County Police Chief.

A brief discussion followed Mr. Oliver's comments.

Mr. Donaldson moved for adoption of the emergency ordinance and resolutions, as presented, and further, setting the date for the public hearing of the ordinance as January 14, 1980 at 7:30 p.m.

A discussion ensued with Mr. Taylor commenting that he was not in support of the creation of a Police Department. He cited the fact that there had just been an election and the citizens had given their confidence to Sheriff Brenegan by electing him to another term. Mr. Taylor said he did not think all services in the County should necessarily be under the control of the Board of Supervisors and that this is one particular instance where he feels the people should have the right to elect a representative. Mr. Taylor also said he felt the creation of a Police Department would in fact create more desk jobs, necessitating the hiring of more people to handle paperwork.

Mr. Perry DePue, supervisor-elect, came forward from the audience and asked if the funding of the Police Department was contingent upon the funding of H.B.599. Mr. DePue expressed concern about the possibility of H.B.599 not being funded and then the County would be locked in to the creation of a Police Department.

Mr. Oliver pointed out that the County already funds seven positions in the Sheriff's Department with County funds solely, and that this proposal would provide for four of those positions to be allocated for the initial nucleus of the Police Department. In doing this, regardless of the outcome of H.B.599, the County would not be committed to any other funds than what it doing at this time.

Mr. Oliver also said that the emergency ordinance does create a Police Department, but in that it is a local ordinance, it can be abolished at any time if the Board determined it did not want a Police Department.

Mr. Donaldson commented that James City County had been very fortunate to have Archie Brenegan as Sheriff and to have an outstanding Sheriff's Department; however, as much as it would be good to feel confident that the County would always have as capable a Sheriff as Mr. Brenegan in the future, that cannot be guaranteed.

Mr. Donaldson also stated the County is expending a lot of non-state funds for police protection, but with this proposal there will be no additional expenses for the County, the quality of police protection can be continued and will provide a mechanism for ensuring better coordination over the long term.

Mr. Donaldson concluded his remarks by stating he could see no drawbacks to the proposal.

There were no other comments. The motion carried by a 4-1 roll call vote. Mr. Taylor voted no.

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EMERGENCY ORDINANCE

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BOARD OF SUPERVISORS
JAMES CITY COUNTY

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION II, SPECIFIC OFFICERS, BY ADDING SECTION 2-16.1, POLICE DEPARTMENT.

BE IT ORDAINED, by the Board of Supervisors, that the Code of the County of James City, Chapter 2, Administration, Article IV, Officers and Employees, Division II, Specific Officers, be and the same is, hereby, amended and reordained by adding Section 2-16.1, Police Department, to read as follows:

CHAPTER 2

ADMINISTRATION

Article IV, Officers and Employees

Division II, Specific Officers

Section 2-16.1 - Police Department.

- (a) The James City County Department of Police is hereby created pursuant to Section 15.1-131.7 of the Code of Virginia, 1950, as amended.
- (b) The Department shall consist of the Chief of Police who shall administer the Department and who shall be appointed by the Board of Supervisors; the Board of Supervisors may, but shall not be required to, appoint the Sheriff of the County as the Chief of Police, and he shall serve at the pleasure of the Board.
- (c) The Department shall also consist of such other Officers and patrolmen and other personnel as shall be authorized by the Board.
- (d) The Department shall be provided such funds as are deemed appropriate by the Board.

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that Chapter VIII Grievance Procedure of the James City County Personnel Regulations and Specifications Manual be amended by substituting the proposed revision attached hereto and made a part hereof by reference.

D. BOARD CONSIDERATIONS

1. Postponement of Board's Afternoon Meeting in December

Mr. Oliver suggested due to the regularly scheduled December afternoon Board meeting falling on Christmas Eve, that the meeting be postponed until December 27 at 3:00 p.m.

A brief discussion took place.

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

2. Holiday Leave for County Employees

Mr. Oliver addressed the Board regarding this item, stating that as in the past, he was asking the Board's approval for an additional holiday for all employees during the Christmas holidays. Mr. Oliver recommended the employees be allowed to choose between December 24 and December 31 for this extra discretionary day of leave.

A brief discussion followed.

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

3. Kingsmill Bird Sanctuary

Mr. Morton, County Attorney, presented this item to the members of the Board, stating a request had been received to designate the Kingsmill community as a bird sanctuary and the appropriate signs be erected.

A brief discussion followed.

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

RESOLUTION

WHEREAS, the Kingsmill Garden Club, representing the residents of Kingsmill, is desirous of establishing the Kingsmill Community as a bird sanctuary;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, that the area known and designated as Kingsmill be specified as a bird sanctuary; and

BE IT FURTHER RESOLVED, that the Department of Highways and Transportation is requested to post appropriate signs designating Kingsmill as a bird sanctuary.

4. Compensation of Board Members

Mr. Oliver briefed the Board members on this item, stating that given the additional duties of the Chairman and the Vice-Chairman of the Board, it was felt an increase in compensation to \$3,000 per annum and \$2,400 for the Chairman and Vice Chairman respectively would be in order. Mr. Oliver also pointed out that compensation to James City County Board members was on the low side compared to other counties throughout the State.

A brief discussion followed.

Mr. Donaldson moved to approve the resolution. The motion carried by a unanimous roll call vote.

Mr. Taylor asked what procedure would have to be followed to present a request before the General Assembly to have the salaries of the entire Board increased.

Mr. Donaldson moved for approval of the resolution appointing Mr. Brenegan as Chief of Police. The motion carried by a unanimous roll call vote.

RESOLUTION

WHEREAS, the Board of Supervisors of James City County has created a Police Department consisting of a Chief of Police and such other positions as the Board may deem appropriate;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does, hereby, appoint Archie M. Brenegan as the Chief of Police.

Mr. Donaldson moved for approval of the resolution transferring the salaries and other appropriations allocated to the Sheriff's Department to the Police Department. The motion carried by a unanimous roll call vote.

RESOLUTION

WHEREAS, the Board of Supervisors of James City County desires to create a budget for the James City County Police Department;

NOW, THEREFORE, BE IT RESOLVED, that four positions previously approved by the Board of Supervisors as Sheriff's Deputies and not approved as eligible for reimbursement by the State Compensation Board, be transferred from the Sheriff's Department to the Police Department and that such positions be reclassified to those of Deputy/Patrolmen; and

BE IT FURTHER RESOLVED, that salaries and certain other expenditures previously appropriated for the operation of the Sheriff's Department be transferred to the Police Department in the accounts and amounts as listed below, prorated for less than a full fiscal year:

062-0110	Salaries, Full Time	\$26,000
062-0120	Salaries, Overtime	500
062-0203	Fees for Medical Examinations	300
062-0210	Insurance	900
062-0217	Vehicle Maintenance	1,500
062-0218	Communications	200
062-0230	Education	500
062-0312	Motor Fuels & Lubricants	3,000
062-0318	Operating Supplies	200
062-0325	Clothing	1,000
	TOTAL	\$34,100

Mr. Oliver offered congratulations to Mr. Brenegan as new Chief of Police.

Mr. Brenegan expressed his appreciation for the appointment and said he would do his best for the Police Department.

Mr. Edwards commented that James City County is blessed in a number of ways, one of which is the cooperativeness of all the constitutional officers, and that this has made a difference in the way the County has developed solutions to its problems. Mr. Edwards said this was greatly appreciated.

E. Matters of Special Privilege

Mr. Edwards pointed out that the Board has several appointments to be made in the near future and he asked that Mr. Oliver be asked to contact the local newspapers in reference to publishing a notice of these appointments in order to solicit interested citizens.

F. Reports of the County Administrator

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Mr. Oliver stated he and the County Attorney would like to ask the Board to set a special meeting, of approximately two hours in length, to discuss legal matters.

A brief discussion took place.

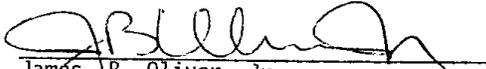
G. Board Requests and Directives

Mr. Donaldson referred to a letter from York County, dated November 15, 1979 regarding the Yorktown Bicentennial. This was a request by York County to the General Assembly for financial assistance for this celebration and James City County as well as other members of the Virginia Association of Counties were being asked to support this request.

Mr. Donaldson moved to have the staff prepare a letter of support for York County's request to the General Assembly. The motion carried by a unanimous roll call vote.

Mr. Ware moved to adjourn until December 5, 1979 at 3:00 p.m. for a special meeting for the purpose of considering legal matters. The motion carried by a unanimous roll call vote.

THE MEETING ADJOURNED AT 4:25 p.m.


James B. Oliver, Jr.
Clerk to the Board

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