

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FIRST DAY OF DECEMBER, NINETEEN HUNDRED EIGHTY-SEVEN, AT 1:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - Special Meeting - November 23, 1987
Regular Meeting - December 7, 1987

Mr. Edwards asked if there were corrections or additions to the minutes.

Mr. Mahone made a motion to approve the minutes as presented.

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

D. HIGHWAY MATTERS

Mr. James Kelly, Virginia Department of Transportation, was in attendance.

Mr. Taylor asked if the drainage situation was being taken care of at Norman Davis Drive.

Mr. Kelly responded that the soil readily absorbs the runoff, and the culvert installation would be reconsidered in January.

Mr. Brown stated that the entrance/exit ramp from Route 143 to Route 199 West was very dark in the nighttime hours. He suggested consideration be given to installing a streetlight in the area.

Mr. Mahone agreed with Mr. Brown's statement and noted an alternative might be the installation of a reflective sign.

Mr. DePue asked Mr. Kelly to express appreciation to Mr. Hall for his responsiveness in doing the culvert work in the Farmville Estates area. Mr. DePue also requested Mr. Kelly to ask Mr. Hall to write a letter to Mr. DePue indicating the installation date of a stop light at Olde Towne and Longhill Roads.

C. PRESENTATIONS

1. Resolution of Appreciation - Frances B. Whitaker

Mr. Edwards read the resolution to Mrs. Whitaker and expressed the Board's appreciation for her service to the County.

Mrs. Whitaker thanked the Board and stated that she considered it an honor and a privilege to have served as Treasurer for James City County.

RESOLUTION OF APPRECIATIONFRANCES B. WHITAKER

WHEREAS, FRANCES B. WHITAKER will retire as the County Treasurer on December 31, 1987, after having served her community for over 23 years and over 16 years as the County Treasurer; and

WHEREAS, she has served the residents and taxpayers of James City County in a professional, conscientious and caring manner; and

WHEREAS, she has inspired County residents with her leadership, as a role model, and as a true custodian of the public trust; and

WHEREAS, during her tenure, she initiated efficient and effective cash management techniques, diligently invested public funds and personally took responsibility for the safety of the County Treasury.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County expresses its appreciation for her many years of service, for her considerable assistance in helping to provide the citizens of the County with outstanding service, and expresses its best wishes to Frances for a long and enjoyable retirement.

BE IT FURTHER RESOLVED that this resolution be spread on the minutes of this Board and a suitable copy be presented to Frances B. Whitaker.

2. Certificate of Appreciation - William F. Brown

Mr. Edwards read the resolution to Mr. Brown and noted that the Board appreciated his efforts, and that Mr. Brown had indeed given a different dimension to the Board.

RESOLUTIONCERTIFICATE OF APPRECIATION

WHEREAS, William F. Brown has served as a member of the James City County Board of Supervisors for the past four years, one year as its Chairman; and

WHEREAS, William F. Brown, with his background as Planning Director for the County from 1973 to 1977, brought a different dimension to the Board of Supervisors; and

WHEREAS, William F. Brown, through his commitment to the Roberts District, was instrumental in developing beautification plans for Pocahontas Trail, the Skiffes Creek Industrial Area Development Plan, the development of the water systems serving James Terrace and the East Williamsburg Community, the retention of the BASF Corporate Headquarters, and ensuring the reliability of the Surry emergency sirens; and

WHEREAS, William F. Brown has provided vision and sound judgment with a proper mix of humor in addressing matters of County governance during a time of unprecedented growth.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors extends its sincere thanks to William F. Brown for his years of service and leadership.

BE IT FURTHER RESOLVED that this resolution be spread on the minutes of this Board and a suitable copy be presented to William F. Brown.

3. York River State Park

Ms. Jennie Wade, Chief Ranger of York River State Park, expressed appreciation for the opportunity to speak to the Board.

Ms. Wade stated that the park offers a boat ramp, hiking trails, bridal trails, etc., for the citizens, and that future projects include a parking lot and installation of a light at the Croaker Landing boat ramp. Ms. Wade also thanked the Board for the County's assistance in various park projects.

Mr. Edwards thanked Ms. Wade for her presentation and stated that York River State Park is a great asset for the area.

E. PUBLIC HEARINGS

1. Case No. SUP-3-87. Depot Street Building

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Richard Costello had applied on behalf of Ms. Nancy White for a special use permit to allow the construction of a commercial building in the Reservoir Protection Overlay District.

Staff and the Planning Commission recommend approval with the five conditions stated in the resolution. Condition No. 3 was added by staff after the Planning Commission review.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-3-87. DEPOT STREET BUILDING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-3-87 as described herein with the following conditions.

1. The execution of an Inspection/Maintenance Agreement prior to final site plan approval and as approved by the County Attorney for performance assurances pertaining to runoff control and reservoir protection measures.
2. A note shall be added to the plan stating that construction of the infiltration trenches shall be delayed until disturbed areas draining to the trenches are stabilized.
3. A vertical observation pipe shall be provided in the center of each infiltration trench to improve the ability to monitor the performance of the trench upon completion. Details for this pipe shall be shown on the plan prior to final site plan approval. The depth of the pipe shall be equal to that of the trench.
4. A soils test shall be provided to ensure that soils are suitable for use with infiltration trenches. The soil test information shall be reviewed and approved by the Division of Code Compliance prior to final site plan approval.
5. If construction of this facility has not begun within a 36-month period from the issuance of this permit, it shall become void. Construction shall be defined as clearing, grading, and the excavation and pouring of all footings covered by this permit.

F. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove any item from the Consent Calendar.

Mr. Mahone made a motion to approve the Consent Calendar.

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

1. Dedication of Streets in St. George's Hundred, Section IIIRESOLUTIONDEDICATION OF STREETS IN SAINT GEORGE'S HUNDRED SUBDIVISION

WHEREAS, the developer of Saint George's Hundred, Sections III, III Blocks A, B-1, B-2 and C, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Saint George's Hundred, Sections III, III Block A, B-1, B-2, and C, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Saint George's Hundred, Sections III, III Block A, B-1, B-2, and C, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Robertson Street, 50 and 60-foot rights-of-way
From: State Route 1439
To: Intersection of Sabre Drive and Arena Street
Distance: 0.29 miles
2. Sabre Drive, 60-foot right-of-way
From: State Route 1440
To: Intersection of Robertson Street and Arena Street
Distance: 0.16 miles
3. Arena Street, 50 and 60 foot rights-of-way
From: State Route 1441
To: Intersection of Sabre Drive and Robertson Street
Distance: 0.20 miles
4. Harbin Court, 50-foot right-of-way
From: Sabre Drive
To: End of cul-de-sac
Distance: 0.08 miles

The rights-of-way of 50 and 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Saint George's Hundred, Section III, recorded in Plat Book 33, page 66, dated September 8, 1982; Saint George's Hundred, Section III, Block A, recorded in Plat Book 38, page 77, dated November 4, 1983; Saint George's Hundred, Section III, Block B-2, recorded in Plat Book 42, page 46, dated April 24, 1986; Saint George's Hundred, Section III, Block C, recorded in Plat Book 39, page 76, dated August 3, 1984; and Saint George's Hundred, Section III, Block B-1, recorded in Plat Book 40, page 41, dated February 4, 1985.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

2. Longhill Road Sidewalk Project - Award of Construction Contract

R E S O L U T I O N

AWARD OF CONSTRUCTION CONTRACT FOR LONGHILL ROAD SIDEWALK PROJECT

WHEREAS, funds were appropriated in the FY 88 Budget for the construction of sidewalks in the County; and

WHEREAS, right-of-way has been acquired and plans for the construction of sidewalk on Longhill Road, from Lafayette High School to Windsor Forest Subdivision, have been reviewed by the Virginia Department of Transportation; and

WHEREAS, bids for the construction of sidewalk on Longhill Road, from Lafayette High School to Windsor Forest Subdivision, were received on November 20, 1987, with Joe Shouse Construction Company, Inc., of Williamsburg, submitting the lowest bid in the amount of \$53,297.75.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the award of the Longhill Road Sidewalk Project construction contract to Joe Shouse Construction Company, Inc., on the basis of their low bid of \$53,297.75 and authorizes the County Administrator to execute a contract between James City County and Joe Shouse Construction Company, Inc., for this project.

G. BOARD CONSIDERATIONS

1. Board Proposal - Sick Leave Policy Revision

Ms. Carol Luckam, Manager of Personnel, reported that a request from a Board member had been made for an alternative to the proposal brought forward at the November 16, 1987, Board of Supervisors meeting.

Ms. Luckam continued that the alternative would add the care of an immediate family member who is sick (not to exceed three days per calendar year) to the current policy that permits the use of sick leave for personal illness and medical appointments only. This proposal keeps the County competitive with other jurisdictions and is responsive to employees' requests. She further stated that County employees do not abuse the sick leave policy.

Mr. Brown asked for an explanation of the difference between the original and the alternative proposal.

Ms. Luckam explained that the original proposal asked for five sick leave days per calendar year for family member illness, and that the personal leave be used for funeral leave. The alternative proposal does not involve personal leave, and asks for a three-day annual limit on the sick leave policy.

Mr. Brown made a motion to approve the resolution.

Mr. Mahone stated that he felt the change was inappropriate and would vote in opposition to the motion.

On a roll call, the vote was AYE: Brown, DePue, Edwards (3). NAY: Taylor, Mahone (2).

RESOLUTIONREVISION OF THE COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the Board of Supervisors of James City County wants to provide fair and adequate leave for absences due to personal illness, medical appointments, illness or death of an immediate family member; and

WHEREAS, County employees as a whole have an excellent sick leave usage record; and

WHEREAS, this benefit is offered by other jurisdictions; and

WHEREAS, the demographics of the labor force have changed, and employees are trying to balance the responsibilities of their families and their jobs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision of Section 5.3 of the Personnel Policies and Procedures Manual of James City County.

H. PUBLIC COMMENT

Mr. Lionel Serating, 200 Southpoint Drive, reported that he could not buy a dog license because the County ordinance requires that the rabies vaccination certificate not lapse during the year covered by the dog license, and his dog's certificate is valid only until November 1988. His veterinarian does not recommend that his dog be revaccinated until that date. Mr. Serating asked for the Board's assistance in resolving the problem.

Mr. DePue asked staff to review the ordinance and consider changing the licensing period to help citizens comply with the law.

Mr. Brown indicated that the ordinance was supported by the Health Department and the veterinarians to ensure that every County dog would be vaccinated and licensed to protect the animal and the public. He stated that the inconvenience of revaccination during the third year was discussed before approval of the ordinance.

Mr. Edwards told Mr. Serating that staff would be in contact with him.

Mr. Mahone suggested that renewing the license when the vaccination certificate expires would resolve this issue.

Mr. Edwards concurred with the discussion and asked that staggered terms be researched and a report given by the Treasurer regarding the impact.

I. REPORTS OF THE COUNTY ADMINISTRATOR - None

J. BOARD REQUESTS AND DIRECTIVES

Mr. Brown complimented the Virginia Gazette for a very fine article about his term as supervisor.

Mr. Brown stated that he would miss the camaraderie and good friendship with staff and the Board members. He felt that the community is fortunate to have persons who work so well together.

Mr. Brown suggested that the time had come for a serious discussion between the County and the City about merging, if a merger could be done, or should be pursued. If merger is not feasible, he suggested that the County begin the process of acquiring a city charter for the protection city status would give.

Mr. Brown concluded with thanks to the Board, members of the staff, and members of the public, and indicated that he was looking forward to his retirement from the Board.

Messrs. Taylor and Mahone noted that they had enjoyed working with Mr. Brown and would miss him.

Mr. DePue expressed respect for Mr. Brown's ability to change his mind on issues, and applauded him for his efforts while serving as Chairman.

Mr. Edwards spoke of his appreciation for Mr. Brown's service to the Board, and commended him for always advising the Board to "do things the right way."

Mr. Norman stated that staff highly regarded Mr. Brown, appreciated his guidance and direction, and would miss him.

Mr. Edwards made a motion to convene into executive session for personnel matters pursuant to Section 2.1-344(a)(1) of the Code of Virginia, 1950, as amended, at 2:12 p.m.

Mr. Edwards reconvened the Board at 2:58 p.m. and made a motion to appoint Mr. Robert Whitehorse for a four-year term to the Industrial Development Authority, term expiring December 21, 1991.

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

Mr. Edwards made a motion to appoint Thomas Mahone, Board member; Victoria Gussman, staff member; and Fred Belden, Planning Commission member; to the interjurisdictional Growth Commission panel for a term of eighteen months.

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

Mr. Edwards convened the Board into a work session for financial trends with Mr. John McDonald, Manager of Financial and Management Services.

Mr. McDonald presented to the Board both demographic and financial information that would impact on FY 89 budget discussions, and presented a five-year view of the future. Specifically, Mr. McDonald highlighted the changing demographics of the County and the impacts of growth in the school population on future budgets.

Mr. Brown was absent from the presentation and his place at the table was taken by Supervisor-Elect Thomas Norment.

Upon completion of the work session at 4:30 p.m., the Board then convened a work session with the Williamsburg/James City County School Board at 4:31 p.m.

The Chairman, Mr. Edwards, stated that this meeting was an opportunity to sit down and talk and would not be specifically related to the Capital Improvement needs of the School Board or the upcoming budget process, and that there was no set agenda for the work session.

Mr. Edwards further stated that the Board and the School Board need to meet more often for general purposes other than the budget.

Mr. Dennis Kellison, Assistant Superintendent of Schools, provided an update on enrollment projections and the impact on new school construction. He further addressed the use of modular classrooms to handle increased enrollment.

Mr. DePue requested the target dates for restructuring and the openings of the new school buildings and requested comments on the Minority Achievement Program.

Dr. John Allen, Superintendent of Schools, responded to the request on dates.

Mr. Steve Elliott, Vice Chairman of the School Board, responded that there was no set proposal on the table and that the plan was being developed in the schools under a School Board Charter to benefit all underachievers.

Mr. Lynwood Johnson requested, for purposes of dialogue, that the word minority not be used because it really deals with all underachievers; however, Mr. Byrd did state that minority students are the largest number of underachievers in the school system.

Mr. Elliott stated that the effort is long term and this position was echoed by other members of the School Board.

Mr. Ken Smith, School Board Chairman, said that the School Board needed the Board of Supervisors' support as initiatives come forward.

Mr. Mahone indicated he was less than enthusiastic about the Gifted and Talented Program and that the home life and community environment should be changed to help the underachiever succeed.

Mrs. Vicki Sprigg reinforced the issue of the home environment and peer pressure as areas in which to work.

Mr. Taylor indicated that students need to develop the desire to learn, and Mr. Johnson echoed that by saying that education is everybody's business.

Mr. W. R. Bland mentioned the budget implications of State and Federal Funding, specifically for Gifted and Talented Programs and Special Ed.

Mr. Byrd stated that we need to pay now, or we will pay later if we do not work with our underachievers.

Mr. Norment asked questions regarding what the schools are doing for the "middle-of-the-road" child.

Dr. Allen responded that the real focus of the public schools is the "middle-of-the-road" child, that children with special needs have additional special programs.

There were discussions regarding other school programs, including the New Horizons offerings.

Mr. DePue addressed qualitative changes, particularly pupil/teacher ratios, and he felt that the School Board has been too conservative.

Mr. Edwards reminded everyone how difficult it is to resist special interest groups.

Dr. Allen said that, in accordance with the State Standards of Quality changes, the School Board will be looking to reduce class sizes in FY 89.

Mr. DePue requested that the City be reminded by School Board Members to move forward this year with business as usual for school funding without regard to what might happen relative to the consultant's study about separating the school systems.

Mr. Elliott reminded everyone that the Williamsburg area is a special community that is recognized as the best and that the schools should be the best in the future.

The Members of the Board also discussed other issues related to the schools and the work session was adjourned at 5:30 p.m.

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was AYE: Taylor, Mahone, DePue and Edwards (4). NAY: (0). Brown (ABSENT).

The Board adjourned at 5:40 p.m.


David B. Norman
Clerk to the Board

Section 5.3 Sick Leave

- A. Accrual of Leave - The amount of sick leave which an employee accrues per month is determined by dividing the number of hours per year which the position is authorized in the budget by 260, which is the number of days in a year excluding weekends. Sick leave is accrued semi-monthly upon completion of each full pay period of employment. However, leave shall be earned for pay periods during which an employee is on leave without pay or a leave of absence only as outlined in Section 5.9(C) and Section 5.10(H), below.
- B. Maximum Accrual Unlimited - There is no maximum limit to the amount of sick leave which may be accrued.
- C. Purpose of Leave - Sick leave may be used by an employee to provide paid absences for the following reasons:
1. A personal illness, injury or disability not incurred in the line of duty, which incapacitates the employee to perform his duties;
 2. Appointments for examination and treatment related to health when approved in advance by the department head and when such appointments cannot reasonably be scheduled during non-work hours.
 3. An illness of an immediate family member (spouse, parent, spouse's parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, and any persons residing in the same household of the employee) requiring the attendance of the employee as approved by the department head, not to exceed three (3) working days per calendar year. Additional leave requested in excess of the permitted allowance, unless recommended by the department head and approved by the County Administrator, shall be deducted from annual leave. If the employee has exhausted his annual leave, it shall be regarded as leave without pay.
- D. Extended Leave - When it becomes evident an employee shall be unable to be at work for an extended period of time (five (5) consecutive working days), the employee shall furnish the department head with a written statement from his physician. This statement shall include:
1. the nature of the employee's condition;
 2. the expected date on which the employee will be able to return and perform normal work duties (in cases where applicable); and
 3. the approximate anticipated date of medical release by the physician.
- E. Minimum Increment of Leave - Sick leave shall be accrued in increments no smaller than 15 minutes, and taken in increments no smaller than 30 minutes.
- F. Availability of Leave - An employee shall accrue sick leave before he may use it.
- G. Submittal of Leave Form - Upon his return to work after a sick leave absence an employee shall complete the appropriate leave form and submit it to his department head for processing.
- H. Sick Leave Bank - 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 shall be administered by employees, supported by employees, and shall cease to exist should there be insufficient employee interest.