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ARE TRUE AND ACCURATE REPRODUCTIONS OF THE ORIGINAL RECORDS OF:

JAMES CITY COUNTY RECORDS MANAGEMENT DEPARTMENT AND WERE SCANNED IN THE

REGULAR COURSE OF BUSINESS ON THE DATE LISTED; AND PURSUANT TO ESTABLISHED GUIDELINES BY VIRGINIA STATE LIBRARY AND ARCHIVES; AND THAT WHEN SCANNED THE

RECORDS WERE IN THE CUSTODY OF THE INDIVIDUAL LISTED BELOW.

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Scanner Operator signature Matt McDonald

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
 VIRGINIA, HELD ON THE FOURTEENTH DAY OF JANUARY, NINETEEN HUNDRED EIGHTY,
 AT 7:30 P.M. IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,
 VIRGINIA.

A. ROLL CALL

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

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

B. ORGANIZATIONAL MEETING OF THE BOARD

1. Election of Chairman/Vice-Chairman

Mr. Frink nominated Mr. Edwards as Chairman. There were no more nominations and the nominations were closed. The motion carried by a unanimous roll-call vote.

Mr. DePue nominated Mr. Frink as Vice-Chairman. There being no further nominations, the nominations were closed. The motion carried by a unanimous roll-call vote.

Mr. Edwards asked if there was any objection to the current meeting dates of the Board (7:30 P.M. on the second Monday of each month and 3:00 P.M. on the fourth Monday of each month). There being no objections, Mr. Edwards stated the meetings would continue as scheduled and no resolution was required.

Mr. Edwards also reminded the Board members that the meetings of the Board of Supervisors followed the Robert's Rules of Order and asked that the following excerpt be recorded from Robert's Rules of Order, "Conduct of Business in Boards", Newly Revised, 1970 (pages 405-406):

Procedure in Small Boards. In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate (15, 16) generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

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The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

Mr. Edwards stated that in the case that the Board is unable to resolve a procedural difference with these informal rules, the Board could revert to the more formal rules of larger assemblies to solve that particular controversy.

2. Commission/Committee Appointments

Mr. Edwards commented that unless there was an objection, this issue would be handled in executive session. There being no objection, the appointments were deferred to the executive session.

C. MINUTES

Mr. Frink moved to approve the minutes of the November 26, 1979 meeting and the December 5, 1979 meeting, as printed. The motion carried by a unanimous roll-call vote.

D. PRESENTATION - Exchange Club of Williamsburg

Mr. Roger Spearman, on behalf of the Exchange Club of Williamsburg, presented the members of the Board with a flag of the United States and a flag of the State of Virginia to be flown at the County Government Center.

Mr. Edwards stated that the County was working on obtaining flagpoles for the Government Center.

E. PUBLIC HEARINGS

1. Ordinance to Amend Chapter 2, Administration, Adding Section 2-16.1-Police Department

Ms. Darlene Burcham, Assistant to the Administrator, presented this matter to the Board. She stated that an emergency ordinance had been adopted at the November 26, 1979 meeting of the Board, creating a Police Department which would enhance funding capability available through House Bill 599. She pointed out the many benefits offered in the operation of a county police department and some of the concerns expressed by citizens of the County. She further stated Sheriff Brenegan and his staff had said they were now comfortable with the concept of a Sheriff/Police Department and felt that the concept could work.

Ms. Burcham then introduced John Atwood, Sheriff/Police Chief of Prince George County.

Mr. Atwood addressed the Board, citing many factors of the Sheriff/Police Department concept that improved law enforcement in Prince George County. Mr. Atwood stated the joint operation has been successful in the county for thirteen years.

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Ms. Burcham responded by saying that assistance from the State Police would be on an indefinite basis. She also said only if and when the County changed to the status of a city would the assistance be affected--then we could expect State Police assistance for ten years.

Mr. Edwards asked Sheriff Atwood what his experiences had been.

Sheriff Atwood pointed out that in Prince George County, State Police assistance has, in fact, increased from six to twelve men since the joint operation became effective.

Mr. Taylor stated that the citizens elect the Board members and the Board members in turn appoint the Police Chief. He disagreed with this system. The Police Department will be operated on a joint basis. Taxpayers money will go to the County Administrator, the Police Chief, and the Sheriff. He further stated that the citizens' voting rights are being taken away in this respect and that he believed it was more democratic to have elected officials.

Mr. DePue stated he was satisfied there is a strong moral commitment to continue the leadership of Archie Brenegan. Mr. DePue said money is a strong consideration in this matter and if more available money could help these men, he would be in favor of it. He further stated he wished to applaud the deputies as well as Sheriff Brengan for the outstanding job they have done.

Mr. Bartlett stated he would like to see the law enforcement in James City County changed from a reactive force to an initiative-taking force. He feels the common denominator between those for and against the new concept is the best law enforcement James City County can have.

Mr. Frink stated he was concerned with the fact that some people felt the Sheriff's position was being abolished, but as he understood it, there will still be a Sheriff's position.

Mr. Oliver stated the Board of Supervisors did not have the power to do away with the Sheriff's position

There was no further discussion.

Mr. Frink moved to adopt the ordinance. The motion carried by a 4-1 roll-call vote. Mr. Taylor voted against the ordinance.

ORDINANCE NO. 55A-2

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.

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Mrs. Madeline Springs requested the expansion of Highway 667 (Log Cabin Beach Road) in Grove leading to the Sanitation plant. She stated the intersection is becoming very dangerous.

Mr. Edwards responded by telling Mrs. Springs that the County could assist her in submitting a request to the Highway Department, however, this could not come from County funds.

Mr. Edwards closed the public hearing stating that all considerations would be reviewed and if funds could not be appropriated this year for certain items, they would be reviewed again next year.

3. CASE NO. Z-12-79 - Section 20-10 - Conditional Use Permits

Mr. Morton addressed this matter recommending that Conditional Use Permits continue to be processed in the manner utilized over the past several months with the Board considering the issue and referring controversial issues to the Planning Commission for their recommendation.

Mr. Taylor questioned how a determination would be made as to whether a case was controversial or not.

Mr. Morton responded that any conditional use permit could be removed from the Consent Calendar if a Board member deemed it controversial.

A brief discussion followed.

Mr. Edwards opened the public hearing on this matter.

Mr. Charles Johnson addressed the Board, stating that he had applied for a permit to place a mobile home on his property on Carriage Road and was informed that a permit could not be granted in that area. He stated that he felt this was unfair.

Mr. Edwards responded by saying this case did not relate to Mr. Johnson's situation.

Mr. Albert Durant and Mr. Ezekiel Lee approached the Board regarding similar matters, wherein Mr. Edwards informed them that this case does not relate to their individual situations.

There were no further comments and Mr. Edwards closed the public hearing.

Mr. DePue moved to adopt the ordinance retaining the Board of Supervisors to issue the permits. The motion carried by a unanimous roll-call vote.

ORDINANCE NO. 31A-66

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-10, CONDITIONAL USE PERMITS.

BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that Chapter 20, Zoning, of the Code of the County of James City be, and the same is hereby amended and reordained by amending Article I, In General, Section 20-10, Conditional Use Permits to read as follows:

CHAPTER 20

ZONING

ARTICLE I, IN GENERAL

Section 20-10. Conditional use permits.

Where permitted by this Chapter uses requiring conditional use permits are subject to the requirements of this section.

(a) Procedural requirements.

(1) Application for conditional use permit. The owner or agent, may file with the administrator or his designee an application for a conditional use permit; provided, that the conditional use sought is permitted in the particular district. The application shall be accompanied by a site plan showing the actual dimensions and shape of the lot, the exact sizes and locations on the lot of

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Applicant: David H. Jeffrey
 Tax Map ID: (22-2) (1-23A)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

2. CASE NO. CUP-2-80 - Conditional Use Permit for Mobile Home-Thomas W. Cobbleidick

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: Thomas W. Cobbleidick
 Tax Map ID: (16-3) (1-7)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: Completion date - June 30, 1980
 Further Conditions: None

3. 1980-1986 Six Year Plan, James City County Secondary Road System-Setting Public Hearing Date for February 11, 1980.

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

GENERAL FUND	Checks	#9090 - 9310
	Totalling	\$853,239.97
GENERAL FUND PAYROLL	Checks	#19478 - 19895
	Totalling	\$144,064.51
SANITARY DISTRICT NUMBER 1	Check	#81
	Totalling	\$2,200.86
SANITARY DISTRICT NUMBER 2	Checks	#126 - 133
	Totalling	\$49,200.57
SANITARY DISTRICT NUMBER 3	Checks	#964 - 980
	Totalling	\$101,001.38

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There was no discussion.

Mr. DePue moved to adopt the resolution. The motion carried by a unanimous roll-call vote.

RESOLUTION

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 Governor's Employment and Training Council grant in the amount of \$53,100,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors amends the appropriation and revenue for the Social Services Fund to reflect this \$53,100 award as follows:

Revenue from Commonwealth	+ \$53,100
Home Health Care	+ \$53,100

3. Appointment of Conservator of the Peace

Mr. Morton presented this matter to the members of the Board stating that W. E. Eggleston, James City County's Game Warden, and Frank Kuncir, Park Ranger, had requested that Mr. Kuncir be appointed as a Conservator of the Peace. Mr. Morton explained that a Conservator of the Peace was in effect a special police officer with varied duties, particularly in enforcement of game laws.

Mr. Taylor asked what status Mr. Kuncir would have in relation to the Sheriff/Police Department.

Mr. Morton responded by saying that there are a number of Conservators of the Peace at this time. In effect, they have smaller police-performing duties, i.e., security at the Pottery, and Security at Kingsmill. In this case, he would assist the Game Warden; as currently structured, Mr. Kuncir's authority only applied to Federal Grounds. As a Conservator of the Peace throughout the County, his authority would be County-wide.

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

RESOLUTION

WHEREAS, the Board of Supervisors of James City County deems it appropriate that Frank T. Kuncir 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 Frank T. Kuncir to be a Conservator of the Peace throughout the real property located in James City County, Virginia.

H. MATTERS OF SPECIAL PRIVILEGE

Mr. Albert Durant addressed the Board concerning a problem he was experiencing with his small trailer park in Croaker. He briefed the Board on the history involved with the five lot trailer park, referring to a fire which had eliminated one trailer, thereby leaving one of his lots empty. He said in trying to rent this lot he was informed that the regulations governing this type of development had changed and he could not simply replace the trailer. Mr. Durant said he did not want to expand his development but felt he should be able to use all five lots that were originally there.

Mr. Edwards suggested the staff present some information on this matter at the meeting of January 28, 1980 and at that time, the Board would take action.

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Mr. Oliver indicated the record should reflect the fact that Darlene Burcham, John McDonald, Frank Morton and Anthony Conyers had all done an outstanding job in preparing for the Police Department presentation over the past several weeks.

Mr. Frink suggested letters of appreciation should be sent to Mr. Bryant and Mr. Minkins as they complete their terms on the Planning Commission.

It was also the consensus of the Board that some show of appreciation be given to Sheriff Atwood of Prince George County for his assistance in the Police Department matter.

Mr. DePue moved to recess the meeting until 2:00 P.M., January 16, 1980 when the Board members would meet with the City of Williamsburg representatives at the Municipal Building.

The motion carried by a unanimous roll-call vote.

The meeting ADJOURNED at 11:00 P.M.



James B. Oliver, Jr.
Clerk to the Board

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Mr. Edwards stated that in the case that the Board is unable to resolve a procedural difference with these informal rules, the Board could revert to the more formal rules of larger assemblies to solve that particular controversy.

2. Commission/Committee Appointments

Mr. Edwards commented that unless there was an objection, this issue would be handled in executive session. There being no objection, the appointments were deferred to the executive session.

C. MINUTES

Mr. Frink moved to approve the minutes of the November 26, 1979 meeting and the December 5, 1979 meeting, as printed. The motion carried by a unanimous roll-call vote.

D. PRESENTATION - Exchange Club of Williamsburg

Mr. Roger Spearman, on behalf of the Exchange Club of Williamsburg, presented the members of the Board with a flag of the United States and a flag of the State of Virginia to be flown at the County Government Center.

Mr. Edwards stated that the County was working on obtaining flagpoles for the Government Center.

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Ms. Burcham then introduced John Atwood, Sheriff/Police Chief of Prince George County.

Mr. Atwood addressed the Board, citing many factors of the Sheriff/Police Department concept that improved law enforcement in Prince George County. Mr. Atwood stated the joint operation has been successful in the county for thirteen years.

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Sgt. Anthony Gage, a member of the James City County Sheriff's Department, addressed the Board stating that he supported the creation of the Sheriff/Police Department. He urged the Board to vote in favor of the creation of the department.

Mr. Edwards opened the public hearing.

Ms. Eula Radcliffe from the Roberts District stated she supported the concept of the Police Department.

Mr. Jack Scruggs, Chairman of the Planning Commission, stated the Planning Commission had voted unanimously in favor of the creation of the Police Department. He then read the resolution adopted by the Planning Commission which endorsed the concept.

Mr. Rick Hutchins from Stonehouse District opposed the creation of the department. He stated the creation of the Police Department had not been made public in time for the November elections. He felt that if he had been informed of this topic, he would have had different strategies during his campaign for Sheriff.

Ms. Clara Harris from Berkeley District stated she endorsed the concept.

Mr. Julius Moody from Powhatan District also endorsed the concept.

Mr. Ezekiel Lee expressed concern for the creation of the department. He said he did not see the necessity for a change in the County's law enforcement and felt that the joint concept would not work.

Mr. Cliff Taylor from Stonehouse District opposed the creation of the department. He felt the Sheriff had a responsibility to the citizens and was capable of handling situations without such a change. He said he felt this would be "erosion of the power of a constitutional officer of James City County".

Mr. R. C. Cowles inquired as to who would be in charges of law enforcement should the County decide not to name the Sheriff as Police Chief.

Mr. Oliver stated that the Board would appoint the Chief of Police. The Sheriff would be in charge of the Sheriff's Department and the Chief of Police would be in charge of the Police Department.

Mr. Edwards pointed out there would be two units with different functions.

Mr. Cliff Taylor said he felt that in the future, it would be decided that the department was growing too rapidly and would require more than one person to run the department. An expert would then be hired and much would be spent on a study of the department.

There were no more comments and Mr. Edwards closed the public hearing.

Mr. Rick Hutchins inquired about the letter from Catherine Wilburn opposing the Police Department. He read the letter which stated she is strongly against one person having the power to name the Police Chief.

Mr. DePue inquired as to how long the County could expect to receive State Police assistance with traffic after the Police Department is put in operation.

Ms. Burcham responded by saying that assistance from the State Police would be on an indefinite basis. She also said only if and when the County changed to the status of a city would the assistance be affected--then we could expect State Police assistance for ten years.

Mr. Edwards asked Sheriff Atwood what his experiences had been.

Sheriff Atwood pointed out that in Prince George County, State Police assistance has, in fact, increased from six to twelve men since the joint operation became effective.

Mr. Taylor stated that the citizens elect the Board members and the Board members in turn appoint the Police Chief. He disagreed with this system. The Police Department will be operated on a joint basis. Taxpayers money will go to the County Administrator, the Police Chief, and the Sheriff. He further stated that the citizens' voting rights are being taken away in this respect and that he believed it was more democratic to have elected officials.

Mr. DePue stated he was satisfied there is a strong moral commitment to continue the leadership of Archie Brenegan. Mr. DePue said money is a strong consideration in this matter and if more available money could help these men, he would be in favor of it. He further stated he wished to applaud the deputies as well as Sheriff Brenegan for the outstanding job they have done.

Mr. Bartlett stated he would like to see the law enforcement in James City County changed from a reactive force to an initiative-taking force. He feels the common denominator between those for and against the new concept is the best law enforcement James City County can have.

Mr. Frink stated he was concerned with the fact that some people felt the Sheriff's position was being abolished, but as he understood it, there will still be a Sheriff's position.

Mr. Oliver stated the Board of Supervisors did not have the power to do away with the Sheriff's position

There was no further discussion.

Mr. Frink moved to adopt the ordinance. The motion carried by a 4-1 roll-call vote. Mr. Taylor voted against the ordinance.

ORDINANCE NO. 55A-2

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.

AAC802

- (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.

2. Pre-Budget for Fiscal Year 1981

Mr. Edwards opened the public hearing on this matter.

Mrs. Reesa Wilson addressed the Board requesting that funds be appropriated for the purpose of acquiring better water in the James Terrace area. She stated that the water contained an extremely high sodium content and that the Health Department had been notified on several occasions. The Health Department had tested the water and found that it did indeed have an extremely high sodium content, however, the water was safe to drink. Ms. Wilson brought a sample of the water for the members of the Board to taste and a tea kettle that had corroded from the sodium content in the water. The Health Department had acknowledged that the water would definitely cause corrosion to pipes, etc., but nothing had been done to correct the situation.

Mr. Oliver stated that an engineer would be assigned the project of doing a problem analysis and reporting back to the Board on the matter.

Rev. Junius Moody from Powhatan District requested \$100,000 be appropriated to build a Senior Citizen/Pre-School Center in the Carriage Road/Ironbound Road neighborhood. He felt that such a center was needed and would be a one-time expense only.

Ms. Marjorie Hummel stated she wished to further the comments regarding the James Terrace sodium content. She stated that seven people had died of cancer in the area, possibly due to the water.

Ms. Ethel Wright requested improvements to the Grove Community Park, i.e., bleachers, a playground, and supervising personnel at the mini-park.

Mr. Luther Walford stated he supported the Carriage/Ironbound Community Development project and urged the County to get the project underway.

Ms. Marjorie Rowe from Jamestown District requested transportation for the mentally retarded citizens in the area. She stated there is one bus operating for this purpose, however, the route is extensive and another bus would seem appropriate.

Ms. Madeline Ratcliffe stated she supported the \$100,000 requested appropriation for the Senior Citizen/Pre-School Center.

Mr. Emanuel Pierce from Roberts District also supported the Center.

Mrs. Eula Ratcliffe urged that \$1200 be set aside in the budget for bleachers and playground equipment in the Grove Community Park.

Mr. Curtis Taylor supported the request of Rev. Moody for the Center. He further stated he felt this would be used by citizens throughout James City County.

Mr. R. H. Minkins asked for support of the request for improvements in the recreation facilities in Grove.

Mr. Ezekiel Lee requested funds be appropriated for a public landing into the James or York Rivers. He further stated he had requested this for many years to no avail and such a landing would be very beneficial to many of the citizens of the County.

Mrs. Clara Harris voiced support of the Carriage Road Center and also requested some road improvements in the Ironbound/Carriage Road area.

Mrs. Madeline Springs requested the expansion of Highway 667 (Log Cabin Beach Road) in Grove leading to the Sanitation plant. She stated the intersection is becoming very dangerous.

Mr. Edwards responded by telling Mrs. Springs that the County could assist her in submitting a request to the Highway Department, however, this could not come from County funds.

Mr. Edwards closed the public hearing stating that all considerations would be reviewed and if funds could not be appropriated this year for certain items, they would be reviewed again next year.

3. CASE NO. Z-12-79 - Section 20-10 - Conditional Use Permits

Mr. Morton addressed this matter recommending that Conditional Use Permits continue to be processed in the manner utilized over the past several months with the Board considering the issue and referring controversial issues to the Planning Commission for their recommendation.

Mr. Taylor questioned how a determination would be made as to whether a case was controversial or not.

Mr. Morton responded that any conditional use permit could be removed from the Consent Calendar if a Board member deemed it controversial.

A brief discussion followed.

Mr. Edwards opened the public hearing on this matter.

Mr. Charles Johnson addressed the Board, stating that he had applied for a permit to place a mobile home on his property on Carriage Road and was informed that a permit could not be granted in that area. He stated that he felt this was unfair.

Mr. Edwards responded by saying this case did not relate to Mr. Johnson's situation.

Mr. Albert Durant and Mr. Ezekiel Lee approached the Board regarding similar matters, wherein Mr. Edwards informed them that this case does not relate to their individual situations.

There were no further comments and Mr. Edwards closed the public hearing.

Mr. DePue moved to adopt the ordinance retaining the Board of Supervisors to issue the permits. The motion carried by a unanimous roll-call vote.

ORDINANCE NO. 31A-66

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-10, CONDITIONAL USE PERMITS.

BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that Chapter 20, Zoning, of the Code of the County of James City be, and the same is hereby amended and reordained by amending Article I, In General, Section 20-10, Conditional Use Permits to read as follows:

CHAPTER 20

ZONING

ARTICLE I, IN GENERAL

Section 20-10. Conditional use permits.

Where permitted by this Chapter uses requiring conditional use permits are subject to the requirements of this section.

(a) Procedural requirements.

(1) Application for conditional use permit. The owner or agent, may file with the administrator or his designee an application for a conditional use permit; provided, that the conditional use sought is permitted in the particular district. The application shall be accompanied by a site plan showing the actual dimensions and shape of the lot, the exact sizes and locations on the lot of

AAC802

existing and proposed buildings, if any, and the existing and proposed uses of structures and open areas; and by such additional information relating to topography, access, surrounding land uses and other matters as may reasonably be required by the administrator or his designee in the circumstances of the case.

(2) Fees. The application shall be accompanied by a fee of twenty dollars to cover the cost of processing.

(3) Action by the administrator or his designee. The administrator or his designee shall study the application and shall confer with pertinent county and state agencies to determine whether the proposed conditional use conforms to applicable regulations which have been adopted and to the requirements of this Chapter. Upon completion of such review, the administrator or his designee shall transmit the findings and recommendations of the county or state agencies to the board of supervisors.

(4) Action by the board of supervisors. After receiving the recommendations of the county or state agencies, the board of supervisors shall act upon the proposed conditional use, granting the application in whole or in part with or without modifications or denying it. In addition to the general or specific requirements set forth in the section concerning the proposed use, which shall be considered minimum requirements with respect to the permit, additional requirements, conditions and safeguards may be added by the board of supervisors as required for the protection of public interest in the specific case.

(5) Rehearing for conditional use permit. An application for a conditional use permit may be withdrawn. However, if withdrawn or if denied by the board of supervisors, substantially the same application shall not be reconsidered within one year of withdrawal or denial.

(b) General standards for conditional uses.

(1) Compliance with requirements. No conditional use permit shall be issued except upon a finding by the board of supervisors that the proposed use conforms to the requirements set forth in this chapter and that the proposed conditional use will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than other existing uses in the surrounding areas. Among matters to be considered in this connection are traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service areas; utilities; screening and buffering; signs, yards and other open spaces; height, bulk and location of structures; location of proposed open space uses; hours and manner of operation; and noise, lights, dust, odor, fumes and vibration.

(2) Conformity with adopted plans. The proposed conditional use shall be in accord with the purposes of the comprehensive plan and any applicable regulations and zoning regulations.

(c) Additional requirements for conditional uses.

In addition to the general requirements set forth above and limitations established for conditional uses in the district regulations, the requirements set forth hereafter shall apply to the respective conditional uses and structures.

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

F. CONSENT CALENDAR

Mr. Taylor moved to approve the four consent calendar items. The motion carried by a unanimous roll-call vote and the following items were approved:

1. CASE NO. CUP-1-80 - Conditional Use Permit for Mobile Home - David H. Jeffrey

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 by the applicant as described below and as detailed in the attached application and site location:

Applicant: David H. Jeffrey
 Tax Map ID: (22-2) (1-23A)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

2. CASE NO. CUP-2-80 - Conditional Use Permit for Mobile Home-Thomas W. Cobbleidick

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: Thomas W. Cobbleidick
 Tax Map ID: (16-3) (1-7)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: Completion date - June 30, 1980
 Further Conditions: None

3. 1980-1986 Six Year Plan, James City County Secondary Road System-Setting Public Hearing Date for February 11, 1980.

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

GENERAL FUND	Checks	#9090 - 9310
	Totalling	\$853,239.97
GENERAL FUND PAYROLL	Checks	#19478 - 19895
	Totalling	\$144,064.51
SANITARY DISTRICT NUMBER 1	Check	#81
	Totalling	\$2,200.86
SANITARY DISTRICT NUMBER 2	Checks	#126 - 133
	Totalling	\$49,200.57
SANITARY DISTRICT NUMBER 3	Checks	#964 - 980
	Totalling	\$101,001.38

AAC802

SUBDIVISION ESCROW		- 0 -
REVENUE SHARING	Checks	#614 - 616
	Totalling	\$54,812.00
ANTI-RECESSION	Check	#16
	Totalling	\$1,490.20
COMMUNITY DEVELOPMENT	Check	#6
	Totalling	\$18,696.15
JCC BOND SINKING BOND		- 0 -
REGIONAL JAIL CONSTRUCTION		- 0 -

G. BOARD CONSIDERATIONS

1. Request VDH&T to Accept Richmond Avenue into State Secondary Road System

Mr. Wayland N. Bass, Director of Public Works, presented this matter to the Board.

There was no discussion.

Mr. Taylor moved to approve the resolution requesting VDH&T to accept Richmond Avenue into the State Secondary Road System. The motion carried by a unanimous roll-call vote.

R E S O L U T I O N

DIRT STREET PROGRAM

WHEREAS, James City County has, under its Dirt Street Program, improved certain roads in James City County, Virginia, entirely at County expense; and

WHEREAS, the Board of Supervisors desires a road in Chickahominy Haven Subdivision to be included in the State Secondary Highway System, providing this road 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 Chickahominy Haven Subdivision in the State Secondary Highway System.

Description: Richmond Avenue
 From: State Route 716
 To: Dead End, Cul-de-sac
 Distance: 0.11 miles

A right-of-way of fifty feet is guaranteed as evidenced by plat of record, entitled Chickahominy Haven, Sections 3A and 4, Plat Book 18 Pages 4 and 18, dated 12/7/59 and 6/23/60; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Resident Engineer of the Department of Highways and Transportation.

2. Manpower Grant for Home Health Care Aides

Ms. Darlene Burcham presented this matter to the members of the Board stating that the Department of Social Services has been awarded a \$53,100 grant from the Governor's Employment and Training Council to gather data to determine whether there is a job market for Home Health Care Aides in James City County and Williamsburg. She further stated that no local funding is required and the County will be awarded monetary advances to fund the project. She recommended adoption of the resolution authorizing an amendment to the appropriation in the Social Services Fund.

There was no discussion.

Mr. DePue moved to adopt the resolution. The motion carried by a unanimous roll-call vote.

29

RESOLUTION

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 Governor's Employment and Training Council grant in the amount of \$53,100,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors amends the appropriation and revenue for the Social Services Fund to reflect this \$53,100 award as follows:

Revenue from Commonwealth	+ \$53,100
Home Health Care	+ \$53,100

3. Appointment of Conservator of the Peace

Mr. Morton presented this matter to the members of the Board stating that W. E. Eggleston, James City County's Game Warden, and Frank Kuncir, Park Ranger, had requested that Mr. Kuncir be appointed as a Conservator of the Peace. Mr. Morton explained that a Conservator of the Peace was in effect a special police officer with varied duties, particularly in enforcement of game laws.

Mr. Taylor asked what status Mr. Kuncir would have in relation to the Sheriff/Police Department.

Mr. Morton responded by saying that there are a number of Conservators of the Peace at this time. In effect, they have smaller police-performing duties, i.e., security at the Pottery, and Security at Kingsmill. In this case, he would assist the Game Warden; as currently structured, Mr. Kuncir's authority only applied to Federal Grounds. As a Conservator of the Peace throughout the County, his authority would be County-wide.

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

RESOLUTION

WHEREAS, the Board of Supervisors of James City County deems it appropriate that Frank T. Kuncir 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 Frank T. Kuncir to be a Conservator of the Peace throughout the real property located in James City County, Virginia.

H. MATTERS OF SPECIAL PRIVILEGE

Mr. Albert Durant addressed the Board concerning a problem he was experiencing with his small trailer park in Croaker. He briefed the Board on the history involved with the five lot trailer park, referring to a fire which had eliminated one trailer, thereby leaving one of his lots empty. He said in trying to rent this lot he was informed that the regulations governing this type of development had changed and he could not simply replace the trailer. Mr. Durant said he did not want to expand his development but felt he should be able to use all five lots that were originally there.

Mr. Edwards suggested the staff present some information on this matter at the meeting of January 28, 1980 and at that time, the Board would take action.

AAC802

Mr. Oliver stated that upon recommendations by John McDonald, Frank Morton, and the Commissioner of Revenue, request was being made for the Board to adopt a resolution requesting tax exemption status through the General Assembly for the Williamsburg Area Child Development Resources, Inc.

A brief discussion followed.

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

RESOLUTION

WHEREAS, the Williamsburg Area Child Development Resources, Inc. is a duly constituted corporation whose purpose is to provide educational and therapeutic services for handicapped infants up to the age of two years; and

WHEREAS, funding for this organization is provided by Federal, State and local tax dollars; and

WHEREAS, the Williamsburg Area Child Development Resources, Inc. owns property on Centerville Road, James City County, Virginia; and

WHEREAS, the said corporation has requested that it be exempted from real property taxes as provided in Article 10, Section 6 of the Constitution of Virginia;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that it hereby requests the 1980 session of the General Assembly to confer tax exempt status on any property owned by the Williamsburg Area Child Development Resources, Inc. pursuant to Article 10, Section 6 of the Constitution of Virginia.

Bank Resolutions

Mr. Oliver stated there were two resolutions for adoption by the Board authorizing the signatures of the newly-elected Chairman and Vice-Chairman on the County's bank accounts.

Mr. Taylor moved to adopt the two resolutions. The motion carried by a 4-0 roll-call vote. Mr. DePue abstained due to possible conflict of interest.

R E S O L U T I O N

UNITED VIRGINIA BANK OF WILLIAMSBURG

BE IT RESOLVED, that the United Virginia Bank of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for the accounts herein named;

Checking	#95-0047-2	James City County General Fund
Checking	#95-0050-2	James City County Sanitary District No. 1
Checking	#96-0113-9	James City County Sanitary District No. 3
Checking	#96-9058-1	James City County Community Development Fund
Checking	#94-9514-2	James City County Bond Issue 1964-B Sinking Fund
Checking	#96-0120-1	James City County Revenue Sharing Trust Fund
Savings	#97-05007-01	James City County Sanitary District No. 1
Savings	#97-05008-09	James City County Sanitary District No. 3

Checking	#02-0462-8	James City County Quarterly Revenue
Savings	#3-731	James City County Anti-Recession Fund
Savings	#3-766	James City County Sanitary District No. 2
Savings	001-C000000553	Williamsburg-James City County Regional Jail Construction
Savings	001-C000000481	James City County Bicentennial Fund

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said account be signed by three of the following:

Jack D. Edwards	Chairman
	OR
Abram Frink, Jr.	Vice-Chairman
James B. Oliver, Jr.	County Administrator
	OR
John E. McDonald	Assistant to the County Administrator
Frances B. Whitaker	Treasurer
	OR
Betty S. Pettengill	Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of

such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for transfers of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements or to make other lawful investments when requested by Frances B. Whitaker, Treasurer or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices respectively, and their signatures to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

I. REPORTS FROM THE COUNTY ADMINISTRATOR

Mr. Oliver requested an executive session following the meeting to discuss pending personnel and legal matters.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards suggested having informal worksessions to discuss major problems within the County. He stated that the public would be invited to these worksessions.

Mr. Taylor supported the suggestion, however, he felt these should be held only when major problems arise rather than setting a specific date on a monthly basis.

Mr. Edwards suggested setting aside one day per month for this purpose.

A brief discussion followed.

Mr. Frink suggested the members think about this matter and make a decision at the next meeting. It was the consensus of the Board to do so.

Mr. DePue referred to a letter from Badische Corporation regarding their waste disposal program. He requested Mr. Oliver check into the matter with the proper State and Federal agencies.

Mr. DePue reported that he had been visited by a fireman from the Williamsburg Fire Department who was concerned about the County's goal to terminate the contract with the City in regard to fire services. He pointed out that the County's fire stations are not completely staffed. He feels that bad attitudes will cause mutual aid arrangements between the City and County to terminate. Mr. DePue asked that information be gathered on this matter for the next Board meeting, and requested that at the same time, information be given on wood stoves.

Mr. Oliver clarified the fact that the County has no intention of terminating the Mutual Aid Agreement that James City County currently has with the City. He stated the County also has similar agreements with other Peninsula jurisdictions. He further stated that the County does have a fire service agreement with the City which is to cease with the opening of the two new stations; however, this is a separate agreement from the Mutual Aid agreement.

Mr. Oliver also indicated the staff had been doing some work in the area of providing information and assistance concerning wood stoves and a report on that would be forthcoming in the near future.

Mr. Albert Durant commented that he thought it would be a good idea for the County to purchase surplus fire extinguishers from the Army and provide same to residents at a nominal fee.

Mr. Edwards motioned to go into executive session to discuss pending personnel and legal matters. The motion carried by a unanimous roll-call vote.

The Board convened into executive session at 10:01 P.M., pursuant to Section 2.1-344 (a) (3) and (6) of the Code of Virginia, 1950, as amended and returned to public session at 10:45 P.M.

Mr. Edwards declared the Board back in public session and stated the agenda item covering Boards and Commissions appointments would now be considered.

Mr. Edwards moved for approval of the Board memberships on various commissions and committees as follows:

Mr. Frink: Courthouse Committee
Sanitary District #1 Board
Service Authority Board

Mr. Edwards: Service Authority Board

Mr. Taylor: Farmers Advisory Committee
Highway Safety Commission
Service Authority Board

Mr. DePue: Chamber of Commerce
Peninsula Planning District Commission
Service Authority Board

Mr. Bartlett: Advisory Council - 9th Judicial Services Unit
Courthouse Committee
Peninsula Planning District Commission
Sanitary District #1 Board
Service Authority Board
Social Services Board

The motion to approve the Board memberships carried by a unanimous roll-call vote.

Mr. Edwards moved to appoint Mr. John Donaldson to serve on the Planning Commission. The motion carried by a unanimous roll-call vote.

AAC802

Mr. DePue moved to appoint Mr. Elvin Jones to the Planning Commission for a four-year term (expires 1/15/84).

Mr. Frink moved to appoint Mr. Lamar Jolly to the Planning Commission for a four-year term (expires 1/15/84).

Mr. Bartlett moved to appoint Mr. John Moneymaker to the Planning Commission for a four-year term (expires 1/15/84).

Mr. Edwards moved to appoint Mrs. Helen Hall to the Planning Commission to complete the unexpired term of Mrs. Virginia Carey. The term would expire 1/15/81.

The motions carried by a unanimous roll-call vote.

Mr. DePue moved to appoint Mr. Daniel Avery to the Colonial Mental Health and Mental Retardation Board for a term of three years to expire on 12/31/82.

The motion carried by a unanimous roll-call vote.

Mr. Edwards indicated the other appointments to fill the other vacancy on the Colonial Mental Health and Mental Retardation Board would be made at the next meeting.

Mr. Edwards moved to appoint Mr. Farinholt to the Electrical Examining Board and Mr. James Sandman to the Plumbing Examining Board for three year terms expiring 1/1/83. The motion carried by a unanimous roll-call vote.

Mr. Edwards moved to appoint Mr. DePue and Mr. Bartlett to serve on the Service Authority with the terms ending 7/1/81 and 7/1/80 respectively.

The motion carried by unanimous roll-call vote.

The next items to be acted upon were two resolutions involving the newly established Police Department.

Mr. DePue moved to approve the resolution authorizing a salary supplement for the Sheriff/Police Chief and a resolution to appoint A. M. Brenegan as the Chief of Police.

The motion carried by a unanimous roll-call vote.

RESOLUTION

SALARY SUPPLEMENT - SHERIFF/CHIEF OF POLICE

WHEREAS, the Board of Supervisors of James City County has created a Police Department; and

WHEREAS, the Board of Supervisors of James City County wishes to compensate the County Sheriff for serving as Chief of Police;

THEREFORE, BE IT RESOLVED, by the James City County Board of Supervisors that the attached salary supplement scale is adopted and made a part of the County Pay and Classification Plan titled Section 15A.

THEREFORE, BE IT FURTHER RESOLVED, that the Sheriff be placed on a supplement scale step by the County Administrator and be compensated accordingly.

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. Oliver indicated the record should reflect the fact that Darlene Burcham, John McDonald, Frank Morton and Anthony Conyers had all done an outstanding job in preparing for the Police Department presentation over the past several weeks.

Mr. Frink suggested letters of appreciation should be sent to Mr. Bryant and Mr. Minkins as they complete their terms on the Planning Commission.

It was also the consensus of the Board that some show of appreciation be given to Sheriff Atwood of Prince George County for his assistance in the Police Department matter.

Mr. DePue moved to recess the meeting until 2:00 P.M., January 16, 1980 when the Board members would meet with the City of Williamsburg representatives at the Municipal Building.

The motion carried by a unanimous roll-call vote.

The meeting ADJOURNED at 11:00 P.M.


James B. Oliver, Jr.
Clerk to the Board

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