

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

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District
 Jack D. Edwards, Vice-Chairman, Berkeley District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District
 Thomas D. Mahone, Jamestown District

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES

1. March 26, 1984
2. March 26, 1984 Work Session
3. March 28, 1984 Work Session

Mr. Mahone made the motion to approve the three sets of Minutes as presented.

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

C. PUBLIC HEARINGS

1. FY 1985 Budget

Mr. John E. McDonald, Director of Financial and Management Services stated that this is the third public hearing scheduled for public comments on the FY 1985 Budget.

Mr. Taylor opened the Public Hearing.

1. Dr. Ellen Rudolph, President of the Williamsburg Area SPCA, requested the Board's support in fully funding the budget request for the SPCA.

2. Mr. David Nice, representative of the James City-Bruton Volunteer Fire Department, requested the Board's support for a new aerial scope fire truck in the amount of \$161,000.

Mr. Mahone asked if the Fire Department has the space to house this new truck.

Mr. Nice replied that it will be a tight fit but that there is room in Fire Station 1.

Mr. Bill Epperson, JC-Bruton Volunteer Fire Department, stated that the Fire Department is requesting this equipment now because of the increase of water availability and industrial/commercial development.

4. Mr. Howard Scammon, 4975 Hickory Sign Post Road, spoke in support of full funding for the Library and its Cultural Center.

5. Mrs. Sharon Thelin, 421 Scotland Street, spoke in support of funding the requested amount for the Library budget.

6. Mrs. Ellie Stark, 101 Colonel Frederick Jones, requested funds be reinstated to the Library for the Bookmobile service.

Mr. Brown stated that State has increased its aid to the Library and that any cuts in services are not made by the Board of Supervisors but the Library Board.

7. Mr. John Thelin, Professor at William & Mary, 421 Scotland Street, stated that the State funding is a supplement as the Library's operational costs have increased.

8. Mrs. Barbara Hanger, 11 Braywood, spoke in support of the Bookmobile services.

9. Mr. Barry Fratkin, Chairman of the Parks & Recreation Commission, thanked the Board for their support of the recreation programs and for the proposed soccer fields at the Mid-County Park. He also stated that the Commission supports the Community Center appropriation.

10. Mr. John Kozel, 116 Jordans Journey, First Colony, introduced others present from the First Colony community. He stated that the County citizens are interested in local government. He reviewed several sections of the budget.

11. Mr. Ken Kinsinger, First Colony, suggested that the budget contain a five-year review and five-year projection to provide more information on where the County has been and where it is going.

12. Col. Robert Clifford, 109 Shellbank, expressed his concerns about the number of high paid employees and the number of County employees compared to other jurisdictions.

13. Mr. Ed Oyer, Roberts District, stated that the proposed reduction in personal property taxes is long overdue.

14. Mrs. Katherine Pierce, Braywood, suggested that the Real Estate Assessor be present at budget hearings to answer questions relating to taxes. She stated that assessments do not take into account new financing and/or market value, and suggested that the tax rate be reduced to 68¢.

15. Mr. Harold Poulsen, Berkeley District, commended the Board for giving budget guidelines to staff and commended staff for complying with these guidelines. He suggested that in the future the County Administrator submit guidelines to the organizations that are funded in part by the County. He stated that he did not see the need for a full-time Cable position.

16. Mrs. Ruth Bazoe, Williamsburg Task Force for Battered Women, requested that the Board reconsider contributing to the Task Force's budget.

Ms. Kristy Van Ardenhol, Director of the Williamsburg Task Force for Battered Women, also urged the Board to contribute to the Task Force.

Mr. Calvin Roseberry, member of the Board of Directors of the Williamsburg Task Force for Battered Women, stated that with the increase in clients from the County, that the County has a responsibility to help with this program.

There being no additional speaker, Mr. Taylor closed the public hearing, then called for a five-minute recess.

2. Case No. SUP-3-84. Eugene C. Parnell

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board recommending approval of a special use permit.

Mr. Taylor opened, then closed the public hearing, as there was no one wishing to speak to the matter.

Mr. Brown made the motion to approve the Resolution.

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

RESOLUTION
SPECIAL USE PERMIT
CASE NO. SUP-3-84

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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. Eugene C. Parnell
Real Estate Tax Map ID:	11-1
Parcel No.	1-5A
District:	Stonehouse
Zoning:	A-1
Permit Term:	This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.
Further Conditions:	The mobile home must be skirted, and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

3. Case No. SUP-5-84. Albert & Mary Letchworth

Mr. Riutort presented this matter to the Board recommending approval of a special use permit.

Mr. Taylor opened, then closed the public hearing, as there was no one wishing to speak to the matter.

Mr. DePue made the motion to approve the Resolution.

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

RESOLUTION
SPECIAL USE PERMIT
CASE NO. SUP-5-84

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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:	Albert and Mary Letchworth
Real Estate Tax Map ID:	36-2
Parcel No.	1-19
District:	Powhatan
Zoning:	A-1

Permit Term: This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

Further Conditions: The mobile home must be skirted, and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

4. Case No. Z-16-84. Williamsburg Vacations, Inc.

Mr. Riutort presented this matter to the Board. He stated that the Planning Commission at its February 28, 1984 meeting unanimously recommended approval of the Powhatan Plantation Vacation Resort rezoning request in accordance with staff recommendations. The recommendations were as follows:

- (1) The project is in accord with the adopted Comprehensive Plan in terms of density and land use.
- (2) The project will restore the Powhatan Mansion, which is designated an historic site on the adopted Comprehensive Plan.
- (3) The project will have minimal off site impact on the County because:
 - (a) Road capacity is adequate.
 - (b) Extensive open space buffering is provided along the perimeter of the site including Ironbound Road.
 - (c) The density of 2 units per acre is equivalent to that which could be achieved by a conventional residential project under existing A-2 zoning.
- (4) Fiscal impacts to the County should be positive because there will be no school children added to the Williamsburg-James City County School System.
- (5) The site design feature of the project serves to highlight the Powhatan Mansion in a positive manner. The extensive open space (55%) being provided which buffers the project and separates residential clusters is also a major positive element of the project.

Mr. Taylor opened the public hearing.

Mr. Norman Mason, Consulting Engineer, spoke on behalf of Mr. Horace Henderson in support of the rezoning request.

Mr. Taylor closed the public hearing.

Mr. Edwards inquired about the time-sharing arrangement.

Mr. Horace Henderson replied that the Powhatan Resort has been registered with the State Corporation Commission in accord with the new timeshare real estate disclosure law recently enacted. He stated that owners become a member of a national resort organization which allows them to use their purchased home for vacations or another home in another state that is included in this membership.

Mr. DePue made the motion to approve the Resolution.

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

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RESOLUTIONRESOLUTION OF APPROVAL - ZONING CASE NO. Z-16-83POWHATAN PLANTATION VACATION RESORT

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia and Section 20-14 of the James City County Zoning Ordinance, a public hearing was scheduled and conducted on April 9, 1984 for Zoning Case No. Z-16-83 for rezoning approximately 256 acres from A-2, Limited Agricultural, to PUD-R, Planned Unit Development-Residential located on parcel (1-19) on James City County Real Estate Tax Map No. (38-3), and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing held on February 28, 1984, unanimously recommended approval of Zoning Case No. Z-16-83, and

WHEREAS, Zoning Case No. Z-16-83 is in accord with the adopted Comprehensive Plan of James City County in terms of density and land use; will restore the Powhatan Mansion which is designated an historic site in the adopted Comprehensive Plan; will have minimal off-site impact on the County; will have positive fiscal impacts for the County; will highlight the Powhatan Mansion in a positive manner; and will provide extensive open space to buffer the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case Z-16-83 and the Master Land Use Plan for Powhatan Plantation Resort as described herein and as detailed in the attached memorandum.

5. Landfill Ordinance Amendment

Mr. Wayland N. Bass, Director of Public Works stated this emergency ordinance amendment was adopted by the Board at the March 12, 1984 meeting. The amendments strengthen enforcement capability and clear up inconsistencies in the ordinance.

Mr. Taylor opened, then closed the public hearing as there was no one wishing to speak to the matter.

Mr. Edwards made the motion to approve the Ordinance amendment.

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

ORDINANCE NO. 116A-7

AN ORDINANCE TO AMEND CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE II, LANDFILL ORDINANCE.

BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Chapter 8, Health and Sanitation, of the Code of the County of James City be and the same is, hereby, amended by amending Article II, Landfill Ordinance to read as follows:

CHAPTER 8
HEALTH AND SANITATION
Article II Landfill Ordinance

Section 8-8, In General.

(a) Policy. The purpose of this Ordinance is to insure the proper disposal of solid wastes within James City County, including wastes from households, commercial establishments, manufacturing, industry, and institutions, and to implement the provisions of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) and the Solid Waste Regulations of the Commonwealth of Virginia. It shall be the official policy of the County to encourage the conservation (recycling/reuse) of recoverable resources from solid wastes by the industries, businesses and citizens of the County.

(b) Definitions. For purposes of this Ordinance, the following definitions shall apply:

- (1) "Administrator:" The County Administrator or his authorized designee.
- (2) "Bulky waste:" Large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.
- (3) "Building and Demolition Debris:" The waste building material, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures.
- (4) "Commercial/Business Refuse:" Refuse or wastes resulting from the operation of commercial or business establishments, including but not limited to stores, markets, offices, restaurants, shopping centers or theaters.
- (5) "Compacted Refuse:" Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at the landfill.
- (6) "Director:" The Director of Public Works or his authorized designee.
- (7) "Garbage:" All vegetable and animal waste generated by the handling, storage, sale, preparation, cooking and serving of foods.
- (8) "Hazardous Waste:" Refuse or waste or combinations of refuse or waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (9) "Household Refuse:" Refuse or waste resulting from residential operation.
- (10) "Industrial Refuse:" Refuse or waste resulting from industrial and/or manufacturing operations.
- (11) "Institutional/Governmental Refuse:" Refuse or waste resulting from operations or activities of the Commonwealth of Virginia, its political subdivisions or agencies, or the United States Government.
- (12) "Person:" An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or the federal government.
- (13) "Trash:" Any and all rubbish, cans, bottles, containers, paper, cardboard or other discarded material of an inorganic nature.
- (14) "Uncompacted Refuse:" Refuse or waste which has not been reduced in volume by mechanical or hydraulic means, or if so, has not been maintained in this reduced volume state during transportation to the landfill.

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- (15) "Waste Generator:" The person who actually produces the commercial, household, industrial or institutional/governmental refuse intended for disposal at the landfill.

(c) The Director shall be authorized to establish reasonable rules and regulations to determine the origin and type of refuse presented at the landfill for disposal.

(d) It shall be unlawful for any person to dispose of refuse originating outside the boundaries of James City County at the landfill unless an agreement exists between James City County and the jurisdiction in which the refuse originates.

(e) It shall be unlawful for any person to dispose of refuse at the County landfill before weighing the vehicle containing said refuse, except in certain cases as described below.

Sec. 8-9, Household Waste.

(a) Individuals using an automobile, station wagon, half-ton panel truck or half-ton pickup truck, with a valid county motor vehicle tag, decal or sticker, for the purpose of disposing of household refuse at the county landfill will not be required to pay for disposal of refuse, provided that the refuse being disposed of was neither collected nor hauled for a fee.

(b) Commercial, Industrial and Governmental Waste generators who bring their own refuse to the landfill, and commercial refuse operators/haulers regardless of the origin of the refuse shall pay the following fees:

- (1) Seven dollars (\$7.00) per ton, computed on the basis of seven cents per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be two dollars (\$2.00) per load; provided, however, commercial refuse operators hauling household refuse originating within the boundaries of James City County shall pay the following fees:
- (2) Three dollars and fifty cents (\$3.50) per ton, computed on the basis of three and a half cents (\$0.035) per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be two dollars (\$2.00) per load.

Any person exempted from payment of the charge for the disposal of refuse as provided in section 8-9(a) above will not be assessed any charges as provided in this paragraph.

(c) The Director may promulgate reasonable rules and regulations to permit certain materials (for example, soil or gravel) determined to be beneficial in the proper operation and maintenance of the landfill to be disposed of without charge to the hauler.

(d) Tires. Whenever more than two (2) passenger car tires are disposed of on any occasion at the county landfill by any person, firm or corporation, a separate fee of thirty-five cents (\$0.35) shall be charged for each tire above two. The Director may at his discretion authorize the disposal of tires other than passenger car tires, at a charge per tire to be negotiated between the Director and hauler disposing of the tires.

Section 8-10, Industrial Refuse.

(a) Prior to the acceptance of industrial refuse at the landfill, the person desiring to dispose of same shall secure a permit from the Director. Prior to the issuance of such a permit, the Director shall determine the compatibility of the specific refuse with the landfill method of disposal. In determining such compatibility, the Director shall consider disposal volume, difficulty of handling, employee safety, likelihood of equipment damage, any unusual health and environmental problems and current State and Federal regulations.

(b) The disposal charge for industrial refuse that does not require disposal in a separate location (trench) from household or commercial waste shall be assessed on the basis of the charges defined in Section 8-9 (b) unless covered by Section 8-10 (d).

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of seven dollars (\$7.00) per ton but may be higher as determined by the Director. In establishing the fee for disposal of a specific waste requiring separate disposal, the Director shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, State and Federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) **Separate Contracts.** The Administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the County annually, and may be offered to generators that exceed eight thousand (8000) tons per year. No such contract will guarantee the County less than fifty-six thousand dollars (\$56,000) per year.

Section 8-10.1 Building, Demolition and Land Clearing Debris.

Building, demolition and land clearing debris wastes shall be accepted at the landfill provided all other provisions of this article have been satisfied. The charge shall be the same as in section 8-10(c).

Section 8-11, Institutional/Governmental Waste.

Institutional/governmental waste shall be accepted at the landfill, provided all other provisions of this Ordinance have been satisfied. The charge shall be the same as in Section 8-9 (b).

Section 8-12, Prohibited Waste.

(a) Refuse or wastes resulting from landfill operations, situate on other than County property and not under the supervision of the County, are declared to be incompatible with the method of landfill disposal in terms of volume, difficulty in handling and the potential for damage to equipment and as such shall not be accepted for disposal at the landfill.

(b) Materials, whether solid, liquid or gaseous, which are classified as either hazardous or toxic in accordance with State and Federal rules and regulations are prohibited.

Section 8-13, User Charge by Volume.

(a) Should the landfill scales be inoperative, the Director shall base the charges applied upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of no fewer than fifteen previous weighings by the vehicle carrying such waste and shall be modified by visual inspection of the vehicle if such is feasible.

(b) For vehicles for which no history of previous weight data exists as described in (a) above, the following rates shall apply:

- (1) Uncompacted refuse seventy cents (\$0.70) per cubic yard of truck capacity.
- (2) Compacted refuse - one dollar and seventy-five cents (\$1.75) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be two dollars (\$2.00) per load.

Section 8-14, County Refuse Containers.

Refuse containers shall be provided by the County at various locations to supplement existing private collection services as

needed. The usage of said containers shall be governed by the following provisions and any other regulations as the Board of Supervisors or the Director may establish:

(A) Permitted and Prohibited Use.

- (1) Permitted Uses. County refuse containers or dumpsters are to be used for the deposit and storage of household trash and garbage only.
- (2) Prohibited Materials. It shall be unlawful to deposit any of the following materials into County refuse containers or dumpsters:
 - (a) Bulky waste.
 - (b) Building and demolition debris.
 - (c) Hazardous waste.
 - (d) Commercial and industrial refuse.
 - (e) Dead animals.
 - (f) Waste brought in from outside James City County.
- (3) Abuse of containers and container sites. It shall be unlawful to tamper with, overturn or otherwise damage refuse containers. Additionally it shall be unlawful to litter container sites, create any health problems thereon or to place any refuse outside of, on top of or adjacent to any refuse container.

If a container is filled, the trash must be placed in another refuse container which is not filled or taken to the County Landfill site.
- (4) Scavengers and Loitering Prohibited. It shall be unlawful for any person to engage in salvage work or to loiter on any container site owned, leased or used by the County.
- (5) Refuse Collectors. No person engaged in the business of collecting, transporting or disposing of garbage or trash shall dispose such refuse in any County container. Private refuse collectors shall transport collected refuse to the County landfill site or to another approved location.

(B) Administration and Enforcement.

The Director shall have the authority to implement and enforce the provisions herein contained and to promulgate any procedures, rules and regulations as may be deemed necessary.

Section 8-15, Billing Procedure.

- (a) The Department of Finance shall render bills monthly for service charges under this ordinance. The Director of Finance shall promulgate procedures for the handling of billings under this ordinance.
- (b) Payment of bills, delinquent charges, discontinuance of services:

- (1) Notices. Bills rendered under this ordinance are due and payable at the Office of the Treasurer upon presentment and shall be considered delinquent if not paid within thirty days of the date issued. If any bill is not paid within such thirty day period, an additional charge of one percent per billing period on the unpaid charges shall be added thereto and collected therewith to cover cost collection. The Director or his designee shall refuse to dispose of any refuse brought to the Landfill by any delinquent person, after giving five (5) days written notice thereof.

Section 8-16, Violation.

Any person, who shall violate a provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or thirty (30) days imprisonment, or both, for each violation.

An emergency exists and this Ordinance shall be in effect from the date of adoption.

D. CONSENT CALENDAR

Mr. Taylor asked the Board members if they wished to have any items removed from the Consent Calendar. Mr. Taylor then moved for the approval of the items on the Consent Calendar.

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

1. Set Public Hearing Date of May 7, 1984 for:
 - a. Case No. SUP-6-84. Albert T. Slater
 - b. Case No. SUP-7-84. Martha E. Tackett
 - c. Case No. Z-1-84. MRM Investments
 - d. Case No. Z-2-84. Robert E. Gilley
 - e. Proposed Amendment to the Cable Communications Ordinance
 - f. Park Ordinance
2. Case No. CUP-2-84. Kirkland Construction Company

R E S O L U T I O N
CONDITIONAL USE PERMIT
CASE NO. CUP-2-84

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

Applicant:	Kirkland Construction Company
Real Estate Tax Map ID:	(24-3)
Parcel No.	(1-63)
District:	Powhatan
Zoning:	M-1
Permit Term:	The permit term shall expire at the end of four months from April 9, 1984. However, this permit may be renewed one time for an additional period not to exceed six months if an application for renewal is submitted to the Zoning Administrator at least thirty days prior to the expiration date.

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3. Records Management/Board of Supervisors' Minute Books**R E S O L U T I O N****A RESOLUTION AUTHORIZING AND DIRECTING THE DELIVERY OF CERTAIN PUBLIC RECORDS OF THE COUNTY OF JAMES CITY, VIRGINIA, TO THE ARCHIVES AND RECORDS DIVISION, VIRGINIA STATE LIBRARY, FOR MICROFILMING BY THE STATE ARCHIVIST, SUCH MICROFILMING TO BE FOR THE PURPOSE OF INSURING THE PRESERVATION OF THE OFFICIAL MINUTES OF THE COUNTY OF JAMES CITY, VIRGINIA**

WHEREAS, the Board of Supervisors of James City County has for many years been concerned about the preservation of the official records of the County; and

WHEREAS, there is no security microfilm copy of such records, and

WHEREAS, the Virginia State Library has offered to transport and microfilm the Minutes of the Board of Supervisors at no cost to the County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the Minutes of the Board be delivered to the State Archivist in accordance with a schedule agreed to by the Clerk for microfilming.

BE IT FURTHER RESOLVED that the Virginia State Library be, and the same hereby is, requested to retain the Minute Books upon completion of the microfilming, subject to recall by the Board of Supervisors; and

BE IT FURTHER RESOLVED that the Board does express its appreciation to the Virginia State Library for its generous assistance in the preservation of these valuable records to maintain a historical record of James City County, Virginia.

4. Anniversary Fund - Donations**R E S O L U T I O N****350th ANNIVERSARY DONATION TRUST FUND**

WHEREAS, the County has and will receive donations from individuals and businesses in support of James City County's 350th Anniversary; and

WHEREAS, the County recognizes a fiduciary responsibility for donated funds entrusted to its care.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County wishes to:

1. Create the "350th Anniversary Donation Trust Fund"; and
2. Provide for the deposit of all cumulative and future donations into this fund; and
3. Authorize and direct the County Administrator to expend these funds in any manner that is consistent with the donor's intentions; the County Administrator shall do everything possible to meet the donor's desire but if not possible, the funds may be used for a purpose or function most closely related to the purpose defined by the donor; and

BE IT FURTHER RESOLVED that United Virginia Bank, Williamsburg, Virginia be and it is hereby designated a depository for the 350th Anniversary Donation Trust Fund; and that funds so deposited may be withdrawn upon a check, draft, note, or order drawn against said account signed by two of the following:

James B. Oliver, Jr., County Administrator

or

Darlene L. Burcham, Assistant 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 the County Treasurer is hereby authorized and directed to close the 350th Anniversary Donation Trust Fund upon completion of the celebration activity and disbursement of all funds in accordance with the provisions of this resolution.

Late Item: Set Public Hearing Date of May 7, 1984 for:

Case No. Z-7-84. Ordinance Amendment to A-1 and A-2 Zones

Mr. Edwards made the motion to set the public hearing date for this item.

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

E. BOARD CONSIDERATIONS

1. Sick Leave Bank - Personnel Policy Revision

Mr. Daniel R. Lynn, Jr., Director of Personnel, presented this matter to the Board stating that a sick leave bank allows the pooling of accrued sick leave days into a bank that contributing members, with approval, may use as an added source of leave days for extended illness and/or disability at no cost to the County.

Mr. Brown and Mr. DePue agreed that there is a cost involved but that it is hard to say what it is.

Mr. Lynn stated that a representative of Johnson & Higgins, the County's insurance broker, has estimated that disability coverage would cost \$73,120 annually.

After further discussion on the matter, Mr. Edwards made the motion to approve the Resolution.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Taylor (4). NAY: Mahone (1). The motion passed by a 4-1 vote.

RESOLUTION

SICK LEAVE BANK

WHEREAS, a sick leave bank is viewed as a cost-effective means of providing short-term disability benefits to County employees, and

WHEREAS, a sick leave bank administered and supported by County employees offers additional leave benefits at no extra cost to participating employees, and

WHEREAS, a significant number of employees have endorsed the concept of a sick leave bank.

NOW, THEREFORE, BE IT RESOLVED that the James City County Personnel Policy Manual be amended to read as follows; add to Chapter V, Section 3

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"Employees may voluntarily elect to pool accrued sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank will be administered by employees, supported by employees, and may cease to exist should there be insufficient employee interest."

2. Acquisition of Property/Ware Creek Reservoir:
 Nelson Wright, Lots 31, 38 & 39, Temple Hall Estates
 Clinton W. Frost & Billie S. Frost, Lots 4, 5, & 18, Temple Hall Estates (2nd)
 Joseph T. Welstead & Bernard J. Davis, Sr. (Deceased), Lots 19, 20 & 33, Temple Hall Estates (2nd)

Mr. Morton requested adoption of nine emergency ordinances for acquisition of properties that are recognized as being developmentally sensitive, i.e., the owners have requested or are likely to request in the near future a building permit for such properties. He also requested that the Board set these ordinances for public hearing on May 7, 1984.

Mr. Taylor asked if the owners have volunteered to negotiate with the County.

Mr. Morton responded that staff has had conversations and cooperation from Mr. Frost.

Mr. Mahone requested the number of parcels in the reservoir area that have been subdivided. Mr. Morton replied that there are few but he did not recall the exact number.

Mr. DePue questioned the impact of the passage of these ordinances.

Mr. Alvin Anderson, Attorney, stated that the adoption of the ordinances would lay the groundwork for acquiring the properties and the right to record a certificate of transfer of title to the County if the owners will not cooperate. He stated that if the County decides not to build the reservoir then the title will become invalid and the properties will be transferred back to the original owners. He also stated that the County will be liable for damages caused by tying up an owner's land.

Mr. Edwards stated that this action will be consistent with procedure the County needs to follow in the development of a reservoir. He moved for the adoption of the nine ordinances.

Mr. Brown stated that the prices written in the ordinances are fair but that he did not like the technique being used to acquire the properties. He made the motion to table this item for two weeks.

On a roll call, the vote on Mr. Brown's motion was AYE: Brown, Edwards, Mahone, Taylor (4). NAY: DePue (1). The motion passed by a 4-1 vote.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Reuben Hill, Roberts District, requested additional information on the amounts spent on the Grove recreational improvements.

Mr. DePue requested that Mr. Tony Conyers, Director of Community Services, be provided with a copy of Mr. Hill's questions and then prepare a response to the Board and Mr. Hill.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver suggested that at the appropriate time, the Board convene into Executive Session to discuss legal matters.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Brown suggested that an A-frame roof be constructed for the Courthouse if replacement is necessary.

Mr. Taylor stated that he received a Petition from Ms. Louise D. Carter in Toano concerning traffic problems on Route 60. He requested that the Highway Department conduct a study for that area and make a report to the Board at its earliest convenience.

Mr. DePue requested that the Highway Department report to the Board at its next meeting regarding a progress report on the Route 199 extension.

Mr. DePue suggested that staff should write letters to the property owners in the Ware Creek Reservoir area informing them of the County's intentions.

The majority of the Board members stated that they had received many calls concerning the renumbering of street addresses in the County, especially on Jamestown Road. Mr. Edwards requested that this matter be placed on the agenda for the next meeting.

Mr. Edwards made the motion to convene into Executive Session to discuss legal matters, pursuant to Section 2.1-344(a)(6) of the Code of Virginia, 1950 as amended.

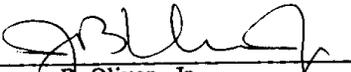
On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

The Board of Supervisors convened into Executive Session at 10:55 P.M. and returned to Public Session at 11:40 P.M.

Mr. Taylor made the motion to recess until 7:00 P.M., April 18, 1984 for a budget work session.

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

The Board of Supervisors meeting **RECESSED** at 11:40 P.M.


James B. Oliver, Jr.
Clerk to the Board

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