

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FOURTH DAY OF NOVEMBER, 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

John E. McDonald, Assistant to the County Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Frink moved for the approval of the Minutes of the November 13, 1980 meeting. The motion carried by a unanimous roll call vote.

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer for Virginia Department of Highways and Transportation, informed the Board that work is being done on Route 199 in the area of the fill before South Henry Street. He said that the repair work is temporary and a contract should be written up to prevent a recurrence. Mr. Hall added that Mr. J. S. Hodge, Suffolk District Engineer, is working with the Highway Department to widen the slopes.

Mr. Taylor asked about the status of the lights at the Pottery.

Mr. Hall said that the part has been ordered to repair the light.

Mr. Edwards commented that at the Board's last meeting, the Board informed residents of the Chickahominy Haven area that Mr. Hall would be present at their afternoon meeting to answer any questions that they may have.

Mr. Hall gave the Board a status report on the Chickahominy Haven issue. He said that a traffic study is underway and minor repairs have been started out of the Highway Department's maintenance funds. He commented that he had met with Mr. Gerald Otey about cutting the trees down, but only the trees on the right-of-way can be cut at this time because the ownership of trees on the left side of the road has not been determined.

Mr. Edwards asked if the Board members wished to ask Mr. Hall any questions.

Mr. DePue asked Mr. Hall about the status of the turn lane on Longhill Road.

Mr. Hall answered that the turn lane is approximately 30-40% underway and will be completed in the spring of 1981.

A discussion between the Board, Mr. Hall and the residents of Chickahominy Haven followed.

Mr. Bartlett asked Mr. Hall if the Highway Department could accept a temporary dedication for construction purposes.

Mr. Hall answered yes.

Mr. Bartlett asked Mr. Hall if he would pursue this with the Suffolk office.

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Mr. Hall answered that he would pursue the matter with the Suffolk office.

There being no further comments or discussion, Mr. Edwards closed the public comments on highway matters.

D. PUBLIC HEARING

1. Second-Hand Article Ordinance - An ordinance to amend and reordain Chapter 9, Licenses, of the Code of the County of James City, by adding a new article, Article VI, entitled Second-Hand Articles. The new article specifically defines the requirements for buyers of gold, silver, diamonds and jewelry.

Mr. Frank M. Morton, III, County Attorney, presented this matter before the Board. He stated that concurrent with the increase in the purchases of gold and silver there has been an increase in the number of burglaries in many communities, prompting many jurisdictions in the Commonwealth to adopt similar ordinances.

Mr. Morton discussed the requirements of the ordinance. The Board asked the Attorney a number of questions.

Mr. Edwards opened the public hearing.

Mrs. Frances Waltrip, Commissioner of the Revenue, commented that there is a dealer in James City County and there are no provisions for any type of license for him.

There being no other speakers, Mr. Edwards closed the public hearing.

Mr. Morton commented that the proposed ordinance is endorsed by the Police Chief, the Sheriff and the Commissioner of Revenue, Mrs. Frances Waltrip.

Mr. Frink asked if both new and old businesses will be affected by this ordinance.

Mr. Morton answered that they would both be affected.

Mr. DePue asked if the ordinance would have an impact on regular jewelers in reference to Section (b) "every person engaged in the business of buying, acquiring or selling second-hand.."

Mr. Morton stated that Section (e) of the ordinance further states that "this section shall not apply to any person engaged in the business of full time retail merchant in the County ...."

A brief discussion centered around the applicant having to provide the County Administrator with a complete list of all articles purchased within the twenty-four hours of sale of the particular articles.

Mr. Edwards suggested that the ordinance be deferred to give Board members a chance to think about it.

Mr. Bartlett commented that he would not like to defer it to the next meeting because the Christmas season is a time when people are going to need money. Mr. Bartlett then moved the ordinance, as proposed, be amended. The amendment was ".....acquired or sold by such persons prior to the close of the next business day."

Mr. DePue commented that the ordinance is very restrictive and will literally require the dealer to hand-deliver the list to the County Administrator's Office, but he said that he would support the motion to approve the ordinance. The motion carried by a 4-1 roll call vote, with Mr. Taylor voting no.

Mr. Bartlett moved to approve the ordinance as amended. The motion carried by a 4-1 roll call vote, with Mr. Taylor voting no.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING A NEW ARTICLE, ARTICLE VI, ENTITLED, SECOND-HAND ARTICLES.

BE IT ORDAINED, by the Board of Supervisors, that the Code of the County of James City be and the same is, hereby, amended to add a new article, Article VI, entitled, Second-Hand Articles.

CHAPTER 9

LICENSES

Article VI. Second-Hand Articles

Division I - Buyers of Gold, Silver, Diamonds and Jewelry

Section 9-130 Permit required.

No person shall engage in the business in the County of buying, acquiring or selling second-hand manufactured articles composed wholly or in part of precious gemstones, semi-precious gemstones, gold, silver, platinum or other precious metals and no person shall canvass in the County for the purchase, acquisition or sale of any such articles for any person engaged in such business, without first obtaining a permit therefrom from the County Administrator. If any person desiring to engage in such business or to canvass therefor shall produce to the County Administrator satisfactory evidence of his good character to carry on such business or to canvass therefore, such County Administrator shall grant a permit; otherwise, he shall not grant it.

Section 9-131 Application for permit.

(a) Forms; information required. Application for permits issued hereunder shall be made upon blank forms prepared and made available by the County Administrator and shall state:

- (1) The full name, age, residence, present and previous address of the applicant;
- (2) A specific description of the location of the principal place of business of the applicant;
- (3) The number of years work experience the applicant has had and the names and addresses of all previous employers for the past ten years, together with job descriptions.

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- (4) The length of time applicant has been a bona fide resident of the State of Virginia and any other residences the applicant has had for the preceding ten years.
- (5) If the applicant be a corporation, other than a corporation whose shares are traded on a national or regional stock exchange, the names and addresses of all officers, directors and shareholders of said corporation and the state of incorporation and the date of formation of said corporation.
- (6) Such other information as the County Administrator shall find reasonably necessary to effectuate the general purpose of this chapter and to make a fair determination of whether the terms of this chapter have been complied with.

(b) Fingerprints and photographs. The application required hereunder shall be accompanied by an identifier issued by a governmental agency with a picture of the applicant and by a full set of fingerprints of the applicant if the applicant be a partnership or other unincorporated venture, or the manager of a business operation in the city if the applicant be a corporation.

(c) Application fee. The application required shall be accompanied by an application fee of twenty-five dollars (\$25.00).

#### Section 9-132 Investigation by chief of police.

Within fifteen (15) days after receipt of an application as provided for herein, the County Administrator shall cause the chief of police to conduct an investigation of the applicant and his proposed operation.

#### Section 9-133 Standards for issuance of permit.

The County Administrator shall issue a permit hereunder when he finds:

- (a) That the applicant is of good moral character;
- (b) That the applicant has never been convicted of any felony or any offense against the decency and morals of the community.
- (c) That the permit provided by the County Administrator has been completed in full.

#### Section 9-134 Notice of rejection of permit application.

The County Administrator shall act upon the permit application within thirty (30) days after the filing thereof. If the County Administrator disapproves the application, he shall mail to the applicant within forty (40) days after the date upon which the application was filed a notice of his action stating the reasons for his denial of the permit.

Section 9-135 Appeal from denial of permit.

Any person aggrieved by such denial shall have the right to appeal the denial of such permit to the Board of Supervisors. The appeal shall be taken within ten (10) days after the date upon which notice of the denial was issued. The Board of Supervisors shall act upon the appeal within forty (40) days after its receipt.

Section 9-136 Permit fees.

A permit shall be issued to a successful applicant upon payment of a permit fee of fifty dollars (\$50.00) and upon presentation of a bond with corporate surety, cash bond or letter of credit from a bank, any of which assurances shall be approved to form by the county attorney and shall be payable to the County in the penal sum of five thousand dollars (\$5,000.00) and conditioned upon full observance of the terms of this chapter. If any person as a result of an action in the County be aggrieved by the misconduct of any licensee, and shall recover against him therefore, any such person may, after the return unsatisfied, either in whole or in part, of any execution upon such judgment, maintain actions in his own name upon the bond.

Section 9-137 Conditions of permit.

(a) Transferability. Permits issued hereunder shall not be transferable.

(b) Revocation and suspension. A permit issued hereunder shall be subject to revocation or suspension by the County Administrator for violation of any of the provisions of this chapter, upon withdrawal of security on the required bond or misconduct by the permittee or his employees, after reasonable notice and an opportunity to be heard has been given the permittee. The County Administrator shall immediately notify any permittee, by personal service or by certified mail, return receipt requested, of such suspension or revocation. The permittee shall have ten (10) days from the date of service in which to appeal the revocation or suspension to the Board of Supervisors in accordance with Section 9-135 hereinabove.

(c) Renewal period. The County Administrator shall issue a renewal permit to any permittee whose permit has not been

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suspended or revoked at the time of expiration, upon receipt of the permit fee required hereinabove, the required assurance and upon completion by the permittee of the permit application required in Section 9-131 above. If, in the opinion of the County Administrator, the photograph of the applicant on file no longer adequately resembles the applicant, then the County Administrator may require a current photograph of the applicant.

(d) Term of permit. Permits issued hereunder shall expire on the last day of the twelfth month after the month of issuance.

Section 9-138 Records required and holding period for goods.

(a) Every person engaged in the business of buying, acquiring or selling second-hand manufactured articles composed wholly or in part of precious gemstones, semi-precious gemstones, gold, silver, platinum or other precious metals shall before purchasing any of said items require the seller thereof to produce an identifier containing a photograph of the seller issued by a governmental agency and shall not purchase any of such articles from a seller who does not produce such identifier in proper order. In addition, such buyer shall keep a permanent book, in which shall be legibly printed in ink in English at the time of the transaction, an accurate account of every such article purchased, acquired or sold and the name, residence and description of the person selling, delivering or purchasing the same and the type of identification produced. Such book shall at all times be open to the inspection of the County Administrator or any police officer or deputy sheriff of the County.

(b) Every person engaged in the business of buying, acquiring or selling second-hand manufactured articles composed wholly or in part of precious gemstones, semi-precious gemstones, gold, silver, platinum or other precious metals of any kind or description whatsoever shall furnish daily to the County Administrator, upon blanks to be prescribed by him, full and complete list of all such articles bought, acquired or sold by such person prior to the close of the next business day, which list shall contain a full description of such articles, together with all marks, numbers, prints, letters and monograms on such articles, and the names and addresses of the parties from whom such articles were purchased or acquired.

(c) Every person engaged in such business shall retain in his possession, open to the inspection of the County Administrator, or any police officer or deputy sheriff of the County all such articles purchased or acquired by such person for at least five days before disposing of the same.

(d) No person licensed under the provisions of this section shall purchase any of the articles herein mentioned from a minor, or from any person who is at the time intoxicated, or from a receiver of stolen property, or from any person he has reason to suspect to be such.

(e) This section shall not apply to any person engaged in the business of full time retail merchant in the County and who purchases or acquires any of the above-named articles or items of property as a trade-in on any merchandise; nor shall this section apply to the resale of such trade-in article or item of property.

#### Section 9-139 Violations.

Violation of any requirement of this article shall be a misdemeanor. Each day's violation shall be a separate offense; each offense shall be punished by a fine of up to one thousand dollars (\$1,000.00), or by confinement in jail for up to one year, either or both.

#### E. PRESENTATIONS

Mr. Edwards requested that the presentation on the Peninsula Airport Commission be heard before the Cable Communications System presentation since the people making the presentation were present.

#### 2. Peninsula Airport Commission - Request for Financial Assistance

Mr. Robert M. Murphy, Assistant to the County Administrator, presented this matter before the Board. He said that the Peninsula Airport Commission is requesting assistance from five jurisdictions to help the Commission meet construction expenses and capital debt requirements for the fiscal year 1980-1981. He said that a formula based on the averages of personal property values, taxable real property and population figures resulted in the County's share being \$58,772. Mr. Murphy also said that the staff has conversed with Mr. Robert White, Executive Director of Patrick Henry Airport, since the preparation of the staff memorandum. He added that the staff will prepare a recommendation for the Board's December 8, 1980 meeting. Mr. Murphy informed the Board that Mr. Walter Jones, Chairman of the Peninsula Airport Commission, Mr. Horace Copeland, representing the City of Hampton, Mr. Robert White, and Mr. Charles Quittmeyer, James City County's representative on the Commission, were present to further explain their request.

Mr. Walter Jones, Chairman of the Peninsula Airport Commission, apologized to the Board for having to ask for financial assistance, but explained that the Commission is in desperate need for monies to meet current deficits and would appreciate James City County's assistance.

Mr. Charles Quittmeyer, James City County's representative on the Peninsula Airport Commission, talked about the capital needs of the Commission on a local, state and federal level. He said that the Commission has used bank loans in the past, community support and revenue bonds. Mr. Quittmeyer said that he felt that the formula was unfair, therefore, he voted against it, adding that James City County is different from other localities.

Mr. Walter Jones asked the Board if they would give the representatives of the Commission their feelings about supporting Patrick Henry Airport. Mr. Jones requested that the Board endorse a resolution of support for Patrick Henry Airport.

Mr. Edwards responded that he did not believe such a resolution to be appropriate since it could be interpreted as a commitment for financial assistance.

Mr. DePue commented that he does feel the County should support Patrick Henry Airport, but on the other hand the Airport is more critical to Hampton and Newport News. He added that he lives in Norge and has had several opportunities to travel by air, and has tried to use Patrick Henry, but has used the Byrd Airport in Richmond more often.

Mr. Morton asked if the Commission has the right to receive loans from other jurisdictions, specifically enumerating counties.

Mr. Jones answered that it is in the charter for them to seek assistance from counties.

Mr. Bartlett moved to approve the staff's recommendation which authorizes the staff to proceed with further negotiations. The motion carried by a unanimous roll call vote.

Mr. Edwards informed members of the Peninsula Airport Commission that even though the Board has not committed themselves to assist them financially, they will respond at their December 8, 1980 meeting based on the staff's recommendation.

#### 1. Cable Communications System Proposals

Mr. Allen Turnbull, Jr., Administrative Analyst, addressed the Board on this matter. He presented the Board members with four cable communication proposals: (1) Commonwealth Cable Systems, (2) Continental Cable, (3) Hampton Roads Cable, and (4) Warner-Amex Cable. Mr. Turnbull said that the Cable Communications Advisory Committee will review the proposals until December 4th and on December 8th through December 12th the applicants will present their proposals to the Board members and the Advisory Committee. He concluded by saying that the Cable Communications Advisory Committee should have a final report to the Board on February 23, 1981 and asked the Board members to endorse the schedule.

The Board endorsed the cable schedule.

#### F. CONSENT CALENDAR

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

1. CASE NO. CUP-34-80. A. W. Roberts -  
Conditional Use Permit for Mobile Home

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 site location map.

Applicant:	A. W. Roberts
Tax Map ID:	(9-2) (2-12)
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Terms:	N/A
Further Conditions:	None

2. CASE NO. CUP-35-80. David Harlow  
Conditional Use Permit for Mobile Home

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 site location map.

Applicant:	David L. Harlow
Tax Map ID:	(22-2) (1-36)
District:	Powhatan
Zoning:	A-1, General Agricultural
Permit Terms:	N/A
Further Conditions:	None

3. CASE NO. CUP-36-80. William C. Crump, Jr.  
Conditional Use Permit for Mobile Home

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;

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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 site location map:

Applicant: William A. Crump, Jr.  
 Tax Map ID: (22-2) (1-76)  
 District: Stonehouse  
 Zoning: A-1, General Agriculture  
 Permit Terms: N/A  
 Further Conditions: None

4. CASE NO. CUP-37-80. Charles E. Morgan  
Conditional Use Permit for Mobile Home

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 site location map:

Applicant: Charles E. Morgan  
 Tax Map ID: (44-2) (1-4)  
 District: Powhatan  
 Zoning: A-1, General Agriculture  
 Permit Terms: N/A  
 Further Conditions: None

5. James Blair School Entrance Road

R E S O L U T I O N

WHEREAS, the Board of Supervisors of James City County at a regular meeting on December 3, 1956 passed a Resolution requesting the State Highway Commission to include 0.18 mile of school entrance road serving James Blair School into the Secondary System which was subsequently added to the Secondary System of Highways of James City County; and,

WHEREAS, the James City County School Board by a Resolution passed on June 27, 1964 requested the Board of Supervisors of James City County, Virginia, to request the Virginia Department of Highways and Transportation to include a newly constructed entrance way off of Route 615 to the school road, Route 9657, into the Secondary System of Highways of James City County; and,

WHEREAS, the Board of Supervisors of James City County, Virginia, by Resolution dated June 30, 1964 requested the Virginia Department of Highways and Transportation to accept the entrance way as aforementioned, into the Secondary System, of which no further action has been taken for this addition by the Virginia Department of Highways and Transportation; and,

WHEREAS, the entrance accepted by the Virginia Department of Highways and Transportation for maintenance was removed at the time of construction of the new entrance;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, requests the Virginia Department of Highways and Transportation to include the aforementioned entrance from Route 615 to James Blair School Loop Road, Route 9657, as part of the James City County Secondary System of Highways as shown in red on the attached sketch entitled James City County Entrance to James Blair School dated at Williamsburg, Virginia, on October 30, 1980 and further described as follows:

From: Route 612  
To: 30' North Route 615 connecting with James Blair School Loop Road, Route 9657.

The James City County Board of Supervisors hereby guarantees an unrestricted right-of-way of eighty (80) feet to the Virginia Department of Highways and Transportation for the purpose of maintaining this entrance and certifies the construction to be equal to or superior to the minimum design standards of the Virginia Department of Highways and Transportation requirements for school entrances; and,

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, requests the Virginia Department of Highways and Transportation to abandon from the Secondary System of James City County the original entrance to James Blair School Loop Road, Route 9657, as shown in blue on the attached sketch entitled James City County Entrance to James Blair School dated at Williamsburg, Virginia, on October 30, 1980 and further described as follows:

From: Route 615  
To: 150' North connecting with James Blair School Loop Road, Route 9657.

G. BOARD CONSIDERATIONS

1. Vacation - South England Street

Mr. John E. McDonald, Assistant to the County Administrator, addressed the Board on this matter. He stated that this issue was on the agenda of their October 27, 1980 meeting. He further stated that the item was deferred until the Virginia Highway Department took action on the easement, and it was discovered that the vacation requires the recommendation of the Board, and in this particular case, also requires the recommendation from the City Council pertaining to the portion of South England Street that is in the City of Williamsburg. Mr. McDonald said that as far as he knew, (noting that Mr. Frank N. Hall was no longer in the audience) the ownership of the land is still in question, however, the Commission will not hold a hearing on it until they have received a recommendation from the Board of Supervisors, therefore, he requested the Board to adopt the resolution.

Mr. Robert Emmett, representing Colonial Williamsburg, stated that the Highway Department cannot locate the records of ownership, but Colonial Williamsburg has offered an easement to the Highway Department, therefore, he also requested that the Board approve the resolution.

Mr. Edwards asked Mr. Emmett if there have been any objections to the road abandonment.

Mr. Emmett answered that he has not heard any objections on the road abandonment.

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

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RESOLUTIONROAD ABANDONMENT - STATE ROUTE 619

At a regular meeting of the Board of Supervisors of James City County held this 24th day of November, 1980, it was duly moved and seconded that:

WHEREAS, on the 22nd day of September, 1980, the Board gave notice of intention to abandon Secondary Route 619, from the south corporate limit of the City of Williamsburg to the dead end, a distance of 1.92 miles, pursuant to Section 33.1-151 of the Code of Virginia of 1950, as amended; and

WHEREAS, after a public hearing was held on the 27th day of October, 1980, the Board has determined that no public necessity exists for continuance of the said Section of Secondary road as a public road and that the welfare of the public will be served best by abandoning such section of road;

NOW, THEREFORE, BE IT RESOLVED: That Secondary Route 619, from the south corporate limit of the City of Williamsburg to the dead end, a distance of 1.92 miles, be, and the same hereby is, abandoned as a public road pursuant to Section 35.1-151 of the Code of Virginia of 1950, as amended, except that the Commonwealth of Virginia, Department of Highways and Transportation does reserve an easement for a paved drainage ditch from the right-of-way line of Route 199, right of station 54 + 10 eastbound lane, 10 feet wide and extending 150 feet long, and another easement for a paved drainage ditch from the right-of-way line of Route 199, right of station 54 + 50 eastbound lane, 10 feet wide and extending 150 feet long, together with an easement for purposes of ingress and egress along South England Street and Route 619 to and from said drainage facilities for the purpose of maintaining said easements and the bridges of Route 199 over Route 619.

## 2. Recreation Coordinator

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board. She commented on several issues that evolved from the November 13, 1980 work session on recreation. She said the primary issue is one that faces the County on a daily basis and that is the County's inability to solicit and implement recreational grant-aid programs that would be beneficial to residents of the County. Others include greater involvement to solidify a contract with the City of Williamsburg for the services they provide County residents; repairs to existing mini-parks; development of a community center; development of a Recovery Action Plan so that the County will be eligible for federal funds for parks and recreation; continuation of the summer recreation program, and involve private recreational organizations in neighborhood projects. A staff position is essential to the conduct of these and other recreational facilities. However, Mrs. Burcham asked the Board to defer any action on the proposed position until they receive the Master Recreation Plan in December.

There being no discussion, the matter was deferred until the Board members receive the Master Recreation Plan.

## 3. James City County's 1981 Legislative Program

Mr. Edwards mentioned that this matter was deferred from the last meeting. He presented the Board members with a scaled down version of the proposals to be submitted to the General Assembly for 1981. He suggested that the Board vote on each proposal separately. Proposal number 1 reads as follows:

Proposal 1. The County supports an increase in the basic State contribution per pupil for Standards of Quality from \$1,099 in the current budget to \$1,373 as recommended by the State Board of Education, the Virginia Education Association, the Virginia Municipal League and the Virginia Association of Counties.

Mr. Edwards moved to approve proposal no. 1. The motion carried by a unanimous roll call vote.

Proposal number 2 reads as follows:

Proposal 2. The County supports legislation permitting ordinances for the taxation of motel occupancy and meals and beverages. We believe all counties should have this authority; if general legislation cannot be obtained, James City County should be added to the list of counties which are authorized to impose these taxes.

Mr. Edwards asked Mr. McDonald to express the staff's position on proposal number 2.

Mr. McDonald explained that the State legislature, by omission, has limited the powers of counties to make a determination at a local level. He stated that the request for enabling legislation of the staff's recommendation to the Board does not address the advantages or disadvantages of any particular opportunity such as the drilling of shallow wells or imposing taxes. He also said that the staff would support any expansion of enabling legislation that would authorize the Board to seek authority they are now being denied. Mr. McDonald expressed concern that the merits of the request to seek enabling legislation are being overshadowed by discussion of the advantages and disadvantages of an admissions tax and the control of shallow wells. He recommended that the Board go forward with Mr. Edward's revisions to proposal no. 2.

Mr. Edwards moved for the approval of proposal no. 2. The motion carried by a 4-1 roll call vote, with Mr. Taylor voting no.

#### R E S O L U T I O N

#### JAMES CITY COUNTY LEGISLATIVE PROGRAM FOR 1981

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal, and

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board hereby instructs staff to submit and/or support the proposed legislation as set forth in the attachment indicated as the James City County Legislative Proposals for 1981 and made a part hereof

#### H. MATTERS OF SPECIAL PRIVILEGE

None.

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

No one chose to speak.

#### I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. McDonald presented the Board members with a memorandum on the banking services contract for their consideration at their December 8, 1980 meeting. He added that either he or the Treasurer would be glad to answer any questions they have regarding the memo before the December 8th meeting.

Mr. McDonald informed the Board that the county scales are in operation and began on Saturday, November 22, 1980. He commented that the two female operators went through some first-day jitters, but hopefully, the system will be in full operation before the end of the month.

#### J. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked if the Personnel Committee and the budget work session are tied together.

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Mr. McDonald commented that the budget work session will be very general, and that the staff is working on three projects; (1) revising the personnel and pay policies; (2) considering merit and cost-of-living increases for next year; and (3) studying of fringe benefits that are in various stages of completion for the Personnel Committee agenda.

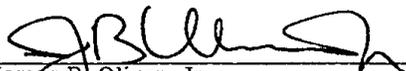
Mr. Bartlett directed Mr. McDonald to set up a meeting of the Personnel Committee at the earliest possible date.

Mr. Edwards moved to go into executive session to discuss a pending legal matter and personnel matter, pursuant to Section 2.1-344 (a)(a) of the Code of Virginia, 1950, as amended. The motion carried unanimously.

The Board convened into executive session at 4:45 P.M. and reconvened to public session at 5:20 P.M.

Mr. Edwards moved to recess until 5:00 P.M. on December 8, 1980. The motion carried unanimously.

The meeting RECESSED at 5:25 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board