

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 17TH DAY OF AUGUST, NINETEEN HUNDRED NINETY-TWO, AT 1:07 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
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District (Absent)
David L. Sisk, Roberts District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION

1. Williamsburg Area Community Center, Don Messmer

Mr. Don Messmer, member of the Human Services Agency Space Needs Task Force, described the need for working space and consolidation of agency services. He designated the agencies with needs, benefits to the community and made a request for an initial contribution of \$6,000 to secure a contract on land and building of New Testament Church at 312 Waller Mill Road.

Mr. Edwards thanked Mr. Messmer for his report and asked staff to prepare a recommendation and bring forward at the September 8, 1992, Board of Supervisor's meeting.

C. MINUTES - August 3, 1992

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

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

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards (4). NAY: (0).

D. HIGHWAY MATTERS

Ms. Beverly Mazingo, Williamsburg Assistant Resident Engineer, Virginia Department of Transportation, was present; no reports or requests were made.

E. **CONSENT CALENDAR**

Mr. Edwards asked if any member of the Board wished to remove an item on the Consent Calendar.

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

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards
(4). NAY: (0).

1. Indoor Plumbing Rehabilitation Grant Program

R E S O L U T I O N

AUTHORIZATION TO PARTICIPATE IN THE
INDOOR PLUMBING/REHABILITATION PROGRAM

WHEREAS, the Commonwealth of Virginia, Department of Housing and Community Development has issued a Request for Proposals for participation in the Indoor Plumbing/Rehabilitation Program; and

WHEREAS, assistance is needed to effectively and adequately address the rehabilitation of substandard homes of low-income persons to be served by James City County in its service area of James City County; and

WHEREAS, an application for participation in this program has been prepared; and

WHEREAS, James City County agrees to provide the administration for the program to those in need in conformance with the regulations and guidelines of this State Program to include applicable Federal requirements under the HOME Program; and

WHEREAS, David B. Norman, County Administrator, can act on behalf of James City County and will sign all necessary documents required to complete the proposal process.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes David B. Norman to apply for and accept participation in and enter into an Agreement with the Virginia Department of Housing and Community Development and undertake any and all actions and responsibilities in relation to such Agreement.

2. Revision to Personnel Policies and Procedures Manual, Sections 5.12 and 5.24

RESOLUTIONCHANGE IN LIFE INSURANCE ELIGIBILITYANDCHANGE IN EMPLOYEE ASSISTANCE PROGRAM PROVIDER

WHEREAS, the County wishes to bring its policies in compliance with State law;
and

WHEREAS, the County wishes its policies to be reflective of current EAP
service contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James
City County, Virginia, approves the change in Section 5.12 of the
Personnel Policies and Procedures Manual which allows eligible
employees of any age to participate in the Group Life Insurance
Program and approves the change in Section 5.24 of the Personnel
Policies and Procedures Manual which is reflective of the July 1,
1992, EAP service contract.

Effective: July 1, 1992.

F. BOARD CONSIDERATIONS

1. Case Nos. SUP-38-91 and SUP-39-91. Henry S. Branscome, Inc., Borrow
Pit

Mr. R. Patrick Friel, Senior Planner, stated that the applicant had
requested deferral of the cases until the September 8, 1992, Board of
Supervisors' meeting, and that staff concurred.

Without objection, Mr. Edwards declared the cases deferred until
September 8, 1992, Board of Supervisors' meeting.

2. Personnel Policies and Procedures Manual Changes, Chapter 5, Leave
Without Pay and School Leave

Ms. Carol M. Luckam, Manager of Personnel, stated that the changes
would eliminate the requirement in Leave Without Pay Policy that all accrued
leave be exhausted before taking unpaid leave and add a School Leave Policy
which would give employees up to 8 hours per year for school meetings and
functions or to perform volunteer work for a school.

Staff recommended approval of the resolutions.

Ms. Knudson made a motion to approve the resolutions.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards
(4). NAY: (0).

RESOLUTIONREVISION TO LEAVE WITHOUT PAY POLICY

WHEREAS, the County wishes to provide personnel policies which provide cost saving opportunities; and

WHEREAS, the County wishes to provide personnel policies which are flexible in meeting the needs of both the employee and employer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision to Section 5.9 of the Personnel Policies and Procedures Manual.

RESOLUTIONESTABLISHMENT OF SCHOOL LEAVE POLICY

WHEREAS, the County considers education to be an area of critical importance; and

WHEREAS, the County wishes to encourage its employees participation in the education of their own and the community's children.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Section 5.8.1 of the Personnel Policies and Procedures Manual.

3. Toano Trace Subdivision Housing Development Fund Appropriation
4. Award of Construction Contract - Toano Trace Subdivision

Mr. Richard B. Hanson, Community Development Administrator, stated that an appropriation of \$200,000 was requested from the Housing Development Fund to support development of the Toano Trace Subdivision, the approved site for a cluster subdivision funded by the Little Creek Community Development Block Grant.

Mr. Hanson stated that the lowest bid for the contract to construct roads and drainage structures and install water and sewer lines to develop the Toano Trace Subdivision was received from Jack L. Massie in the amount of \$381,944.00. He indicated the contract award amount was within budgeted funds.

Staff recommended approval of the resolutions.

Mr. Edwards made a motion to approve the resolution of Housing Development Fund appropriation of \$200,000.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards
(4). NAY: (0).

RESOLUTIONHOUSING DEVELOPMENT FUND APPROPRIATION TO SUPPORT
DEVELOPMENT OF THE TOANO TRACE CLUSTER SUBDIVISION

- WHEREAS, the Board of Supervisors allocated as part of the FY 91 and 92 Capital Improvements Budget a total of \$200,000 to the Housing Development Fund; and
- WHEREAS, the FY 93 budget for the Community Development Fund as adopted by the Board of Supervisors includes authorization of use of carry forward Community Development Block Grant and Project Income Funds for development of the Toano affordable housing development; and
- WHEREAS, the Board of Supervisors approved rezoning of the subdivision site to permit development of the proposed cluster residential development.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, amends the FY 93 Capital Budget to transfer \$200,000 of previously allocated Housing Development Funds to the Community Development Fund to partly finance the development of the Toano Trace Subdivision and further authorizes all revenue from the sale of property in the Toano Trace Subdivision to be deposited in the Community Development Fund and used for Housing and Community Development activities as authorized by the Board of Supervisors.

Mr. Sisk made a motion to approve the resolution of award of construction contract.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards (4). NAY: (0).

RESOLUTIONAWARD OF CONSTRUCTION CONTRACTTOANO TRACE SUBDIVISION

- WHEREAS, the Board of Supervisors has previously authorized planning and engineering for development of a residential subdivision on surplus County owned property adjacent to the Toano Middle School; and
- WHEREAS, bids were received for Toano Trace Subdivision site development construction on August 6, 1992, and opened on August 7, 1992; and
- WHEREAS, the lowest qualifying bid was received from Jack Massie Contractor, Inc., in the amount of \$381,994, which is within the amount of funds budgeted from the Little Creek Community Development Block Grant, Community Development Project Income and Housing Development Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the construction contract of Toano Trace Subdivision to Jack Massie Contractor Inc., in the amount of \$381,994. This award is subject to approval to all documents by the County Attorney.

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute the construction contract in the above amount with Jack Massie Contractor, Inc., subject to approval of all appropriate authorities, and is authorized to execute any and all documents in connection therewith.

5. Parks and Recreation Comprehensive Plan

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated at the July 20, 1992, Board of Supervisors' meeting that the process for selection of a consulting firm to prepare the Parks and Recreation Comprehensive Plan which would guide the development, operation and management of Parks and Recreation facilities and their programs to the year 2007 had been completed.

Mr. Cheely indicated individual Board members had been contacted and concerns resolved since that meeting. Staff recommended approval of the resolution which awarded the contract to EDAW, Inc., and authorized use of unspent FY 92 recreation funds to finance the contract.

Ms. Knudson made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, Knudson, Edwards (3).
NAY: Taylor (1).

R E S O L U T I O N

PARKS AND RECREATION COMPREHENSIVE PLAN

WHEREAS, County staff has been working on the selection of a consulting firm for the development of the Parks and Recreation Comprehensive Plan which will be incorporated into the County's Comprehensive Plan for the long term guidance of the development and operation of Parks and Recreation facilities and their programs; and

WHEREAS, EDAW, Inc., has been selected for the development of the Parks and Recreation Comprehensive Plan; and

WHEREAS, the Division of Parks and Recreation has identifiable monies in the FY 1992 Fund Balance; and

WHEREAS, it is the County staff's desire to use the FY 1992 Fund Balance to fund the development of the Parks and Recreation Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the contract award to EDAW, Inc., and approve the use of the FY 1992 Fund Balance for the development of the Parks and Recreation Comprehensive Plan at the cost of \$59,000.00.

6. Budget Amendment FY 1992 - Williamsburg/James City County Jail

Mr. Sanford B. Wanner, Assistant County Administrator, stated that an evaluation of the existing conditions at the Williamsburg/James City County Courthouse indicated a need for security improvements including a manned security screening device at the main entrance, closing of all other public entrances, and an additional City Deputy Sheriff to operate the security equipment.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards (4). NAY: (0).

R E S O L U T I O N

FY 92 BUDGET AMENDMENT - WILLIAMSBURG-JAMES CITY COUNTY JAIL

WHEREAS, Courthouse security is paramount to the protection of our citizens and employees who work at that facility; and

WHEREAS, it has been determined that additional security equipment and a additional City Deputy Sheriff are required in order to improve the security of the Courthouse

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$16,500 in support of the Williamsburg-James City County Jail as follows:

City/County Jail

Salaries and fringes	\$12,000
Capital Outlay	<u>4,500</u>
	<u>\$16,500</u>
Operating Contingency	<u>\$16,500</u>

7. Toano Middle School Financing

Mr. John E. McDonald, Manager, Financial and Management Services, stated the State, rather than lend Literary Fund monies, had invited the County to participate in a bond issue for local governments through the Virginia Public School Authority.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards
(4). NAY: (0).

RESOLUTION AUTHORIZING AN APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR A LOAN IN AN APPROXIMATE AMOUNT OF \$2,500,000.

WHEREAS, the Board of Supervisors (the "Board") of James City County, Virginia, the (the "County"), in collaboration with the Williamsburg - James City County School Board, has determined that it is necessary and desirable for the County to undertake capital improvements for its public schools;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. The Board hereby authorizes an application to the Virginia Public School Authority for a loan to the County in an approximate amount of \$2,500,000 to finance capital projects for public schools. The County Administrator, in collaboration with the other officers of the County and the School Board, is hereby authorized and directed to complete such application and deliver it to the Virginia Public School Authority.
2. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the 17th day of August 1992, and of the whole thereof so far as applicable to the matters referred to in such extract.

8. Governor's Land and Greensprings Route 5 Funding Plan

Without objection, Mr. Edwards deferred this item to be discussed at a work session following the remainder of the agenda.

6. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, reported that staff had met with the State Health Department officials regarding the delay of septic tank permit issuance, and stated that a recommendation would be brought forward on the September 8, 1992, Board of Supervisors' agenda.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards referred to a Reading File item on National Educational Goals.

Mr. Wanner stated that the local Community Partnership for Excellence in Education group requested support from the Board of Supervisors, the Williamsburg City Council and the Williamsburg-James City County School Board for the goals listed in the resolution.

The Board spoke in favor of the goals for education and Mr. Edwards indicated that Mr. DePue had expressed strong support for the resolution.

1. Mr. George Berger spoke to the fact that the statements are not school goals, but community goals.

Ms. Knudson made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards (4). NAY: (0).

R E S O L U T I O N

NATIONAL EDUCATIONAL GOALS

WHEREAS, the Williamsburg - James City County community is committed to raising the standards of Excellence for Education; and

WHEREAS, the Community Partnership for Excellence in Education is spearheading a broad-based process which includes the community adoption of the National Education Goals; and

WHEREAS, these goals adopted by our Nation's governors, state that:

by the year 2000 all children will start school ready to learn;

the high school graduation rate will be above 90 percent;

students will leave grades 4, 8, 12 demonstrating competency in core subjects and responsibility in citizenship;

student's math and science achievements will be first rate at the global level;

adult literacy will be achieved in this community; and
our schools will be free of drugs and violence.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the National Education Goals in support of the community's effort to develop strategies to accomplish the goals and to communicate results.

Mr. Edwards declared recess for a break at 2:29 p.m.

WORK SESSION - Governor's Land and Greensprings Route 5 Funding Plan

Mr. Edwards reconvened the Board into a work session at 2:38 p.m.

Mr. John T. P. Horne, Manager, Development Management, gave a brief description of the following issues: district boundary, petitioners, roadway design, location and timing, funding, implementation of the district, tax rate, zoning guarantees, and the proffers. He stated that the case had been advertised for a public hearing at the Board of Supervisors' meeting on September 8, 1992, and staff would not recommend approval until all necessary outstanding issues were resolved.

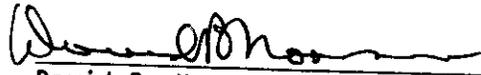
Discussion by the Board, staff, Virginia Department of Transportation personnel, and area developers followed regarding tax rates and funding options.

Mr. Horne asked the Board to contact staff with any questions before the September 8, 1992, meeting.

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards (4). NAY: (0).

The Board adjourned at 3:25 p.m.



David B. Norman
Clerk to the Board

Section 5.7 Civil Leave

- A. Eligibility - Leave shall be granted an employee for any absence necessary for serving on a jury, or attending court as a witness under subpoena.
- B. Amount of Compensation - An employee compensated for civil duties, as by jury or witness fees, shall be paid only the difference between such compensation and the regular salary for the period of absence unless the absence is charged to annual leave.
- C. Expert Witnesses - In those circumstances where a County employee is acting as an expert witness in a court proceeding which is not directly related to his duties for the County, that employee shall be charged annual leave or leave without pay.

Section 5.8 Military Leave

- A. Eligibility - Employees who are members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to leaves of absence from their County duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in annual active duty or training, or when called forth by the Governor during a disaster.
- B. Approval - Employees shall be required to present appropriate orders to their department manager as a condition of leave approval. Military leave shall not be appropriate for weekly or monthly drills.
- C. Loss of Pay - There shall be no loss of pay during military leaves of absence not exceeding fifteen days per federal fiscal year. Absence exceeding fifteen days shall be treated as leave without pay or, if approved, charged to annual leave.
- D. Return from Active Duty - Employees ordered to active duty, when relieved from such duty, shall be restored to positions held by them when ordered to duty.

Section 5.8.1 School Leave

- A. Purpose of Leave - School leave may be used by an employee to provide paid absences for the following reasons:
 - 1. To meet with a teacher or administrator of any public or private school, grades Kindergarten through 12, concerning the employee's children, step-children, or children over whom the employees have custody. Employees also may take leave to attend any school function in which such children are participating; or

2. To perform any school-approved volunteer work to assist any public or private elementary, middle or high school. Any teacher or school administrator may provide approval for the volunteer work.

B. Amount of Leave

1. Employees in full-time permanent and limited-term positions may take up to eight (8) hours of School Leave per fiscal year.
2. Employees in part-time permanent and limited-term positions may take up to the number of hours of their monthly sick leave accrual rate.

C. Leave Requests - Employees shall request school leave in advance on the appropriate forms. While the employee's leave requests shall be given every consideration, all such requests are subject to approval by the department manager. It is the department manager's responsibility to manage the leave schedules within the department.

D. Forfeiture of Leave - School leave which is not taken by June 30 of a fiscal year shall be forfeited.

Section 5.9 Leave Without Pay

A. Defined - Leave without pay is an unpaid absence from the workplace of six consecutive calendar weeks or less. Leave in excess of six consecutive weeks is addressed in Section 5.10.

B. Applicability - An employee shall be on leave without pay under the following circumstances:

1. Unapproved absence from the job during a scheduled work period,
2. Absences authorized as a condition of employment, and
3. Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department manager, not to use accrued leave.

In this case, leave without pay is an option available to accommodate employee needs for time off, for mutually agreeable reasons, if it would not adversely affect the operation of the work unit or the department.

C. Approval - Requests for leave without pay shall be submitted in writing to the department manager. The request shall specify how much, if any, accrued leave the

employee wishes to retain while on leave without pay. The department manager may approve such leave without pay, for any mutually agreeable reason, and shall determine whether to approve the employee's retaining all or a portion of his-her accrued leave. The department manager shall notify the Personnel Department and the Payroll Office of any employees on leave without pay in the department.

- D. Accrued Leave - Sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay which is not approved prior to use or which exceeds one full work day.
- E. Merit Increase Date - An employee's merit increase date shall be deferred as outlined in Section 5.10 F., if the leave without pay is for a period equal to or exceeds thirty (30) consecutive calendar days.
- F. Health and Life Insurance - Continued County health and life insurance shall be administered in accordance with the provisions of Section 5.10 G.

Section 5.10 Leave of Absence

- A. Defined - A leave of absence is more than six consecutive calendar weeks of approved leave without pay. A leave of absence may be used for any mutually agreeable reasons. An employee must exhaust accrued leave before being granted a leave of absence.
- B. Request for Leave - All requests for leaves of absence shall be submitted to the department manager and shall state the reasons for the leave and the length of the leave. A request for a leave of absence for medical purposes shall be accompanied by a note from the employee's physician stating the expected length of the disability and the date the employee is expected to be able to return to work.
- C. Approval Required - If the department manager recommends the leave, the request shall be forwarded to the Personnel Manager for approval.
- D. Leave of Absence Agreement - If a leave of absence is approved, a formal agreement which states the purpose and length of the leave shall be signed by the employee, the department manager, and the Personnel Manager.
- E. Violation of Agreement - Should an employee fail to return to work by the date specified in the Leave of Absence Agreement, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date. An employee who accepts employment elsewhere while on a leave of absence, unless approved,

shall be considered to have terminated employment with the County without notice as of the original date the leave was begun.

- F. Merit Increase Date - An employee's merit increase date shall be deferred one calendar month for each period of thirty (30) consecutive calendar days the employee is on leave without pay or a leave of absence.
- G. Health and Life Insurance - The County shall pay its share of County health and life insurance premiums during an approved leave without pay or leave of absence, unless otherwise provided in the leave agreement.
- H. Accrued Leave - Sick and annual leave shall not be earned for any pay period during which an employee takes a leave of absence which includes more than one full work day of that pay period.

Section 5.11 Retirement

- A. VSRS - The County participates in the Virginia Supplemental Retirement System (VSRS).
- B. Eligibility for Membership - Employees in full-time permanent and limited term positions are eligible for membership in VSRS.
- C. Cost - The County pays the full cost of the VSRS contribution for the employee.
- D. Eligibility for Retirement with Benefits from VSRS
 - 1. Service Retirement - An employee is eligible for service retirement if he or she is:
 - a) A VSRS member, at least 55 years of age, and has at least five years of contributions in VSRS, or
 - b) Age 60 or older.
 - 2. Disability Retirement - A member may apply for disability retirement
 - a) from the first day of employment provided the disability did not exist at the time of employment;
 - b) whether the cause of the disability is not work-related, or is compensable under Worker's Compensation;
 - c) when the employee becomes mentally or physically unable to perform present duties;