

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

**A. ROLL CALL**

Perry M. DePue, Chairman, Powhatan District  
 Abram Frink, Jr., Vice-Chairman, Roberts 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  
 Frank M. Morton, III, County Attorney

**B. MINUTES - January 10, 1983**

Mr. DePue asked the Board members if there were any corrections or additions to the minutes. As there were none, Mr. Mahone made a motion to approve the minutes of January 10, 1983.

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

**C. PRESENTATION - Governor's Award of Excellency for a Clean Virginia Community, James City County**

Mrs. Phyllis Cody introduced members of the Clean County Commission. Mrs. Kathy Hawkins presented the Board with the Governor's Award of Excellency for a Clean Virginia Community. Mrs. Mary Jane Bell-Grizzard presented the Board with an Education Award.

Mr. DePue extended the Board's thanks and congratulations to the Commission members and to the other volunteers who participated in the clean-up campaign.

**D. HIGHWAY MATTERS**

Mr. James Kelley, representative of the Virginia Department of Highways and Transportation, had nothing new to report to the Board.

Mr. Mahone requested that a pothole at the intersection of Douglas Lane and Lake Powell Road be filled.

Mr. Edwards questioned whether the extension of the no passing zone on Route 5 was complete. Mr. Kelley stated that it was.

**E. CONSENT CALENDAR**

Mr. DePue asked the Board if there were any items they wished to have removed from the Consent Calendar. Mr. Mahone requested that Item No. 2 be removed. He then made a motion to approve the remaining items.

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

**1. Certification of Warrants**

RESOLUTIONCERTIFICATION OF WARRANTS

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

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. Mahone and carried by a majority roll-call vote, the Board of Supervisors of James City County hereby certifies the following warrants for the month of December 1982:

GENERAL FUND	Checks	#106683-107030
	Totalling	\$1,500,560.36
GENERAL FUND PAYROLL	Checks	#211113-211727
	Totalling	\$268,631.00
SANITARY DISTRICT NO. 1	Checks	#500031-500036
	Totalling	\$4,808.48
SANITARY DISTRICT NO. 2	Checks	#600168-600177
	Totalling	\$52,232.22
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	#429-430
	Totalling	\$6,042.00
REVENUE SHARING		-0-

3. Bank Resolutions (2)RESOLUTIONUNITED VIRGINIA BANK OF WILLIAMSBURG

BE IT RESOLVED, that the United Virginia Bank of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts designated below:

08-0246-8  
96-9058-1  
94-9514-2  
97-010019-08

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

Perry M. DePue	Chairman
	OR
Abram Frink, Jr.	Vice-Chairman
James B. Oliver, Jr.	County Administrator
	OR
John E. McDonald	Assistant to the County Administrator
Frances B. Whitaker	Treasurer
	OR
Betty S. Pettengill	Deputy Treasurer

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whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

R E S O L U T I O N

VIRGINIA NATIONAL BANK

BE IT RESOLVED, that the Virginia National Bank of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for the accounts herein named;

Checking	202-0197-7	James City County Subdivision Escrow
Checking	202-0196-9	James City County Quarterly Revenue
Savings	001-C000000481	James City County Bicentennial Fund
Checking	202-0955-7	Housing Rehabilitation Escrow

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

Perry M. DePue      Chairman

OR

Abram Frink, Jr.      Vice-Chairman

James B. Oliver, Jr.      County Administrator

OR

John E. McDonald      Assistant to the County Administrator

Frances B. Whitaker      Treasurer

OR

Betty S. Pettengill      Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons

signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

4. Case No. CUP-1-83. Robert P. Wright

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. Robert P. Wright  
 Real Estate Tax Map No: (24-1)  
 Parcel No: (1-2)  
 District: Stonehouse  
 Zoning: A-1, General Agricultural  
 Permit Term: N/A  
 Further Conditions: There will be a buffer zone of 100 feet.  
 All trees within the zone be maintained to minimize noise from the interstate.

5. Case No. CUP-2-83. Robert B. & Elizabeth Marahrens

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. Robert B. Marahrens  
 Ms. Elizabeth Marahrens  
 Real Estate Tax Map No: (24-1)  
 Parcel No: (1-2)

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District: Stonehouse  
 Zoning: A-1, General Agricultural  
 Permit Term: N/A  
 Further Conditions: There will be a buffer zone of 100 feet.  
 All trees within that zone be maintained  
 to minimize noise from the interstate.

6. Case No. CUP-3-83. Ida M. Otey

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. Ida M. Otey  
 Real Estate Tax Map No: (11-1)  
 Parcel No: (1-26)  
 District: Stonehouse  
 Zoning: A-1  
 Permit Term: N/A  
 Further Conditions: None

7. Case No. CUP-4-83. Usry, Inc.

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: Usry, Inc.  
 Real Estate Tax Map No: (50-2)  
 Parcel No: (1-77)  
 District: Roberts  
 Zoning: M-1, Limited Industrial  
 Permit Term: Expires July 15, 1983  
 Further Conditions: Temporary office use and storage only.  
 No residential use.

2. Appropriation of State Highway Funds for Transit Bus Interior Rehabilitation

Mr. Mahone stated that he would not support this appropriation.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

STATE HIGHWAY FUNDS FOR TRANSIT BUS INTERIOR REHABILITATION

WHEREAS, the Board of Supervisors has previously requested State funds for the refurbishment of the Transit buses; and

WHEREAS, the State Highway Department has approved \$28,842 for this purpose.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors authorizes the County Administrator to execute the necessary agreements to accept said funds and authorizes the following appropriation:

Revenue from Commonwealth	+\$28,842.00
Bus Rehabilitation	+\$28,842.00

Mr. Oliver stated for the record that the Board must go through the procedure of voting to apply for the application, then vote on the acceptance of the application.

**F. BOARD CONSIDERATIONS**

1. Nubian Goat Claim

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board recommending that the \$75.00 claim be honored. He stated Mr. William Stewart, Animal Control Officer, was present to answer any questions.

Mr. Taylor felt \$75.00 was too much to ask for the goat claim and then made a motion to amend the claim to \$50.00 as the fair market value.

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

R E S O L U T I O N

GOAT CLAIM

WHEREAS, the Nubian goat claim of Mr. Jack P. Kirtland has been investigated and found to be valid; and

WHEREAS, the value of the goat destroyed has been estimated to be:

1 Nubian goat at \$50.00;

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby reimburses Mr. Jack P. Kirtland \$50.00 for the goat destroyed.

2. Ironbound Road Water Main Crossing

Mr. Wayland N. Bass, Director of Public Works, presented this matter to the Board recommending adoption of the resolution.

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After a discussion on the matter Mr. Edwards suggested that the County pay one-third of the cost and the developer two-thirds.

Mr. Taylor made the motion to amend the resolution to state the County will pay one-third of the cost if agreeable with the developer.

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

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

##### IRONBOUND ROAD WATER MAIN CROSSING

WHEREAS, the Board of Supervisors desires to provide water service to 18 acres of County property on Ironbound Road; and

WHEREAS, the adjoining property owner has agreed to pay two-thirds of the costs of said water service,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes and directs the Chairman and Clerk to execute an agreement with Powhatan Enterprises, Inc.

#### **G. MATTERS OF SPECIAL PRIVILEGE**

None.

#### **H. REPORTS OF THE COUNTY ADMINISTRATOR**

##### **1. Land Use Taxation**

Mr. McDonald made a presentation on the County's land use taxation process.

The following made comments in reference to the presentation:

Mrs. Frances Waltrip, Commissioner of Revenue  
Mrs. Frances White, Resident of the Roberts District  
Mr. R. M. Hazelwood, Resident of Stonehouse  
Mr. Jack Scruggs, Member of Planning Commission, Stonehouse District

Mr. DePue stated that he would like more information on the policy issues of the land use taxation.

Mr. Oliver asked that the Board convene into Executive Session at the appropriate time to discuss personnel and legal matters.

#### **I. BOARD REQUESTS AND DIRECTIVES**

Mr. Taylor requested the status on the Resource Recovery Facility.

Mr. Oliver replied that the process was moving in a positive matter.

Mr. DePue made a presentation on three recommendations for the FY 84 budget to be used as direction for the staff when preparing the budget. He stated that he did not intend to make any motions on the recommendations until the Board has had an opportunity to consider the issues and consult with both staff and constituents. The recommendations are as follows:

1. Reduce the real estate tax rate by the same percentage as the average increase in homeowner assessments;
2. Approve no new positions in the non-public safety categories; and
3. Implement a three-tiered salary adjustment as follows:
  - 5% up to \$25,000
  - 3% \$25,000 to \$35,000
  - 1% \$35,000 and above

Mr. Mahone stated he would endorse Mr. DePue's recommendations and made a motion to adopt them.

Mr. Frink stated he had problems with the recommendations and that the Board should wait for the staff's proposed budget before making any decisions.

Mr. Edwards stated that he could support some of the recommendations but not all of them. He felt that the timing was wrong.

Mr. Taylor stated that giving the staff directions as to the Board's standards would make less work for them in preparing the budget.

After an extensive discussion on the matter the Board voted on Mr. Mahone's motion to adopt the three recommendations.

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

Mr. DePue mentioned the idea of televising the Board and Planning Commission meetings on the cable TV network and that he has asked the staff to work on this project.

Mr. Oliver stated that it had not been a high priority item for the staff to work on but that he would wait for direction from the Board as to implementation of the project.

Mr. Mahone stated he would like information on the cost of televising meetings before he made a decision.

Mr. Taylor suggested that county-wide cable access be established first, but also wanted cost projections.

Mr. DePue made a motion to convene into Executive Session to discuss personnel and legal matters 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: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

The Board convened into Executive Session at 5:15 P.M. and reconvened into Public Session at 6:05 P.M. at which time Mr. Mahone made the following reappointments for three-year terms:

Clean County Commission  
Kathy Hawkins

Electrical Examining Board  
Peter Paluzsay  
A. P. Farinholt

Plumbing Examining Board  
Gary Hagy  
Carl F. Roy

Mr. DePue made a motion to authorize the County Administrator to hire a consultant to aid in the selection of a Chief of Police position at a cost of \$4,000 - \$5,000.

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

The Board agreed to allow the Library Board 20 minutes to give a presentation at the February 14, 1983 meeting.

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Mr. Taylor made a motion to adjourn.

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

The meeting ADJOURNED at 6:10 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

RS/bkh  
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