

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

A. ROLL CALL

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

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

B. MINUTES

Mr. Frink moved for approval of the Minutes of the September 8, 1980 meeting and the September 18, 1980 meeting. The motion carried by a unanimous roll call vote.

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer, Virginia Department of Highways and Transportation, informed the Board that the paperwork was in the mail on the Grove Interchange, and that the Newport News dam is open, but not yet a part of the Secondary Road System.

Mr. Taylor asked Mr. Hall if the signs had been posted in Norge.

Mr. Hall answered that they have not been posted.

D. PUBLIC HEARING

1. Landfill Ordinance - An ordinance amending and reordaining Chapter 8, Article 11 of the James City County Code of 1972, as amended, concerning the operating policy and the establishment of user charges for the County Landfill.

Mr. Edwards opened the public hearing.

Reverend J. B. Tabb, of Tabb's Disposal Company, spoke in opposition of the ordinance, stating that everyone should share in the cost of operating the Landfill. He commented that the \$5.00 fee is too much and will eventually force the small businessman out of business. Mr. Tabb commented that he felt the ordinance was not advertised properly, therefore, he urged the Board not to adopt the ordinance because he had misinformed several people in the community that the public hearing would be held at 7:30.

Mr. David Otey, representing Anheuser-Busch, requested that the ordinance be amended to limit the fee to one-third of the operating cost of the Landfill.

Mr. Joshua Palmer, resident of James City County, opposed the implementation of the Landfill ordinance. He questioned why James City County had to be first in initiating such an ordinance, when surrounding counties have not adopted such an ordinance, especially since citizens in rural areas are already paying high taxes.

Mr. Edwards closed the public hearing and informed the audience that the ordinance had been properly advertised.

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Mr. Edwards asked Mr. Morton, County Attorney, about the legality of inserting a change in the ordinance after the public hearings have been held.

Mr. Morton answered that it is legal to insert a statement defining the purpose or policy of the ordinance.

Mr. DePue asked if a public hearing would be required if the cost in the ordinance was changed.

Mr. Morton answered that another public hearing would have to be held if fees were increased.

Mr. Frink suggested that the ordinance be deferred to the Board's next meeting at which time a final decision could be made.

Mr. Bartlett stated that since the ordinance has been properly advertised, he felt the Board should go ahead and take some action tonight.

Mr. Taylor commented that he would support Mr. Frink's motion to defer the ordinance to the next meeting.

Mr. Bartlett stated the Board should at least let residents know how they feel about the ordinance.

A brief discussion ensued concerning whether the public hearing should be continued at the Board's next meeting since some citizens had been misinformed as to the time of the public hearing.

Mr. Edwards stated that the ordinance would be deferred to the Board's October 13, 1980 meeting and the public hearing would not be continued, but if any citizens want to comment they may do so.

Mr. DePue expressed his views on the Landfill Ordinance, commenting that he was concerned about the amount of the user charge and the impact it would have on small businessmen. He stated that even though the data is adequate, it was not foolproof, therefore, he felt more data should be gathered over the next year or the fee should be reduced.

Mr. Bartlett commented that he was in favor of implementing the ordinance and disagreed with Mr. DePue's proposal to reduce the user fee charge because it would be discriminatory and could possibly raise constitutional questions. He stated that it will be an indirect tax, but the service is not mandatory. Any person can dispose of trash at the Landfill. He stated that the Landfill is not just a dump, but has rather sophisticated requirements that must meet state and federal requirements.

Mr. Taylor expressed concern with area haulers in opposition of the ordinance, and stated that he has been against the scales all along and would personally like to see things remain as they are now.

Mr. Frink commented that he supports the industrial user charges of the Landfill.

Mr. Edwards agreed with Mr. Bartlett that the operation of a county Landfill would not be a simple procedure. He commented that the average household would only be charged 70¢ a month, and that federal and state laws must be complied with.

Mr. DePue requested that the staff meet with him to discuss his concerns about the ordinance.

#### E. PRESENTATIONS

Mr. Jim Borberg, General Manager, Hampton Roads Sanitation District, addressed the Board on the odor that has been plaguing the Grove community. He mentioned that he appreciated the County's visit to the Plant on September 22, 1980. He commented that the Plant is a governmental unit and they do not want to be a nuisance to the area. He stated that the Plant had a problem in the spring caused by equipment malfunctioning. Mr. Borberg went on to explain the the Williamsburg

Plant's method of treating solid and liquid waste is a biological procedure. He stated that they try to limit odors to the Plant which has not been very successful. He also stated that certain odors were identified in several different locations when the County visited the Plant on September 22, 1980. Mr. Borberg mentioned that it is a very difficult and expensive to eliminate the odor that is causing the problem. He concluded by saying that the best way to solve the problem is by people's sense of smell. He wants the residents of the Grove community to work along with the Plant to figure out what odor or odors in the Plant are sending into the Grove community.

Mr. DePue asked the distance between Ron Springs Drive and the Plant and if the odor he smelled near Ron Springs Drive is normal or acceptable.

Mr. Borberg answered that Ron Springs Drive is about one mile from the Plant, and the smell is not normal or acceptable.

Mr. DePue asked if the Williamsburg Plant was one of the older plants.

Mr. Borberg answered that it is one of the older plants.

Mr. DePue asked if the problem last spring was due to Busch's increased production since one of the primary clarifiers malfunctioned during that particular period.

Mr. Borberg answered that Busch was not the problem.

Mr. Edwards asked if they had considered hiring a consultant.

Mr. Borberg commented that they do have a consultant.

Mr. Taylor asked if a wind tunnel had been considered to funnel the air toward rivers.

Mr. Frink asked if perhaps their method of treating the Brewery waste is the problem.

Mr. Borberg said that the Plant was specifically designed for Brewery waste. He also stated that no two sewage treatment plants are exactly alike, therefore, the methods vary with the type of waste being treated.

Mr. Frink asked if they were treating the Brewery waste properly.

Mr. Borberg answered that the Plant is treating the liquid waste properly.

Mr. Frink asked if the oxidation tower could be covered.

Mr. Borberg answered that the oxidation tower can be covered, if it is the problem.

Mr. Frink commented that at the very beginning, the County was told that the Plant would be a very up-to-date Plant, but since its operation there have been several problems. He stated that the odor isn't constant, but is very offensive when smelled. Mr. Frink asked Mr. Borberg to assure the Board that once the problem is pinpointed, he will make sure that the problem is corrected.

Mr. Borberg assured that he would see to it that the problem is corrected, as soon as it is identified.

Mr. DePue asked Mr. Borberg where monies would come from to correct the problem once it is identified.

Mr. Borberg answered that the Plant has their own commission to allocate funds.

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Mr. James Byrd, a resident of the Grove community, commented that he also attended the tour of the Plant and recognized the odor in three different places. They were: (1) near the first tank where sewage comes in; (2) oxidation tower; and (3) tanks where solids are being processed.

Mr. Williams, another resident of the Grove community, asked Mr. Borberg how long it would be before the problem is corrected.

Mr. Borberg answered that it is very difficult to set a time limit because if the problem is a matter of covering equipment, the covers will have to be custom-made, which will take some time.

Another resident of the Grove community, commented that he felt very little has been accomplished thus far. He stated that there are certain devices to detect the types of gases that are escaping from the Plant. He felt that some positive action for corrective measures should be expedited. He added that the problem is downgrading the property values in the Grove community.

Mr. Borberg reiterated that the problem will be corrected as soon as possible, and asked that at least two citizens from the Grove community work with the Plant's staff to find the problem.

Another resident asked to what extent the Board of Supervisors will go to make sure that the Hampton Roads Sanitation District will take immediate action to eliminate the problem, and what can the Board do to ensure that the problem is corrected.

Mr. Edwards answered that the Board of Supervisors has no authority over the operation of the Plant, but they will certainly use their influence to assure that the problem is corrected.

Mr. Borberg commented that he hoped the matter never reaches that point, and said that the Plant will proceed as rapidly as possible to solve the problem.

Another resident addressed Mr. Borberg and said that he never answered Mr. Frink's question, 'How is the Plant treating the Brewery waste?'

Mr. Borberg stated that he did not purposely evade the question, but it is a very complex subject. He said that different odors require different methods of treatment and the Plant is now treating the problem with chlorine.

There being no further questions or comments, Mr. Edwards thanked Mr. Borberg for his presentation.

## 2. Sand Hill Subdivision

Mr. Larry Brewer, resident of the Sand Hill Subdivision, presented this matter before the Board. He mentioned that the Health Department is testing the water and so far have come up with three options: (1) each household should drill a well deeper than 200 feet which would cost each household approximately \$3,300; (2) develop a community water system at a cost of \$100,000; or (3) a 7,000 ft. extension to the county water line. Mr. Brewer said that the first two options do not guarantee the community clean water. He further commented that a soil survey taken in 1973 showed that some areas of the County are not suitable for septic tanks and noted that sewage from a small plant in Toano has been draining into a swamp near the Sand Hill Subdivision for several years. He added that that plant was abandoned in 1979. Mr. Brewer concluded by asking the Board of Supervisors for any assistance they could give to the community.

Mr. Edwards asked Mr. Oliver who should work with the Health Department from the County.

Mr. Oliver stated that Mr. Robert M. Murphy will make a report to the Board of Supervisors on the matter.

A resident of the Sand Hill Subdivision commented that the Health Department has told different things to individual residents of the Sand Hill Subdivision, and asked the Board if they could have something in writing to avoid any discrepancies in verbal communications.

Mr. Edwards commented that the Board does not have any control over what the Health Department says, but that Dr. Gordon Bell would be advised that residents were receiving conflicting information.

Another resident of the Sand Hill Subdivision commented that the 1973 Ground Water Act showed that certain waters in James City County were polluted and suggested that permits not be issued to build in those areas. He asked that the County check to see if Sand Hill Subdivision was one of those areas.

A resident of the Sand Hill Subdivision asked if the County can assist Sand Hill residents in getting clean water.

Mr. Edwards stated that there was nothing the County could do at this point. He also commented that the County may have to ask whether or not its regulations on wells and septic tanks are adequate, and should seriously question whether or not the County should permit development with well and septic tanks.

F. CONSENT CALENDAR

Mr. Edwards moved for the approval of all items on the consent calendar. The motion carried by a unanimous roll call vote. The following items were approved:

1. Certification of Warrants

RESOLUTION

CERTIFICATION OF WARRANTS

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

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

GENERAL FUND	Checks	11341-11683
	Totalling	\$739,276.80
GENERAL FUND PAYROLL	Checks	23108-23589
	Totalling	\$184,166.69
SANITARY DISTRICT NO. 1	Check	95
	Totalling	\$4,831.40
SANITARY DISTRICT NO. 2	Checks	183-190
	Totalling	\$1,957.26
SANITARY DISTRICT NO. 3	Checks	1124-1138
	Totalling	\$15,869.25
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	184-198
	Totalling	\$85,742.77
REVENUE SHARING	Checks	679-680
	Totalling	\$4,996.00
JCC BOND SINKING FUND	Transfer	Electronic Wire
	Totalling	\$106,411.25

2. Setting Public Hearing - Road Abandonment

A public hearing was set on this item for the Board of Supervisors' October 27, 1980.

3. Renewal of Contract - David M. Griffith and Associates, Ltd.R E S O L U T I O N

## CENTRAL SERVICES COST ALLOCATION

WHEREAS, James City County does desire to enter into an agreement with David M. Griffith and Associates, Ltd. for the purpose of obtaining professional services relating to a central services cost allocation plan,

NOW, THEREFORE BE IT RESOLVED, that the County Administrator is hereby authorized and directed to execute the attached agreement with David M. Griffith and Associates, Ltd.

4. Carry Forward Appropriations - FY80R E S O L U T I O N

## CARRY FORWARD APPROPRIATIONS

WHEREAS, the Board of Supervisors of James City County does appropriate funds for projects that go beyond boundaries of a given fiscal year; and

WHEREAS, the Board wishes to designate certain appropriations as continuing from fiscal year to fiscal year until such time as the project is completed or the Board formally releases the funds;

NOW, THEREFORE, BE IT RESOLVED, that the following unspent June 30, 1980 balances of prior year appropriations be designated as continuing appropriations:

GENERAL FUNDRESTRICTED DONATIONS-PRIOR YEAR

EMS Donations-Used for Ambulance	\$ 1,198.00
Heisler Memorial	96.00
	<u>\$ 1,294.00</u>

SPECIAL PROJECTS

Property Maps-Real Estate	\$ 7,800.00
Equipment and Furnishings-Fire Department	6,485.00
Hydrology Study	13,125.00
Census Project	11,600.00
Professional Services-Commissioner of Revenue	1,500.00
Consulting-Economic Development	3,350.00
Regional Recreation Plan	7,966.00
Litter Grant	<u>3,805.00</u>
	<u>\$55,631.00</u>

CAPITAL PROJECTS FUNDSGENERAL FUND PROJECTS

Jail Expansion	(\$122,903.00)
Courthouse Renovations	5,241.00
Utility Development	142,064.00
Dirt Streets	( 1,796.00)
Landfill Excavation	9,502.00
Landfill Drainage	171.00
Building A-Alternations	104.00
Health Building	27,000.00
Storage Building	( 1,196.00)
Computer Expansion	( 8,461.00)
Recreation	37,053.00
School Administration Building	55,308.00
Matthew Whaley Renovation	43,896.00
Toano Test Well	6,675.00
Central Communications	3,800.00
Government Center Completion	428.00
	<u>\$196,886.00</u>

REVENUE SHARING FUND PROJECTS

Pumper Truck	\$ 8.00
Jail Expansion	60,275.84
Utility Development	174,269.00
Garage Construction	15,208.00
Storage Building	1,685.00
Court Records	4,982.00
Computer Expansion	19,407.35
Recreation Fund	30,000.00
Capital Replacement	4,748.87
Registrar Records	2,500.00
Computerized Assessments	5,000.00
	<u>\$318,084.06</u>

GRANT PROJECTS

PEMS Grant	\$ 3,000.00
Maintenance Garage	<u>32,135.25</u>
	<u>\$ 35,135.25</u>

G. BOARD CONSIDERATIONS1. Automated Check Signing Machine

Mr. John E. McDonald, Assistant to the Administrator, presented this matter to the Board. Mr. McDonald stated that he and Mrs. Frances Whitaker are in agreement in acquiring an automated check signing machine meeting the requirements for both the county and the school system, and asked that the Board adopt the resolution to authorize the purchase of the new machine.

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

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R E S O L U T I O N

CONTINGENCY TRANSFER - CHECK SIGNING MACHINE

WHEREAS, it is the desire of the Board of Supervisors of James City County to avoid unnecessary duplicate expenditures in offering services to its citizens, and

WHEREAS, it is the desire of the County Treasurer to consolidate those treasury functions for which she has primary responsibility and accountability, and

WHEREAS, the acquisition of an automated check signing machine meeting the requirements of all users and located in the Office of the Treasurer meets these two objectives;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the transfer of \$4,000 from General Fund Contingency (011-0999) to the Office of the County Treasurer (031-0405) for the purposes of acquiring an automatic check signing machine.

2. Transit Funding

Discussion of this item was presented with item number five.

3. Section 8 Budget Adjustment

Mr. Robert M. Murphy, Assistant to the Administrator, presented this item and asked the Board to adopt a resolution appropriating monies to the Community Development Fund to administer the Section 8 Rental Subsidy Program.

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

R E S O L U T I O N

SECTION 8 APPROPRIATION

WHEREAS, James City County has been allocated \$8,500 by HUD to conduct a Section 8 Rental Subsidy Program;

NOW, THEREFORE, BE IT RESOLVED THAT \$8,500 be appropriated in the Community Development fund for the purpose of administering the Section 8 Rental Subsidy Program.

BE IT FURTHER RESOLVED THAT the funds be distributed as follows:

- Salary . . . . . \$5,500
- Fringe Benefit . . . . \$1,500
- Operating Supplies. . . \$1,500.

4. Resource Recovery

Mr. David Clark, Operations Engineer, presented this matter before the Board explaining that the attached resolution indicates the County's commitment to investigate Resource Recovery as a means for solid waste disposal and will be a part of an application being submitted to the United States Department of Energy on September 30, 1980 for the funding of a detailed feasibility study. He asked that the Board adopt the resolution.

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

ENDORSEMENT OF RESOURCE RECOVERY

WHEREAS, the James City County Board of Supervisors recognizes inherent advantages of Resource Recovery for the conservation of natural resources and the support of national energy goals; and

WHEREAS, technical assistance provided through the Environmental Protection Agency indicates the potential feasibility of a waste-to-steam facility; and

WHEREAS, the potential markets for steam have displayed their continuing interest in, and support of, such a project;

THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the staff be directed to aid in the preparation and submission of an application for a U.S. Department of Energy grant in cooperation with York County and the City of Williamsburg; and

BE IT FURTHER RESOLVED by the James City County Board of Supervisors that the staff be directed to continue to examine the various legal and financial aspects of such a project, to include such issues as the formation of an implementing agency and the method of waste steam control; and

BE IT FURTHER RESOLVED by the James City County Board of Supervisors that upon the determination of the feasibility of such a waste-to-steam facility, James City County will proceed, in cooperation with York County and the City of Williamsburg, to consider the adoption of those measures necessary to insure the viability of such a project.

5. Establishment of the Greater James City County Transit Company

Mr. Frank M. Morton, III, County Attorney, presented this item to the Board along with item number 2 concerning Transit. Mr. Morton explained that it is necessary to create a Transit Authority to operate the county transit system to enable the county to enter into the types of agreements required by the federal government involving binding arbitration. He stated that the resolution permits the County Attorney to draw up Articles of Incorporation to create the Transit Company. Mr. Morton further explained that adoption of the resolution with the memorandum for agenda item no. 2 on Transit funding advances \$5,000 of the \$50,000 needed to continue the current transit system until federal funds can be drawn down through the Authority. Mr. Morton added that Mr. Westner from the State Highway Commission, Mr. Harold N. Poulsen of the Transportation Committee, and Anthony Conyers, Jr., Director of Personnel were present to answer any questions. Mr. Morton concluded by requesting the Board to adopt both resolutions.

Mr. Edwards asked what the directors of the Transit Authority be involved in.

Mr. Morton answered that the authority would mainly execute legal documents.

Mr. Anthony Conyers, Jr., Director of Personnel, added that the creation of the Transit Authority will make the Board a governing body of the transit system as well as utilize them as a second method of funding.

Mr. Morton commented that the formation of the Greater James City County Transit Authority would function somewhat like the James City Service Authority, and the Board can make other arrangements later if things are not working properly.

Mr. DePue asked if such an authority will have bonding.

Mr. Morton answered that it will not have bonding, but that could be arranged at a later date.

Mr. Edwards requested that the word "Greater" be deleted from the title and call it "James City County Transit Company." The motion carried unanimously.

Mr. Bartlett moved for the adoption of the two resolutions. The motion carried by a unanimous roll call vote.

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RESOLUTIONTRANSIT FUNDING

WHEREAS, continued and uninterrupted public transportation services in James City County is desirable; and

WHEREAS, there may be an additional delay in the release of funding for the public transit system;

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that a maximum of \$5,000 be advanced to the Transit Department from the General Fund with the understanding that the advance will be repaid when federal and state funds become available.

## RESOLUTION

Creation of  
James City County Transit Company

WHEREAS, the Board of Supervisors are desirous of urging the creation of a public corporation to aid in the providing of mass transportation service to its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the County Attorney to file such document as are necessary with the State Corporation Commission to create the James City County Transit Company.

H. MATTERS OF SPECIAL PRIVILEGE

Mr. James B. Oliver, Jr., County Administrator, presented a proclamation to the Board proclaiming the month of October as United Way month.

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

Mr. Harper Anderson, representing Colonial Williamsburg, requested the Board of Supervisors to hold a public hearing for Colonial Williamsburg allowing them to vacate old South England Street beyond the Williamsburg James City limits.

Mr. Taylor moved for approval of Mr. Anderson's request. The motion carried by a unanimous roll call vote, and a public hearing was set for the October 27, 1980 meeting.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver reported that the road to the Landfill has been asphalted, the scales ordered and the building has been advertised for bids. He addressed Mr. Bartlett's concern for a county housing policy and stated that the County does have housing goals which were established in 1974 in the Comprehensive Plan and the County also adopts an annual Housing Assistance Plan (HAP) as part of its Community Development Program.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards moved to go into executive session for the purpose of discussing a pending legal matter and personnel item, pursuant to Section 2.1-344 (a)(1) of the Code of Virginia, 1950, as amended. The motion carried by a unanimous roll call vote.

The Board reconvened into executive session at 5:40 P.M. and reconvened to public session at 5:50 P.M.

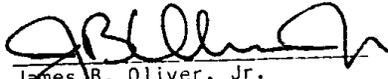
Mr. Edwards moved to appoint Mr. Gilbert Bartlett to the Board of Supervisors' position on the Planning Commission. The motion carried by a unanimous roll call vote.

Mr. Edwards moved to appoint Mr. John Donaldson to fill the unexpired term of Mrs. Helen Hall on the Planning Commission. The motion carried by a unanimous roll call vote.

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Mr. Edwards moved that the Board recess until 5:00 P.M., Monday, October 13, 1980.

The meeting RECESSED at 6:00 P.M.



James B. Oliver, Jr.  
Clerk to the Board

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