

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

A. ROLL CALL

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

James B. Oliver, Jr., County Administrator
 John E. McDonald, Assistant to the County Administrator

B. MINUTES - July 26, 1982

Mr. Frink asked if there were any corrections or additions to the minutes. As there were none, Mr. Edwards moved for the approval of the minutes of July 26, 1982. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

C. CONSENT CALENDAR

Mr. Frink asked the Board members if they wished to have any items removed from the Consent Calendar. There being no special requests, Mr. Frink moved for the approval of the items on the Consent Calendar. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

1. Setting Public Hearing Date of September 13, 1982
 1. Amendments to the Solicitation Ordinance
 2. Proposed Smoke Detector Ordinance
 3. Proposed Amendments to Chapter 5, James City County Code - Bingo and Raffles
2. Summer Food Service Supplemental Appropriation - Resolution

R E S O L U T I O N

Supplemental Appropriation of Funds for the Summer Food Service Program

WHEREAS, the United States Department of Agriculture has awarded James City County additional funds totaling \$5,394.00 to be used for the Summer Food Service Program for children, which is operating within the framework of the James City County Summer Recreation program.

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NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that \$5,394 be appropriated as additional revenue for the Summer Food Service Program and be designated as follows:

Food Contract	\$5,000.00
Administration salary	140.00
Fringe Benefits	14.00
Fuel	160.00
Office Supplies	80.00
TOTAL	<u>\$5,394.00</u>

3. Code Violation Lien

R E S O L U T I O N
CODE VIOLATION LIEN

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following bill for service rendered is delinquent and remains unpaid; and

WHEREAS, such unpaid and delinquent charges are and constitute a lien against the real property on which the service was performed and for which charges were imposed; and

THEREFORE, BE IT RESOLVED that in accordance with Section 21, 118.4, paragraph E, of the Code of Virginia, 1950, as amended, the Board of Supervisors directs that the following delinquent charges for service rendered, to wit:

Removing kudzu vines:

Account No.:	Frank E. Sellers, President Properties of Williamsburg, Inc. 1232 W. Little Creek Road Norfolk, Virginia 23557	
Description of property:	Recreation area between Conway Gardens and Marlboro Apartments Tax Map # (48-1) Parcel # (1-30) Deed Book #79, Page #196	
Amount Due:	Labor	\$ 436.70
	Equipment	618.00
	Landfill User Charge	402.75
	Sprayer Rental	15.00
	Banvel	<u>100.00</u>
	TOTAL	\$ 1,572.45

4. Case No. CUP-32-82. Mr. Brian Oyer

R E S O L U T I O N
CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the 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 on the attached site location map.

Applicant: Mr. Brian Oyer
 Tax Map I.D.: (10-2) (1-1)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

5. Case No. CUP-33-82. Mrs. Eunice McMillan

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the 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 on the attached site location map.

Applicant: Ms. Eunice McMillan
 Tax Map I.D.: (36-2) (2-1)
 District: Powhatan District
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

6. Case No. CUP-34-82. Ms. Mary C. McKown

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the 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 on the attached site location map.

Applicant: Ms. Mary McKown
 Tax Map I.D.: (23-2) (1-4)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

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D. BOARD CONSIDERATIONS**1. Proposed Regional Fire Training Facility**

Mr. John E. McDonald, Assistant to the County Administrator, presented the staff report to the Board stating that James City, York and the City of Williamsburg have been negotiating for a site at Cheatham Annex to construct a regional fire training facility. He recommended that the Board adopt the resolution authorizing the execution of the grant of easement and the Memorandum of Understanding.

Mr. Mahone questioned the extent of the insurance for this type of facility.

Mr. McDonald replied that the operating committee, which consists of the Fire Chiefs from the three localities, have developed an insurance program.

There being no further discussion, Mr. DePue moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTION

Fire Training Facility

WHEREAS, James City County is desirous of entering into an agreement with the United States of America for a site for the construction of a regional fire training facility and a Memorandum of Understanding for the use of the site.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that Abram Frink, Jr., Chairman and James B. Oliver, Jr., Clerk to the Board are authorized to execute the attached grant of easement and Memorandum of Understanding, appended hereto and made part of this resolution, as it relates to the proposed construction and operation of a Regional Fire Training Facility at Cheatham Annex.

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made this 9th day of August, 1982, by and between the UNITED STATES OF AMERICA, acting by and through the Department of the Navy, hereinafter called the GOVERNMENT, and the CITY OF WILLIAMSBURG, VIRGINIA, the COUNTY OF YORK, VIRGINIA, and the COUNTY OF JAMES CITY, VIRGINIA, political subdivisions of the Commonwealth of Virginia, hereinafter collectively called the GRANTEE.

W I T N E S S E T H:

WHEREAS, the GOVERNMENT owns that certain real property, as hereinafter described, situate in York County, State of Virginia, and comprising a portion of lands under the cognizance of the Department of the Navy at the U.S. Naval Supply Center, Cheatham Annex, hereinafter referred to as the STATION; and

WHEREAS, the GRANTEE has requested an easement for the construction, use, maintenance, operation, repair and replacement of a Regional Fire Training Facility upon aforesaid real property of the GOVERNMENT; and

WHEREAS, said Regional Fire Training Facility will be used for the joint training of the GRANTEE's and the GOVERNMENT's fire departments, will promote the national defense, serve the mutual and respective interests of the parties hereto and otherwise be of direct benefit to the GOVERNMENT; and

WHEREAS, the Secretary of the Navy has found that the grant of such an easement on the terms and conditions hereinafter stated is not incompatible with the public interest.

NOW THEREFORE, this Instrument witnesseth that, in consideration of the premises and the mutual benefits to be derived therefrom, the GOVERNMENT, pursuant to the authority of Title 40, United States Code, Section 319 hereby grants unto the CITY OF WILLIAMSBURG, VIRGINIA, the COUNTY OF YORK, VIRGINIA, and the COUNTY OF JAMES CITY, VIRGINIA, their successors and assigns, for a period of twenty-five (25) years from the date hereof, an easement for the construction, use, maintenance, operation, repair and replacement of a Regional Fire Training Facility, hereinafter referred to as the FACILITY, such easement to extend through, across, under and over, and be confined to that portion of the STATION hereinafter called the PREMISES and being described as follows:

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All that certain tract, piece or parcel of land lying and being in York County, Virginia, and situate within the boundaries of the U.S. Naval Supply Center, Cheatham Annex, and being more particularly described as follows:

Beginning at a point identified as the northernmost corner of Building 284; said point having Geographic Coordinates N 25873, E 22940; thence, leaving said point and running along a magnetic bearing N 55° E, 54 feet to a point, said point having Geographic Coordinates N 25900, E 23000 and being identified as the southern corner and TRUE POINT OF BEGINNING of the hereinafter described parcel; thence, along a magnetic bearing N 35° W, 325 feet to a point, said point having Geographic Coordinates N 26165, E 22820 and being identified as the western corner of said parcel; thence, along a magnetic bearing N 55° E, 300 feet to a point, said point having Geographic Coordinates N 26338, E 23067 and being identified as the northern corner of said parcel; thence, along a magnetic bearing S 76° 26' 30" E, 78 feet to a point, said point having Geographic Coordinates N 26322, E 23138; thence, along a magnetic bearing S 35° 12' 50" E, 268 feet to a point, said point having Geographic Coordinates N 26100, E 23288 and being identified as the eastern corner of said parcel; thence, along a magnetic bearing S 55° W, 350 feet to the TRUE POINT OF BEGINNING, containing 2.55 acres of land, more or less, and being as shown on the drawing attached hereto and made a part hereof as Exhibit "A".

TOGETHER WITH rights of ingress and egress and the right, in common with others, to use all supporting facilities and roadways serving said Premises to the extent necessary to enable GRANTEE to use same for the purposes of this grant of easement.

SUBJECT, HOWEVER, to all existing roads, utility easements, and all other outstanding rights, and to all such utility lines and facilities and other improvements as may now be located on, over, across or under aforesaid Premises.

THIS EASEMENT is granted subject to the following terms and conditions:

1. All work in connection with the construction, installation, operation, repair, and replacement of aforesaid FACILITY shall be done without cost or expense to the GOVERNMENT, and in accordance with plans previously approved by the Commander, Atlantic Division, Naval Facilities Engineering Command.
2. The GRANTEE shall maintain the Premises and the FACILITY in good condition at all times and shall promptly make all repairs thereto that may be necessary for the preservation of the condition of the Premises and the continued operation and maintenance of said FACILITY.
3. The GRANTEE's rights hereunder shall be subject to such rules and regulations as may be prescribed by the GOVERNMENT to assure that the exercise of such rights will not interfere with GOVERNMENT activities at the STATION.

4. The CITY OF WILLIAMSBURG, VIRGINIA, the COUNTY OF YORK, VIRGINIA, and the COUNTY OF JAMES CITY, VIRGINIA, will obtain endorsements to their respective liability insurance policies, as specified in Article 6 hereinafter, which endorsements shall name the GOVERNMENT, its officers, agents, servants and employees as an additional insured with respect to any and all liability, under the Federal Tort Claims Act or otherwise, for death or injury to all persons, or loss or damage to the property of all persons resulting from the use of said premises and FACILITY by the GRANTEE, its officers, agents, servants, employees, contractors, invitees, assigns and tenants.

5. In the event that death or injury occurs to any person, or loss, destruction or damage to any property, including property of the GRANTEE, in connection with the use of said premises by the GOVERNMENT, occasioned in whole or in part by the acts or omissions of the GOVERNMENT, its officers, agents, servants or employees, the liability of the GOVERNMENT therefor shall be determined in accordance with the applicable provisions of the Federal Tort Claims Act.

6. The GRANTEE shall obtain and maintain in full force and effect during the term of this easement, at its own cost and expense, the following insurance coverage: (1) Third Party Property Damage in the minimum amount of \$100,000.00; (2), Third Party Personal Injury Per Person in the minimum amount of \$200,000.00; and, (3) Third Party Personal Injury Per Accident in the minimum amount of \$1,000,000.00. All insurance required by this easement shall be in such form and for such periods of time, as the GOVERNMENT may require or approve and shall be with a reputable and financially responsible insurer licensed to operate in the State of Virginia. Each policy of insurance covering bodily injuries and third party property damage shall contain an endorsement reading substantially as follows:

"The insurer waives any right of subrogation against the United States of America which might arise by reason of any payment made under this policy."

A certificate of insurance or a certified copy of each policy of insurance taken out hereunder shall be deposited with the Commander, Atlantic Division, Naval Facilities Engineering Command, Norfolk, Virginia 23511, prior to use of aforesaid premises and FACILITY. The GRANTEE agrees that not less than

thirty (30) days prior to the expiration of any insurance required by this easement, it will deliver to the Commander, Atlantic Division, Naval Facilities Engineering Command a certificate of insurance or a certified copy of each renewal policy to cover the same risks.

7. Upon the expiration or prior termination of this easement, the GRANTEE, at its expense, shall remove, to the extent requested by the GOVERNMENT, improvements installed or constructed hereunder, and shall restore the Premises to the same or as good a condition as that which existed prior to the exercise by the GRANTEE of its rights hereunder. Such restoration shall be done in a manner satisfactory to the Commander, Atlantic Division, Naval Facilities Engineering Command.

8. If at any future time, the GOVERNMENT determines that aforesaid FACILITY, or any portion thereof, unduly interferes with any of its activities, it shall have the right to terminate this easement, in whole or in part, to the extent necessary to eliminate such interference; PROVIDED THAT, unless the GOVERNMENT shall have determined that relocation is not feasible, it shall convey to the GRANTEE, without charge, a substitute easement permitting the GRANTEE to relocate said FACILITY, or portion thereof, onto adjacent GOVERNMENT property, at the GRANTEE's cost and expense. The substitute easement shall contain the same terms and conditions as those of this easement, and shall bear the same expiration date, if any.

9. All or any part of this easement may be terminated by the GOVERNMENT upon failure by the GRANTEE to comply with any of its terms and conditions; upon abandonment of the rights granted herein; or upon nonuse of such rights for a period of two consecutive years. Termination shall be effected by the provision to the GRANTEE of written notice thereof.

10. The GOVERNMENT may use the premises of this easement for any purpose that does not unreasonably interfere with the use and enjoyment by the GRANTEE of the rights granted by this easement.

2. John Yancey Corporation Industrial Revenue Bond Request

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board. He stated that Mr. Yancey had made application with the Peninsula Ports Authority for industrial revenue bond financing to renovate and expand the John Yancey Motel on Route 60 West in James City County. He also stated that the James City County Industrial Development Authority on July 29, 1982 voted unanimously to recommend to the Board that the application for industrial revenue bonds be forwarded to the Peninsula Ports Authority for its consideration.

Mr. Edwards expressed his concerns regarding the issuance of revenue bonds for motels. He stated that he would not vote for this resolution.

There being no further discussion, Mr. DePue moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Mahone, Taylor (4). NAY: Edwards (1). Motion carried by a 4-1 vote.

RESOLUTION

WHEREAS, Mr. Robert E. Yancey, President of John Yancey Corporation, has applied to the Virginia Peninsula Ports Authority for industrial revenue bond financing to renovate and expand the John Yancey Motel; and

WHEREAS, the Virginia Peninsula Ports Authority requires concurrence by the host jurisdiction prior to considering projects for industrial revenue bond financing; and

WHEREAS, the site of the proposed project is within the area agreed by the County and the City of Williamsburg to be annexed into the City during the development of this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, forwards the application for industrial revenue bond financing for the renovation and expansion of the John Yancey Motel located in James City County, Virginia, to the Virginia Peninsula Ports Authority for its consideration.

3. Sanitary District No. 1 - Sewerage Improvements

Mr. Wayland N. Bass, Director of Public Works presented this matter to the Board stating that the treatment plant is dilapidated and should be replaced with a pumping station and force main to transmit sewage to HRSD. He recommended adoption of the resolution appropriating James City County's share of the engineering costs.

Mr. Edwards moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0)

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RESOLUTIONSANITARY DISTRICT NO. 1 SEWERAGE IMPROVEMENTS

WHEREAS, Sanitary District No. 1 sewage facilities are in need of improvement; and

WHEREAS, the State Water Control Board has indicated that grant funds may be available to assist with this work, and

WHEREAS, HRSD and York County have indicated a willingness to participate in the preparation of engineering plans for necessary sewage improvements,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby appropriates \$6,660 as James City's share of engineering costs. These funds are appropriated from Sanitary District No. 1 reserves.

4. Gatehouse Farms Subdivision

Mr. Wayland N. Bass, Director of Public Works, presented this matter to the Board. He recommended that the Board adopt the resolution appropriating \$8,526.00 to the Gatehouse Farms Subdivision Street and Utility Improvement Account to complete all subdivision improvements.

After a brief discussion on the matter, Mr. DePue moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTIONGATEHOUSE FARMS SUBDIVISION - APPROPRIATION OF FUNDS

WHEREAS, the developer of Gatehouse Farms Subdivision has defaulted under the terms and obligations established in the Subdivision Agreement dated November 19, 1979; and

WHEREAS, James City County has drawn \$8,526.00 from Dominion National Bank, Letter of Credit No. 111280, to complete all subdivision improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby appropriates \$8,526.00 to the Gatehouse Farms Subdivision Street and Utility Improvement Account.

5. Cable TV Advisory Committee Meeting

Mr. Daniel R. Lynn, Jr., Assistant to the County Administrator, presented this matter to the Board stating that Mr. Turnamian acknowledged that he has not met the established deadline of July 31, 1982 for system completion and did not request further extensions, but did request that the committee consider a recommendation not to impose fines as stipulated in the CATV Ordinance. He then stated that the committee voted to recommend to the Board that no further extensions for construction of the CATV system be granted and that fines for non-completion of the system would begin the day after the deadline. He recommended that since there were legal questions involved, that any action be deferred until the return of the County Attorney.

6. Alternative Changes to the County Holiday Schedule

Mr. Anthony Conyers, Jr., Personnel Director, presented this matter to the Board listing the four alternatives to the Holiday Schedule to be:

1. Leave the present schedule in place.
2. Substitute Christmas Eve for Lee-Jackson Day.
3. Substitute Christmas Eve for Election Day.
4. Substitute Christmas Eve and a floater day for Lee-Jackson Day and Election Day.

After a brief discussion on the matter, Mr. DePue moved for the approval of alternative number 4.

R E S O L U T I O N

WHEREAS, the Board of Supervisors, James City County, Virginia, is desirous of maintaining an eleven paid holiday schedule for County employees; and

WHEREAS, the Board of Supervisors, James City County, Virginia, is desirous of providing Christmas Eve as a formal employee holiday.

THEREFORE BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that Section 1 of Chapter V of the Personnel Policies and Procedures Manual be rescinded; and

BE IT FURTHER RESOLVED that amended Section 1 of Chapter V, attached, replace the rescinded section.

CHAPTER V

EMPLOYEE BENEFITS

Section 1. Holidays

The County shall ~~follow~~ observe those holidays so declared for State employees, by the Board of Supervisors generally sited below, and offices shall be closed:

New Year's Day	January 1
Lee-Jackson Day	3rd Monday in January
George Washington's Birthday	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Election Day	Tuesday following first Monday in November
Columbus Day	2nd Monday in October
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Eve	December 24
Christmas Day	December 25
Floater Day	Employee Choice

If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday; if the holiday falls on a Sunday, the following Monday shall be observed as the holiday.

In addition, any other day so declared by the Board of Supervisors shall be a legal holiday.

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Public safety, maintenance, operations, or other County employees who, due to work schedule, are unable to observe any of the above holidays, will be paid extra for their work on authorized holidays, or at the discretion of the employee, may be granted compensatory leave. For all employees, the total compensation for such days worked will be double the regular rate: regular rate for the holiday and regular rate for working that day.

Section 2. Annual Leave (Vacation)

The amount of annual leave (vacation time) a regular full time employee earns each month or year depends upon the number of years of service with the County and the length of their regular work day, as shown in the following table:

Mr. Edwards asked if there was a staff recommendation.

Mr. Oliver stated that all of the alternatives are workable and he felt this was a policy, matter of the Board.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTION

E. MATTERS OF SPECIAL PRIVILEGE

None.

F. REPORTS OF THE COUNTY ADMINISTRATOR

1. Dirt Streets

Mr. Oliver stated that the report given to the Board was a discussion paper on the Dirt Street Program. He suggested a work session date on the program to be selected by the Board.

2. Mobile Homes Report

Mr. Oliver suggested that the Board attend a work session on August 23, 1982 to discuss the mobile home report.

After further discussion on the two subjects, the Board decided to conduct a work session on August 23, 1982 after the regular Board meeting to discuss both the Mobile Homes Report and the Dirt Street Program.

Mr. Oliver then suggested that the Board go into Executive Session to discuss a real estate matter.

G. BOARD REQUESTS AND DIRECTIVES

Mr. DePue noted that the Board should address some crime issues in the different communities.

Mr. Mahone reported that at the Transportation Safety Commission the Commission plans to go forward with the Virginia Chapter of MADD (Many Against Drunk Drivers).

Mr. DePue made a motion that the Board convene into Executive Session pursuant to Section 2.1-344(2) of the Code of Virginia 1950, as amended. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

The Board convened into Executive Session at 8:30 P.M. and reconvened into Public Session at 8:50 P.M. at which time Mr. Taylor moved to adjourn. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

The meeting ADJOURNED at 8:55 P.M.


James B. Oliver, Jr.
Clerk to the Board

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