

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-NINTH DAY OF NOVEMBER, NINETEEN HUNDRED EIGHTY-TWO AT 3:00 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
 Frank M. Morton, III, County Attorney
 John E. McDonald, Assistant to the County Administrator

B. MINUTES - November 15, 1982 - Work Session and Regular Meeting

Mr. Frink asked the Board members if there were any corrections or additions to the minutes. Being none, Mr. Mahone moved for the approval of both sets of minutes.

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

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer, Virginia Department of Highways and Transportation, stated that he had nothing new to report to the Board.

Mr. DePue reported that there was a pothole in Kristiansand that needed to be filled and that he has heard some concerns from citizens on Centerville Road regarding the impact of the new shopping center on Centerville Road.

Mr. Hall replied that there will be a left turn lane on Centerville Road going into the shopping center and that there will be three lanes at that point.

Mr. Edwards asked Mr. Hall if he has had the chance to look at the speed limits in St. George's Hundred.

Mr. Hall replied that the speed study is in process.

Mr. Frink stated that residents in his district have requested that the 45 mph speed limit zone be moved back east of the Morning Star Church in Grove; and that he has had several complaints about the railroad crossing near Busch Gardens.

Mr. Hall replied that these problems are being investigated.

D. PUBLIC HEARING

1. Community Development Grant Program Second Year Funding - Grove Community

Ms. V. Ran Rountree, Community Development Director, presented this matter to the Board recommending that the Board approve the resolution approving the Grove Community Development Project and authorizing the County Administrator to submit the grant application to implement the project.

Mr. Frink opened the public hearing and there being no speakers, closed the public hearing.

Mr. Frink then 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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R E S O L U T I O N
COMMUNITY DEVELOPMENT GRANT PROGRAM
SECOND YEAR FUNDING - GROVE COMMUNITY

- WHEREAS, the Housing and Community Development Act of 1977 provides James City County, Virginia, with Federal assistance in the form of Community Development Block Grant funds to carry out eligible community development activities under said act; and
- WHEREAS, the Board of Supervisors of James City County, Virginia has caused to be prepared a Comprehensive Community Development application in the amount of \$800,000 for funding of second year activities in the Grove Community Development Project Area; and
- WHEREAS, the Board of Supervisors has reviewed said application and has held public hearings on the community development program to assure citizen participation and comment with regard to the development of program activities and has further provided for and encouraged citizen participation at the neighborhood level through meetings and technical assistance;
- THEREFORE, BE IT RESOLVED that the Board of Supervisors as follows:

1. They hereby approve the Community Development Program for James City County, Virginia, as represented by the community development activities set forth in the application for second year funding dated November, 1982.
2. The County Administrator is authorized and directed to file such applications, including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development.
3. The County Administrator is hereby designated as the authorized representative of James City County, Virginia, and is directed to act as such representative in connection with the application and to provide such additional information as may be required.
4. The County Administrator is hereby authorized to perform such duties as may be necessary to implement the program.

E. CONSENT CALENDAR

Mr. Frink asked the Board if there any items that they wished to have removed from the Consent Calendar. Mr. Mahone requested that No. 5 be removed. Mr. Frink then made a motion to approve the remaining items on the Consent Calendar.

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

1. Pre-budget and Revenue Sharing Public Hearings - December 13, 1982
2. Case No. CUP-57-82. Ray N. Minor

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. Ray N. Minor
 Real Estate Tax Map No: (15-3)
 Parcel No: (1-39)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

3. Case No. CUP-58-82. John R. Thompson, Jr.

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 two mobile homes on property owned and developed by the applicant as described below and on the attached site location map.

Applicant: Mr. John F. Thompson, Jr.
 Real Estate Tax Map No: (36-1)
 Parcel No: (1-7)
 District: Powhatan District
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

4. Case No. SP-41-82. Busch Properties, Inc. - Kingsmill Tennis Center

R E S O L U T I O N
SITE PLAN APPROVAL

WHEREAS, Busch Properties, Inc. has applied for final approval of a site plan for the Kingsmill Tennis Center, Case No. SP-41-82, in the planned community of Kingsmill on the James; and,

WHEREAS, the Site Plan Review Committee of the Planning Commission has reviewed the site plan for the Kingsmill Tennis Center and has found it to be in conformance with the master plan of Kingsmill on the James and with the requirements of the R-4 Planned Community District; and,

WHEREAS, the R-4 Planned Community District of James City County Zoning Ordinance requires that final site plans be approved by the Board of Supervisors,

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the final site plan of the Kingsmill Tennis Center, Case No. SP-41-82 is approved.

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5. State Highway Department Discretionary Funds for Bus Interior Rehabilitation

Mr. Mahone stated that he would vote against this resolution because the people he represents would not be anxious to spend the funds for this purpose.

After further discussion on the matter, Mr. Frink made a motion to approve the resolution.

On a roll call, the vote was AYE: Frink, DePue, Edwards (3). NAY: Mahone, Taylor (2). Motion passed by a 3-2 vote.

R E S O L U T I O N

STATE HIGHWAY DEPARTMENT DISCRETIONARY FUNDS

FOR BUS INTERIOR REHABILITATION

WHEREAS, the State Department of Highways has Discretionary Funds for unusual Transit needs; and

WHEREAS, local matching funds are available in the County's FY 83 contingency fund; and

WHEREAS, the James City County Transit Department has need to rehabilitate vehicle interiors.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County formally requests the State Highway Department to grant the County's request for \$30,360 for this purpose with the understanding that should such funds become available, the local match of \$1,518 will be allocated from the local grants matching account.

F. BOARD CONSIDERATIONS

1. Tarleton Bivouac Waterline Extension

Mr. John E. McDonald, Assistant to the County Administrator, presented this matter to the Board giving the history of this case. He stated that Mr. and Mrs. Scouse has requested that the Board provide some financial relief in consideration of their investment to extend the water system. He also stated that the staff has since discovered two homes that would be subject to the mandatory connection policy in the Sanitary District and that the homeowners Mr. & Mrs. Bryant and Mr. & Mrs. Jones have expressed interest in the system, but may not be interested in connecting to the system given both the Newport News and Sanitary District Connection Fees.

Mrs. Robyn Scouse, 118 Tarleton Bivouac, spoke in support of her case. She stated that the County was aware of the waterline extension to Lots 108 and 109. When Mr. Harrell F. Morris submitted his request for the extension, he also paid the County tap fees and surcharges in January of 1977. She stated that two well experts have told her that no well in the Poplar Hall area should be constructed at a depth less than 300 to 400 feet and that anything less than that would be extremely undependable. Mrs. Scouse said that in December of 1978 Mr. Diggs applied for a building permit to construct a 50 foot well at Lot 134. She also stated that Building Inspections has been made aware of the well problems by Mr. & Mrs. Jones.

Mrs. Scouse said that when she tried to purchase the house in August of 1982 and discovered the well was going dry, she was advised by a licensed real estate agent here in Williamsburg to go to Newport News Waterworks and he made no mention of going to James City County.

Mrs. Scouse stated that they have only tried to improve the water system in that area and have no other alternative; that they have already paid approximately \$2,600 to bring the waterline to their property, and the additional \$450 plays surcharges being imposed by the County is more than what they should be expected to bear.

In summary, Mrs. Scouse requested that if the County leaves the system as is and will not ask others to connect to the system, then they would

like relief from the \$450 fee and partial reimbursement on surcharges or if the County expects others to connect to the system, then they felt that some financial reimbursement for the total cost of the waterline would be appropriate.

Mr. Morton asked Mrs. Scouse if she attempted to get other neighbors to connect to the system.

She replied that she did not ask others to join in the waterline extension.

Mrs. Brenda Jones of Lot 105, stated that they will not make decision as to whether or not they will connect to the system until the Board has made a decision on the Scouse case.

Mr. Frink inquired as to whether this problem could occur again.

Mr. Morton replied that Administration has been informed by the City Manager of Newport News that this lack of communication would not happen again.

Mr. Oliver stated that Newport News has made it clear in a letter that they plan to cooperate with the County.

Mr. DePue asked if Newport News now owns the waterline.

Mr. Morton stated that the County owns the lines.

Mr. DePue asked whether the City of Newport News is required to obtain a permit before extending waterlines in the County.

Mr. Oliver stated that his recommendation to the Board is that the County had no part in bringing the waterlines in that area and should be careful before using the County funds for reimbursement because the County has a mandatory pledge and an outstanding debt. He felt that Newport News did not intentionally put the waterline in the County without permission and that they expressed their willingness to cooperate with the County. He then stated that we did not have the administrative ability to waive the mandatory connection fee, but would look to the Board for some direction on how to deal with the residents.

Mr. DePue stated that his questions related to whether the County has knowingly or unknowingly allowed themselves to get into this situation and the answer seem to be that we did not.

Mr. Frink recommended that the the staff meet with Mr. and Mrs. Scouse and try to make a resonable arrangement. He felt that she should receive some relief from the expense of going to Newport News Waterworks but not through a waiver of the mandatory connection fee or the surcharge.

Mr. DePue agreed with Mr. Frink's recommendation and felt that the County should try, in a diplomatic way, to get the City of Newport News to absorb this fee, and if not, work out a payment arrangement for the Scouses.

Mr. Taylor also felt that Newport News should make a contribution.

Mr. Oliver stated that Newport News City Manager's response to his letter in reference to the case was that they did participate in paying the differential between 4 and 8 inches in the extension.

Mr. Edwards stated that if the policy question is satisfactorily taken care of in the future then the difficulty in this case is of less concern to the Board and that he felt that it would not be inappropriate to contribute \$450 to the construction of the line consistent upon the payment of the fee.

Mr. Mahone stated that he strongly supports Mr. Edward's position.

Mr. DePue stated that he could see real problems with making an exception for this particular case.

After further discussion on the matter Mr. Edwards sugested that the Board consider a staff recommendation at the next meeting.

The matter was tabled by consensus.

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2. 1983 Legislative Program

Mr. Allen A. Turnbull, Administrative Analyst, presented this matter to the Board stating that the first section of the Legislative Program contains two items the staff would ask our legislators to introduce on our behalf and the second section contains items the staff suggests the County support if introduced. He requested the Board's support of the items contained in this proposed program.

After a brief discussion, Mr. Mahone moved to approve the Meals and Lodging Resolution.

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

R E S O L U T I O NMeals and Lodging

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.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board respectfully requests the honorable members representing James City County in the General Assembly to use their good offices to introduce legislation to permit all localities the authority to levy a tax on meals and lodging.

FURTHERMORE, BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the General Assembly representing James City County.

Mr. Mahone also moved to approve the Liens on Delinquent Utility Connections Resolution.

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

R E S O L U T I O NLiens on Delinquent Utility Connections

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.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board respectfully requests the honorable members representing James City County in the General Assembly to use their good offices to introduce legislation to allow liens to be placed against property on which delinquencies exist for utility connection charges.

FURTHERMORE, BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the General Assembly representing James City County.

After discussion on the support resolution, Mr. Mahone stated that he would vote against it because of neutral and/or negative feelings on some of the issues. Mr. Frink then moved for the approval of the Support of 1983 County Legislation Program Resolution.

On a roll call, the vote was AYE: Frink, DePue, Edwards (3). NAY: Mahone, Taylor (2). Motion passed by a 3-2 vote.

RESOLUTIONSupport of 1983 County Legislation Program

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.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board respectfully requests the honorable members representing James City County in the General Assembly to use their good offices to support the legislative items contained in the County's 1983 Legislative Program.

FURTHERMORE, BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the General Assembly representing James City County.

At this point, Mr. Oliver introduced Mr. Edwin H. Ragsdale, Delegate-Elect, representing James City County.

3. Sheriff/Police Department

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board stating that at a meeting with the State Compensation Board on November 23, 1982, it was determined that from that Board's standpoint, there are no legal and/or administrative issues which would affect the transfer of the law enforcement activity at anytime; however, July 1, 1983 would coincide with the Compensation Board funding cycle. She recommended approval of the resolution.

Mr. DePue expressed his concern regarding no. 3 on the resolution in that he is focusing on July 1, 1983 as appointment date for a new police chief.

Mr. Oliver stated that the staff will keep the Board informed as to the process of the recruitment.

After further discussion on the matter, 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).

RESOLUTIONSheriff/Police Department

WHEREAS, the Board of Supervisors of James City County, Virginia, at their November 15, 1982 meeting adopted a statement concerning the division of responsibilities for duties between the Sheriff's Department and the Police Department, and

WHEREAS, the Board of Supervisors instructed the County Administrator to prepare a resolution to carry out the Board's intentions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that the following division of duties and resources shall be implemented between the Departments effective no later than July 1, 1983:

1. All law enforcement responsibilities shall be vested in the James City County Police Department.
2. All civil process and courtroom security responsibilities shall be vested in the James City County Sheriff's Department.
3. The County Administrator is authorized to begin advertisement and recruitment of a Chief of Police to be hired no later than July 1, 1983; the choice of an individual to fill the position shall be made by the Board.

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4. At the date of implementation of the transfer of all law enforcement responsibilities to the Police Department the following positions and resources shall be transferred from the Sheriff's Department to the existing Police Department:

2 Investigators
 3 Sergeants
 1 Sergeant/Crime Prevention
 5 Road Deputies
 1 Secretary
 1 Clerk Typist

After the transfer of the above positions to the Police Department, the Sheriff's Department shall consist of the following positions subject to the approval of the State Compensation Board:

1 Sheriff
 1 Chief Deputy
 3 Deputies/Civil Process/Courtroom deputies.

5. Concurrent with the transfer of positions as set forth in paragraph 4 above, all resources associated with or attendant to law enforcement shall be transferred from the Sheriff's Department to the existing Police Department; these resources shall include, but not be limited to the following:

12 vehicles (3 vehicles shall remain in the Sheriff's Department)

All office equipment and supplies

All uniforms, equipment, weapons, etc. associated with the positions transferred to the Police Department

6. Should the transfer of positions be implemented prior to July 1, 1983, all requisite budgetary transfers shall be accomplished simultaneously therewith, pursuant to Section 4 of the Resolution of Appropriation adopted by the Board of Supervisors on April 26, 1982.
7. The current Sheriff shall continue to receive the local supplement until the end of his current term, December 31, 1983.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Jack Scruggs, member of the Planning Commission, expressed his concern and requested additional information and figures on the water system and the purchase of Joshua's Glen as they relate to the expected cost of water from the three-lake surface water proposal.

Mr. Frink suggested that Mr. Scruggs meet with the staff to get answers to his questions relating to the matter.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. Proposed Office Site at Kingspoint Interchange

Mr. Oliver stated that the information requested has been provided to the Board and that no action was needed.

Mr. DePue questioned the location of the property.

Mr. Mahone stated that he requested the report and was satisfied with the results.

Mr. DePue felt that the County should confer with the City of Williamsburg on this matter.

Mr. Oliver indicated that the proposal was very tentative and if a formal request was made, the staff would consult with the City.

Mr. Oliver then suggested that at the appropriate time, the Board go into Executive Session to discuss both a legal and personnel matter.

Mr. Frink stated to the press that the Board has invited Mr. Ragsdale to dinner at Kingsmill after the meeting at around 5:45, that no business nor Board action would occur, and invited the press, should they wish to attend.

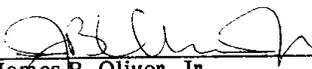
Mr. Mahone made a motion to go into Executive Session to discuss a personnel and legal matter pursuant to Section 2.1-344(a)(1) and (6) of the Code of Virginia, 1950, as amended.

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

The Board convened into Executive Session at 4:40 P.M. and returned to Public Session at 5:20 P.M. at which time Mr. Frink made a motion to Recess until 5:30 P.M. at the Kingsmill Restaurant for dinner.

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

The meeting RECESSED at 5:22 P.M. to be reconvened at 6:00 P.M. at the Kingsmill Restaurant.


James B. Oliver, Jr.
Clerk to the Board

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