

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTIETH DAY OF NOVEMBER, NINETEEN HUNDRED EIGHTY-ONE AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM 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 County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Bartlett moved to approve the minutes of the regularly scheduled meeting of November 16, 1981. The motion carried by a 5-0 roll call vote.

C. PUBLIC HEARINGS

With the Board of Supervisors meeting still in session, Mr. Abram Frink, Jr., Chairman of the James City Service Authority, called the Board of Directors of the Authority to order. The following members were present:

Abram Frink, Jr., Chairman
 Perry M. DePue, Vice-Chairman
 Jack D. Edwards
 Gilbert A. Bartlett
 Stewart U. Taylor

1. Joint Public Hearing to Consider the Purchase of the Norge Water System.

Mr. James B. Oliver, Jr., County Administrator, requested Mr. Wayland Bass, Director of Public Works, to present this matter to the Joint Public Hearing.

Mr. Bass explained that the purchase of this system furthers the County's goal of establishing a County water system and water independence. Acquisition of this system would enhance the County's long-range water planning aimed at developing our water resources, transmission and water storage facilities; and acquiring and upgrading water systems. Mr. Bass noted that the County has, in the past, acquired other private water systems.

Water quality and chemistry would remain unchanged, according to Mr. Bass, and pressure would be improved in the event the County acquires this water system. Mr. Bass also noted that better fire protection could be provided under County ownership.

Mr. Bass had brought several charts with him which explained the relationship between water rates, consumption and ownership by the County or by private ownership. The sales price for this system is \$54,000, and Mr. Bass said that he feels this is a fair price.

Mr. Edwards then opened the Joint Public Hearing by asking for questions from the assemblage.

Mr. Thomas Mahone asked about the likelihood of the present owner's being granted the requested 100 percent rate increase from the State Corporation Commission. Mr. Bass replied that he couldn't answer the question because the Commission decides each case on an individual basis. He added, however, that the Norge Waterworks' rates are well below the State average.

Mr. Vernon Edmonds spoke next against the acquisition of the system by the County because he felt that transferring the water service from private to public ownership would be more costly. Mr. Edmonds asked why the owner wished to sell. The reply was that the owner's decision was influenced by the multiplicity of Federal regulations compared to when the system was originally built.

Mr. Edwards asked Mr. Edmonds if he wished to make a statement. Mr. Edmonds stated that when municipalities contract with a private owner for a service, in general, municipalities save money.

Mr. Melvin W. Bryant spoke next saying that his property had been connected to the Norge Waterworks' system since 1958, and he had had very little problem with it. Mr. Bryant stated that the last time the owner of the system applied to the State Corporation Commission for a rate increase, he did not get as large an increase as he had requested. Mr. Bryant also noted that the residents of Norge that he has spoken to are all happy and satisfied with the system.

As there were no more questions or comments, Mr. Edwards closed the Joint Public Hearing.

Mr. DePue requested that this matter be deferred for a two-week period to give him time to consult with his constituents on the matter.

Mr. Taylor suggested that the staff set a time to meet with the residents of Norge to explain to them what is entailed in this acquisition, and how it will affect them.

Mr. Edwards asked Mr. DePue if he would arrange such a meeting, and he agreed.

Mr. Frink moved to close the meeting of the Service Authority which was acting jointly with the Board of Supervisors in the Joint Public Hearing. Motion was approved by a unanimous roll-call vote.

D. HIGHWAY MATTERS

Mr. Larry Bailey, representing Mr. Frank Hall of the Virginia State Highway Department, presented himself to the Board to answer questions or receive comments concerning State highways.

Mr. DePue requested that Mr. Bailey ask Mr. Hall to contact him as he had several highway items he wished to discuss with Mr. Hall.

Mr. Oliver brought up the situation at Route 199 and Brookwood Lane. The County is requesting that the State change the speed limit from 55 m.p.h. to 45 m.p.h. east of Brookwood Lane rather than west of this intersection because there have been quite a few serious accidents at this busy intersection. Mr. Porter, Director of Planning, reported that in a telephone conversation with Mr. Hall, Mr. Hall said that a study of the traffic activity at this point would be undertaken shortly.

E. BOARD CONSIDERATIONS

1. Appropriation for Asbestos Removal - Courthouse and EOC Building

Mr. Bass presented this matter to the Board by giving some history of the construction of the Courthouse and EOC Building. He said that when these buildings were constructed, they were built according to good standards at that time. However, since then it has been discovered that asbestos is present in both of these buildings, and in the interest of public health it has become necessary to remove the offending material.

The resolution Mr. Bass presented proposed to appropriate money for this purpose.

Mr. Frink moved to approve this resolution which carried by a unanimous roll-call vote.

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R E S O L U T I O NAPPROPRIATION FOR ASBESTOS REMOVAL
COURTHOUSE AND EOC BUILDING

WHEREAS, it has been determined that some of the ceiling material in the Williamsburg-James City County Courthouse contains asbestos and that some of the duct work at the EOC Building in Toano is insulated with asbestos-containing material; and

WHEREAS, it is necessary in the interest of public health to have this material removed and replaced with an approved material;

THEREFORE, BE IT RESOLVED:

1. That funds totaling \$31,430 are hereby appropriated from the unappropriated fund balance to the Buildings and Grounds Budget for Building Maintenance; Account Number 0001141-0216; and
2. That the expenditure of funds for asbestos removal at the Courthouse is contingent upon similar action by the City of Williamsburg; and
3. That the County Administrator is hereby authorized to execute such contracts and agreements as are necessary to accomplish the asbestos removal.

2. CASE NO. SUP-6-80. Powhatan Country Inn.

Mr. William C. Porter, Director of Planning, introduced this matter explaining that the owner, Mr. Bull, has agreed to all the conditions recommended by the Planning Department.

Mr. Edwards specifically asked about the ninth condition wherein the developer agrees to construct and dedicate to the County a water supply system or escrow an equal amount of money for the extension of the County water system to serve the development. Mr. Porter replied that this condition had been accepted.

Mr. DePue asked if the Health Department had approved the use of septic tanks on this property. Mr. Porter replied that the Health Department would not approve septic tanks for this development.

Mr. Taylor moved to approve granting the Special Use Permit. Motion was unanimously approved in a roll-call vote.

SPECIAL USE PERMIT

A Special Use Permit, SUP-6-80, for the construction and operation of a Country Inn Complex. The permit is subject to the following conditions:

- 1) The Special Use Permit and its conditions cover the entire 259 acres known as Powhatan Plantation (Tax Map 38-3).
- 2) Uses on the property be limited to the following:
 - A. Agriculture, dairying, forestry, general farming, single family detached dwellings and churches.
 - B. A country inn (hotel) and restaurant, with accessory gift shop, office space, quarters for a manager, and recreation facilities (swimming pool, tennis courts, equestrian facilities, golf course, and lakes or ponds).
 - C. Accessory structures directly related to the uses permitted by this permit.
- 3) The gravel pit operation is operated as a non-conforming use, and is subject to all conditions and regulations of Article V, Non-conforming Uses.

4) Single family detached dwellings and churches are to be restricted to areas designated for future development on the attached map; are not to access onto the driveway serving as the main access to the inn; are to be developed in conformance with the regulations pertaining to these uses in the A-2, Limited Agricultural District, and may be developed only after review and approval by the Planning Commission of a master plan, as required by paragraph 5 of this permit.

5) All development in the areas designated for future development, except agricultural uses and accessory recreational uses of the inn, is to be in conformance with a master plan reviewed and approved by the Planning Commission. The master plan is to include provisions of a buffer zone around the plantation house and the access drive to the plantation house. The dimensions of the buffer zone are to be based upon an analysis of site distances, existing and proposed vegetation, topography, and the proposed uses adjacent to the inn. The master plan must also include a conceptual layout of proposed roads and lots, designation of densities, and designation of land uses.

6) The total number of guest rooms is limited to a maximum of 108 units. These rooms are to be developed into several small cottages, which are to be located west of the plantation house. No more than four guest rooms are to be in any one cottage.

7) The historic plantation house, known as Powhatan, is to be maintained and preserved.

8) Amendments to the conditions of the permit, including changes in the permitted uses, will be allowed at the discretion of the Board of Supervisors, based upon an application by the property owner, which will be processed as a new Special Use Permit application. An application for an amendment will require payment of an application fee, and that it be processed in accordance with Section 20-27 of the Zoning Ordinance.

9) Phases I and II of the Powhatan Country Inn be connected to public sewer, and the developer construct and dedicate to the County a public water supply meeting all State Health Department standards, or escrow an equal amount of money for the extension of the County water system to serve the development. The developer shall use the County transmission main, if available within his project schedule.

3. Salaries of the Board of Supervisors

Mr. Oliver presented this matter to the Board. He explained that in a review of a Virginia Municipal League schedule of supervisor salaries statewide, James City County was found to be quite low on the list. Mr. Oliver suggested that the Board of Supervisors begin to adjust the salary schedule which would not become effective, because of the way the law is written, until 1984.

Mr. Oliver wished to point out that contrary to other localities, James City County Board members serve on a variety of different bodies, i.e. the James City County Service Authority, Community Action Agency, Planning Commission, and the James City Transit Company to name several.

Mr. Oliver further elaborated that the County is submitting for their approval a resolution with two proposals: Item No. 1 is to adjust the salaries of the Chairman and Vice-Chairman, and Item No. 2 is to adjust the compensation for Supervisors from the Powhatan and Jamestown Districts.

Mr. Frank M. Morton, III, County Attorney, explained that under State law, salaries of supervisors can only be increased between the time of election and the beginning of a new term. When the other three districts in the County have their next election, Supervisors from those districts may have their salaries raised.

Mr. Edwards said that he had some concern about Item No. 1 in the resolution because he felt that the disparity between the salaries of the Chairman and Vice-Chairman and the other members was too great. He wished to strike No. 1 completely.

Mr. Taylor interjected that he has served in both capacities, as Chairman and Vice-Chairman of the Board, and he knows that these jobs require a lot of time. He thinks, after serving many years, that the pay is poor compared with the amount of work that has to be done.

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Mr. DePue then offered a substitute item for Item No. 1 in the form of a motion. He moved that the salaries as stated in Item No. 1 be changed from \$4,800 and \$4,200 to \$3,600 and \$3,000 respectively.

Mr. Edwards asked if there was any discussion on this motion. There being none, a roll-call vote was taken and the motion failed on a 3-2 vote.

Mr. Bartlett then made a motion to adopt the resolution, striking Item No. 1. This motion carried on a unanimous roll-call vote.

R E S O L U T I O N

Board of Supervisors' Compensation

WHEREAS, comparisons show that salaries of members of the Board of Supervisors of James City County and its Chairman and Vice-Chairman are less than those of comparable communities.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that the Board of Supervisors' salaries be adjusted as follows:

1. That as of January 1, 1984, the compensation of the members from Powhatan and Jamestown Districts be set at \$4,000.

F. MATTERS OF SPECIAL PRIVILEGE

At this time, Mr. Thomas Shields, a resident of James City County, addressed the Board concerning a grievance. He said that this matter affected him personally, but he also hoped that the fact that he was expressing his grievance publicly might be helpful to other citizens. The heart of the matter, he said, is that he believes that the County's way of informing taxpayers about filing for Personal Property taxes is inadequate.

Mr. Shields said that he had been a resident of the County for three years, but didn't know until November 27th of this year that he had to file a Personal Property Tax Form or pay a penalty. He said that he understands that the County placed a notice in the newspaper and that signs had been posted in the Commissioner of Revenue's office; also, that a blank form was placed in last year's income tax form. However, Mr. Shields admits that he did not see any of these, and he feels that a lot of other County residents missed seeing these notices.

Mr. Shields felt that the Board of Supervisors should have the obligation of informing new residents of the County about the Personal Property Tax and the penalties for late filing. He made the suggestion that the form be sent out with the decal applications.

Mr. Edwards asked Mrs. Frances Waltrip, Commissioner of the Revenue, to respond to Mr. Shields.

Mrs. Waltrip reported that a notice had been placed for four Mondays in the Daily Press; she exhibited a copy of the State Income Tax return form with a red-ink notice in the upper right-hand corner alerting taxpayers concerning the penalty for not filing Personal Property Tax returns. She also noted that posters had been placed in the EOC Building in Toano and at the Courthouse. Mrs. Waltrip concluded that they had done as much as they possibly could do to notify taxpayers about the penalty. She added that a poster had even been placed in a local grocery store.

Mr. Oliver added that the County will attempt to devise additional ways of informing its citizens about the penalty involved in not filing for Personal Property taxes.

G. COUNTY ADMINISTRATOR'S REPORT

At this point, Mr. Oliver presented information about the possibility of accepting construction, demolition, and land clearing refuse at the landfill. The Director of Public Works, Mr. Bass, presented budgetary information on this matter in response to questions that had been raised by the Board at a previous time.

Mr. Taylor noted that he would be interested in hearing in more detail about the effect of this kind of disposal at the landfill when the Department of Public Works has compiled more information.

Mr. Edwards asked if any Board member had anything else he wished to discuss. Since there seemed to be no further discussion at this time, Mr. Edwards recessed the meeting in order to allow the James City Transit Company to meet.

At the conclusion of the Transit Company meeting, Mr. Edwards again called the Board of Supervisors meeting to order and requested that Mr. Wayland Bass, Director of Public Works, address the Board concerning the most recent developments at Sand Hill.

Mr. Bass reported that they had taken bids on the construction of the Sand Hill distribution system, and they are in the process of awarding the contracts.

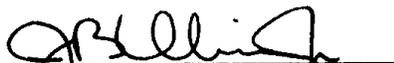
Mr. Bass added that the transmission main on Route 60 has been completed, and also that the developer of the Sand Hill subdivision is going to make a sizeable contribution to the installation of the water main.

Mr. Edwards then moved that the Board go into Executive Session to discuss a legal matter pursuant to Section 2.1-344 (a) (6) of the Code of Virginia, 1950, as amended. The motion carried unanimously.

The Board reconvened into Public Session at 10:20 P.M. At this time, Mr. Edwards noted to the members that the next meeting on December 14, 1981 would take place at 4:30 P.M.

Mr. Edwards moved to adjourn. The motion carried unanimously.

The meeting ADJOURNED at 10:22 P.M.


James B. Oliver, Jr.
Clerk to the Board

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