

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-THIRD DAY OF APRIL, NINETEEN HUNDRED EIGHTY-FOUR AT 3:00 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. April 5, 1984 - Work Session
2. April 9, 1984 - Work Session
3. April 9, 1984 - Regular Meeting

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. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer, had nothing new to report to the Board. He stated that he has received the Petition from residents in Toano concerning a traffic problem on Route 60 and would conduct a study for that area.

Mr. Brown requested that a speed limit sign be erected on Railroad Street. He also requested that the timing for the lights entering Route 60 East near Busch Gardens be adjusted to allow more green time.

Mr. Taylor requested that a pothole be filled on Route 625.

D. CONSENT CALENDAR

Mr. Oliver suggested that each item be considered separately.

1a. Appropriation to the Social Services Department

Mr. Edwards made the motion to approve the Resolution.

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

RESOLUTION

APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Board of Social Services has provided 100% funding to render additional services to the local Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that \$1,235 in Revenues from the Commonwealth be appropriated for employment services, such appropriations to be

designated as carried forward appropriations beyond the fiscal year if not entirely expended.

1b. Resolutions of Appropriations - FY 85 Budget

Mr. Taylor stated that the resolutions before the Board represent the finished product of all the work sessions and public hearings held on the budget. He stated that he did not agree with everything that was included but felt satisfied with the complete budget package as a result of the compromises made.

Mr. Brown also stated he was pleased with the budget and felt that the budget was healthier because of the budget goals adopted and that the staff had done an excellent job in complying with the budget guidelines.

Mr. Mahone stated that he felt the tax rate should have been lowered another cent but has compromised with other cuts. He commented that he did not agree with the entire MAI compensation study but felt there was integrity in the plan.

Mr. DePue stated that the staff did an excellent job in preparing the budget in compliance with the adopted budget guidelines. He stated that he also has reservations concerning the MAI compensation study. He felt that this year's budget process was one of the best, indicating that the Board is working together. He also thanked Carlyle Ford, Commissioner of Revenue, for his cooperation in reducing the assessment ratio on personal property.

Mr. Edwards made the motion to approve the Resolutions.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1984, and ending June 30, 1985, for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein and to set tax rates on real estate, tangible personal property and machinery and tools to provide certain revenue in support of those appropriations;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

- (1) The following amounts are hereby appropriated in the General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND EXPENDITURES

Legislative Services	\$ 420,233
Administrative Services	365,311
Elections	55,205
Financial Administration	757,510
General Services	684,384
Planning and Development	232,398
Judicial Administration	154,563
Public Safety	3,229,956
Public Works	764,406
Code Enforcement	250,675
Community Services	381,595
Parks Operations/Maintenance	179,447
Schools	8,269,480
Public Health and Welfare	554,545
Contributions	490,250
Non-Departmental	931,350
Total General Fund Expenditures	<u>\$ 17,721,308</u>

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GENERAL FUND REVENUES

General Property Taxes	\$ 10,599,220
Other Local Taxes	2,705,380
Licenses, Permits and Fees	1,246,350
Fines and Forfeitures	30,000
Interest and Rent	513,525
Revenues from the Commonwealth	2,209,888
Revenues from the Federal Government	2,250
Charges for Current Services	274,395
Miscellaneous Revenues and Refunds	15,300
Annexation Payment	125,000
	<u>125,000</u>
Total General Fund Revenues	<u>\$ 17,721,308</u>

- (2) That the tax rates be set on the following property for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 Assessed Value	\$.69
Tangible Personal Property on each \$100 Assessed Value	4.00
Machinery and Tools on each \$100 Assessed Value	4.00

- (3) That the following amounts are hereby appropriated for the funds as indicated in the amounts as shown below:

CAPITAL PROJECTS FUND

Revenues:

Federal Revenue Sharing	\$ 646,946
FY 1984 Carryforward	1,593,044
Repayment - Utility Advances	30,000
Grants	55,000
	<u>55,000</u>

Total Capital Projects -
Fund Revenues \$ 2,324,990

Expenditures:

Schools	\$ 264,270
Recreation	392,000
Fire Protection	161,000
Dirt Streets and Sidewalks	30,000
Solid Waste Disposal	150,000
Computer Upgrade/Expansion	83,200
Utility Contribution	845,000
Capital Contingency	399,520
	<u>399,520</u>

Total Capital Improvement -
Fund Expenditures \$ 2,324,990

DEBT SERVICE FUND

Revenues:

From Sanitary District No. 1	\$ 17,000
From the General Fund	805,250
	<u>805,250</u>
Total	<u>\$ 822,250</u>

Expenditures \$ 822,250

Total \$ 822,250

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the Commonwealth	\$ 812,005
From the General Fund	<u>261,995</u>
Total Virginia Public Assistance Fund Revenues	<u>\$ 1,074,000</u>
Expenditures:	
Administration and Assistance	<u>\$ 1,074,000</u>
Total Virginia Public Assistance Fund Expenditures	<u>\$ 1,074,000</u>

COMMUNITY DEVELOPMENT FUND

Revenues:

County Contribution	\$ 30,000
Section 8	4,500
Carryforward Grants	<u>1,337,585</u>
Total	<u>\$ 1,372,085</u>

Expenditures:

Administration and Programs	<u>\$ 1,372,085</u>
Total	<u>\$ 1,372,085</u>

SANITARY DISTRICT NO. 1

Revenues	<u>\$ 105,179</u>
Expenditures	<u>\$ 105,179</u>

SANITARY DISTRICT NO. 2

Revenues	<u>\$ 215,246</u>
Expenditures	<u>\$ 215,246</u>

- (4) The County Administrator be authorized to transfer funds and personnel from time to time within the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
- (5) The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors with a 4.5 percent employee cost-of-living increase, to be granted effective July 1, 1984 and be authorized to implement the Personnel Pay Plan amendments as recommended in the study by Municipal Advisors, Inc.

R E S O L U T I O NREVENUE SHARING APPROPRIATION

WHEREAS, the Administrator has prepared a Proposed Capital Improvements Budget for the fiscal year beginning July 1, 1984, and ending June 30, 1985; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, that the following amounts are hereby appropriated from the Revenue Sharing Trust Fund for the purposes as set forth in the FY 1985 Capital Improvements Budget and as indicated below:

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Total Revenue Sharing Revenues	<u>\$ 663,946</u>
Total Revenue Sharing Expenditures:	
Transfer to Capital Projects	
Fund	\$ 646,946
Federal Grant Development	<u>17,000</u>
	<u>\$ 663,946</u>

R E S O L U T I O N

REQUEST TO COMMISSIONER OF REVENUE
ASSESSMENT RATIO FOR THE TAXATION OF MOTOR VEHICLES

WHEREAS, the Board of Supervisors desires to adopt a budget that reduces the assessment ratio on motor vehicles,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby requests that the Commissioner of Revenue establish an assessment ratio of ninety (90%) percent for personal property classified as motor vehicles and now assessed using loan value as determined by the National Automobile Dealers Association (N.A.D.A.) and that this assessment ratio be used for the preparation of the personal property book as of January 1, 1984 for taxes assessed and collected in the fiscal year ending June 30, 1985.

1c. Protection of Local Governments from Antitrust Liability

Mr. Morton presented this matter to the Board, requesting support of the resolution urging Congress to adopt a bill providing antitrust protection for local governments.

Mr. Mahone stated that he had mixed emotions concerning this issue but would support the resolution.

Mr. Brown stated that this change is in order.

Mr. Edwards requested that staff set up a meeting with our congressional delegation to convey the importance of this issue.

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).

R E S O L U T I O N

SUPPORTING LOCAL GOVERNMENT EXEMPTION FROM FEDERAL ANTITRUST LAWS

WHEREAS, the United States Supreme Court, in *Parker v. Brown*, 317 U.S. 341 (1943), established the Parker Doctrine, a state action exemption test granting immunity to states from federal antitrust liability; and

WHEREAS, the United States Supreme Court, in *Community Communications v. City of Boulder*, 455 U.S. 40 (1982), held that the Parker Doctrine did not automatically give local governments immunity from federal antitrust liability; and

WHEREAS, until the Boulder decision and other recent court decisions it had been assumed that the Parker Doctrine applied to local as well as to state government; and

WHEREAS, the Boulder decision has exposed local governments to litigation in many of their regulatory, planning, franchising and other day-to-day activities; and

WHEREAS, federal antitrust law suits are being filed in ever-increasing numbers against municipalities as a result of the Boulder decision; and

WHEREAS, claims for monetary relief seeking hundreds of millions of dollars for treble damages under the federal antitrust laws threaten the fiscal integrity of municipalities; and

WHEREAS, the activities of local government, like the activities of state and federal governments, are particularly unsuited to the application of federal antitrust statutes; and

WHEREAS, there is no logical reason why local governments, including special purpose units of local government such as authorities and commissions, should not have antitrust immunity similar to that available to state governments and the federal government; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, that the Board respectfully requests the Congress of the United States to adopt legislation which will fully protect counties and their special purpose units of government from liability under the federal antitrust laws.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to each member of Congress representing James City County.

2a. Case No. SP-19-84. Kingsmill Golf Court Storage Building

Mr. Mahone made the motion to approve both Case No. SP-19-84 and Case No. SP-20-84.

On a roll call, the vote was AYE: Edwards, Mahone, DePue, Taylor (4). ABSTENTIONS: (1). Mr. Brown abstained due to a conflict of interest.

RESOLUTION
SITE PLAN APPLICATION
CASE NO. SP-19-84. KINGSMILL GOLF CART STORAGE BUILDING

WHEREAS, it is understood that all conditions for consideration of this application have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by the applicant as described below and as detailed in the attached memorandum.

Applicant:	Mr. Norman Mason on behalf of Busch Properties, Inc.
District:	Roberts
Zoning:	R-4, Residential Planned Community
Further Conditions:	None

2b. Case No. SP-20-84. Addition to Mounts Bay Recreation Center

RESOLUTION
SITE PLAN APPLICATION
CASE NO. SP-20-84. MOUNTS BAY RECREATION CENTER

WHEREAS, it is understood that all conditions for consideration of this application have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by the applicant as described below and as detailed in the attached memorandum.

Applicant:	Mr. Norman Mason on behalf of Busch Properties, Inc.
District:	Roberts
Zoning:	R-4, Residential Planned Community
Further Conditions:	None

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E. BOARD CONSIDERATIONS**1. Acquisition of Property/Ware Creek Reservoir, Jack L. Massie, et al.**

Mr. Oliver requested that this item be deferred.

Mr. DePue suggested that the item be discussed in Executive Session.

2. Landfill Property Acquisition

Mr. Morton presented this matter to the Board requesting authorization to move forward with the acquisition of this parcel due to the existence of a right of ingress and egress across the existing landfill to serve this property.

Mr. Taylor requested that adjoining property owners be notified of the County's intentions to purchase property so that the property line issue will be settled fairly and in advance.

Mr. Brown made the motion to authorize staff to discuss the issue with the owner and to report back to the Board.

Mr. DePue stated that he could see a clear public interest, but was concerned about the precedence which would be set in discussing and/or approving sensitive matters in open session. He stated that he would expect a formal motion from the Board before acquisition occurs.

Mr. Mahone felt that \$26,950 was a lot of money to spend just for a buffer between the landfill and the adjoining property. He asked if any other options had been considered.

Mr. Morton stated that other alternatives were looked at and none were feasible.

Authorization for the staff to meet with the property owner was agreed to by the consensus of the Board.

G. REPORTS OF THE COUNTY ADMINISTRATOR**1. Renumbering of Street Addresses**

A presentation was made by Fire Chief Garland Woody and Mr. John E. McDonald, Director of Financial and Management Services, reviewing benefits of the numbering project and the process by which numbers were assigned and the problems of the existing numbering system.

Mr. DePue questioned the notification process. Chief Woody replied that each property owner of a parcel was sent a letter.

Mr. Taylor opened the floor for comments from the County residents.

1. Mr. Charles Carteret, 1410 Jamestown Road, stated that the numbers on Jamestown Road are already consistent. He stated that the residents were not made a part of the planning process for this change.

2. Ms. Barbara Bradley, 17 Magruder Lane, stated that the change would place a hardship on the residents in Magruder Heights. She requested that their addresses remain the same.

3. Mr. J. S. Lanier, 1532 Jamestown Road spoke in opposition to the renumbering on Jamestown Road.

4. Mrs. Frances Waltrip, Lake Powell Road, spoke in opposition to the numbering on Lake Powell Road. She requested that her address be consistent with the numbering on the upper part of Lake Powell Road.

Mr. Brown requested that staff make modifications to the Magruder Heights area, and report to the Board at its next meeting.

Mr. Mahone stated that the developments behind and in Colony Square should not have Jamestown Road address numbers. He felt that the addresses should remain the same or staff should report to the Board with alternatives for Jamestown Road.

Mr. DePue stated that he voted for the renaming of streets in the rural part of the County, but had no idea that staff would renumber residences and businesses that were already numbered. He stated that if the people of the County do not want the change of addresses, that the Board should accommodate those residents.

Mr. Herb Kenyon, Postmaster, suggested that residents be notified that the new addresses are not final.

Mr. Charles Parnell, Supervisor at the Post Office, stated that the postal service is not defending the new system but felt that the County needs a concise numbering system for mail delivery.

Mr. E. W. Cheatham, Magruder Heights, stated that the residents in his area have never had any problems with the fire department or rescue squad finding their homes in an emergency.

2. Grove CDBG Budget and Expenditures

Mr. Oliver stated that staff was prepared to make a presentation if the Board wanted to hear it.

Mr. Reuben Hill stated that he has not received the full report that was submitted to the Board, but was satisfied with the figures contained in the report he received.

Mr. Brown requested staff to submit a complete report to Mr. Hill.

Mr. Oliver requested, at the appropriate time, that the Board convene into Executive Session to discuss a legal matter and property acquisition.

F. **MATTERS OF SPECIAL PRIVILEGE**

None.

H. **BOARD REQUESTS AND DIRECTIVES**

Mr. Taylor presented the Board with a Petition signed by residents on Edwards Mill Road (Route 699), requesting that the name of the road be changed to Camp Road as it has been unofficially called for some time.

Mr. Oliver stated that staff would check into the renaming of the road.

It was the consensus of the Board to send a letter to the Chairman of the School Board regarding the budget decisions.

Mr. Taylor made the motion to convene into Executive Session pursuant to Section 2.1-344(a)(2)(6) of the Code of Virginia, 1950, as amended, to discuss acquisition of property and a legal matter.

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 5:40 P.M. and returned to Public Session at 6:25 P.M.

Mr. Brown made the motion to adjourn.

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

The Board of Supervisors meeting **ADJOURNED** at 6:27 P.M.


James B. Oliver, Jr.
Clerk to the Board