

AT A WORKSESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTY-SEVENTH DAY OF NOVEMBER, NINETEEN HUNDRED SEVENTY-EIGHT, AT 1:30 P.M.

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All of the members of the Board of Supervisors were present, as follows:

Jack D. Edwards, Chairman, Berkeley District  
Stewart U. Taylor, Vice Chairman, Stonehouse District  
John E. Donaldson, Jamestown District  
Abram Frink, Jr., Roberts District  
David W. Ware, Jr., Powhatan District

The following persons were also present:

James B. Oliver, Jr., County Administrator  
Frank M. Morton, III, County Attorney  
Robert M. Murphy, Assistant to Administrator/Projects  
John E. McDonald, Assistant to Administrator/Finance  
Eric Zicht, Civil Engineer  
William C. Porter, Jr., Director of Planning  
Agnes Turchiano, Administrative Secretary

Susie Dorsey, Staff Reporter, Daily Press  
Dan Rowland, Staff Reporter, Times Herald

Mr. Oliver introduced Mr. Morton, who presented a survey of recent zoning decisions in Virginia, with a detailed review of the theory and philosophy of ordinances, giving various citations and background.

Mr. Donaldson moved to recess to reconvene at the Board of Supervisors Regular Meeting. The Board members voted unanimously and the Worksesssion recessed at 2:52 P.M.

AAC795

November 27, 1978

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
 JAMES CITY, VIRGINIA, HELD ON THE TWENTY-SEVENTH DAY OF NOVEMBER,  
 NINETEEN HUNDRED SEVENTY-EIGHT, AT 3:00 P.M., IN THE GOVERNMENT CENTER,  
 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
 Stewart U. Taylor, Vice Chairman, Stonehouse District  
 John E. Donaldson, Jamestown District  
 Abram Frink, Jr., Roberts District  
 David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
 John W. Watkins, Assistant to the County Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Oliver stated that a correction should be noted in Item E, Public Hearing, Case No. Z-4-78 in eliminating the word "adjacent" in the sixth and eighth lines and adding the words "on Jamestown Island" after "property owner" on the eighth line of the minutes of November 15, 1978.

With the correction noted, Mr. Frink motioned for approval of the minutes of November 15, 1978. The motion carried by unanimous roll call vote.

C. PRESENTATION OF CERTIFICATES OF SERVICE AND APPRECIATION

The following certificates of appreciation were awarded by Mr. Edwards. None of the recipients were present.

Michael E. Tompkins, Planning Department	5 years
Horace L. Otey, Public Works Department	5 years
Patricia R. Sharp, Social Services	3 years

D. HIGHWAY MATTERS

Mr. Edwards called upon Mr. Frank Hall, Resident Engineer. Mr. Hall said the Department of Highways construction schedule for December contains Route 615, Ironbound Road. Mr. Hall said he did not believe it could go to contract because the financing at this point is not sufficient to finance two-thirds of the cost, which is the normal policy. He said this matter probably will be deferred until at least July or August of next year and will be on next year's budget.

Mr. Oliver requested that this matter be expedited because it is already overdue. He requested the opportunity for Mr. Hall and Mr. William C. Porter, Jr., Director of Planning, to discuss the matter and return to the Board of Supervisors with their finding.

Mr. Donaldson inquired about work going on at Route 199, where it crosses Tutter's Neck Creek. Mr. Hall said the work was being done to reinforce the embankment just behind the guardrail, which was constructed on a one-to-one slope, which in his judgment was a little steep.

Mr. Donaldson inquired about concerns raised by the residents of Lakewood Subdivision. Mr. Hall said he received the results of a speed study last week and prior to that, larger "B" signs had been erected denoting the intersection at Lake Drive. He said "Reduce Speed Ahead" signs had also been erected and a "45 M.P.H." sign at the southside of Lake Drive. Mr. Hall said a review of the speed study disclosed four samplings, two in the 55 m.p.h. zone and two in the 45 m.p.h. zone. In the 55 m.p.h. zone, which is south of Lake Drive, both of the studies revealed that 85% of the speed is 56 m.p.h., with 70% of the motorists at one station and 73% of the motorists at the other station exceeding the 55 m.p.h. He said they were apparently exceeding the speed limit by just one or two miles per hour. He said the study revealed that in the area near the Episcopal Church, 85% of the car speed was 51 m.p.h., with 51% of the motorists exceeding 45 m.p.h. The other station just north of Lake Drive revealed that nearly 85% of the motorists exceeded 54 m.p.h. and 70% of the motorists exceeded 45 m.p.h. With these results, Mr. Hall said he does not see any way the speed limits can be reduced in the 55 m.p.h. zone, but it definitely indicates a need for enforcement in the 45 m.p.h. zone.

Mr. Hall said it is planned to delete the passing zone just north of Lake Drive and that this had not been done to date because they were awaiting the results of the speed study.

Mr. Oliver indicated that this was an enforcement problem on Route 31 and that the matter should be referred to the Sheriff. Mr. Hall said he would write a letter to Sgt. Petefish in addition to notifying the Sheriff.

Mr. Frink said he had several complaints by Grove residents about street signs being replaced and asked Mr. Hall if this was the responsibility of the Highway Department. Mr. Oliver said the replacement of street signs was the responsibility of the County.

#### E. SETTING PUBLIC HEARING DATE

1. Case No. Z-15-78 - Consideration to rezone approximately 43 acres located north of C&O Railroad tracks adjacent and east of the Williamsburg Pottery Factory in Lightfoot from M-2, General Industrial, to M-1, Limited Industrial.

2. Vacation of Plat - Eustis Terrace, Lots 6, 7 and 8.

Mr. Edwards asked if there was any objection to setting both of these matters for the next meeting of the Board of Supervisors, December 11, 1978, at 7:30 P.M. It was the consensus of the Board that these matters should be heard on that date.

#### F. PUBLIC HEARINGS

1. Vacation of Plat - Elmwood Subdivision, Section 1.

Mr. William C. Porter, Jr., Director of Planning, presented the matter of an application for the vacation of certain property lines in the Elmwood Subdivision, Section 1. He stated that Mr. John P. Beier, owner of lots 53 and 54, has applied for the vacation, with the intention of selling Lot 54 and retaining certain fruit trees on his property.

Mr. Edwards opened the public hearing. No one wished to speak and Mr. Edwards closed the public hearing.

Mr. Ware motioned for approval of the vacation of the plat. The motion carried by unanimous roll call vote.

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ORDINANCE NO. 121

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "ELMWOOD, SECTION 1, JAMES CITY COUNTY, VIRGINIA," AND MORE PARTICULARLY DESCRIBED AS THAT COMMON LOT LINE OF LOTS 53 AND 54 AND THE NORTHERN PROPERTY LINE OF LOT 54, AS SHOWN ON SAID PLAT.

WHEREAS, application has been made by Mr. John P. Beier, owner of lots 53 and 54, to vacate certain property lines, as more particularly described below, as

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 27 day of November, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That the common lot line dividing lots 53 and 54 and the northern property line of lot 54 as shown on that plat entitled, "Elmwood, Section 1, James City County, Virginia," dated November 15, 1973, and prepared by Coenen and Associates, Engineers-Planners-Surveyors, and recorded in Deed Book 31, Page 32, in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City be and the same are hereby vacated.
2. That a new plat entitled, "Boundary Line Adjustment, Lots 53 and 54, Elmwood, Section 1, Stonehouse District, James City County, Virginia," dated August 21, 1978, and prepared by Paul C. Small, Land Surveyor, be put to record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

2. Vacation of Plat - Pine Dell, Section A, Lot 4.

Mr. Porter presented the matter of a vacation of a property line that is not indicated on the plat which was shown on the staff memorandum. He said Mr. Paluzsay, the applicant, plans to combine 1.764 acres into the rest of the property he owns.

Mr. Edwards inquired if any objections had been received from adjacent property owners. Mr. Porter said there had been no objections.

Mr. Edwards opened the public hearing. No one wished to speak and Mr. Edwards closed the public hearing.

Mr. Ware motioned for approval of the vacating of the property line. The motion carried by unanimous roll call vote.

## ORDINANCE NO. 122

AN ORDINANCE TO VACATE A CERTAIN PROPERTY LINE AS ESTABLISHED BY DEED DATED NOVEMBER 8, 1962, RECORDED IN DEED BOOK 88, PAGE 181 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY, VIRGINIA, AND MORE PARTICULARLY DESCRIBED AS THE WESTERLY LINE 'A'-'B' ON A PLAT ENTITLED, "A SURVEY OF 1.764 ACRES FOR CONVEYANCE TO PETER L. PALUZSAY LYING IN BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA".

WHEREAS, application has been made by W. L. Person, counsel for Peter L. Paluzsay, to vacate lot Line 'A'-'B' more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-451 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 27 day of November, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That that property line as established by Deed dated November 8, 1962, recorded in Deed Book 88, page 181, in the Clerk's Office for the City of Williamsburg and County of James City, Virginia, and more particularly described as the westerly Line 'A'-'B' as shown on the plat attached hereto and made a part hereof, entitled, "A Survey of 1.764 Acres for Conveyance to Peter L. Paluzsay, lying in Berkeley District, James City County, Virginia," be and the same is hereby vacated.
2. That said plat entitled, "A Survey of 1.764 Acres for Conveyance to Peter L. Paluzsay, lying in Berkeley District, James City County, Virginia," be put to record in the Clerk's Office for the City of Williamsburg and County of James City.

This ordinance shall be in full force and effect from the date of its adoption.

3. Vacation of Plat - Riverview Plantation, Section 2, 3 and 4.

Mr. Morton requested a 30-day delay in this matter, stating that he had received a telephone call from counsel representing a number of the property owners in this matter, which is a case to quiet title on a portion of the subdivision plat to allow the sale of the original plantation house which was designated on the plat as a clubhouse. Mr. Morton suggested deferring any decision and continuing the public hearing on this matter to the first meeting of the Board of Supervisors in January. He said he felt this delay would have no influence on the outcome of the case.

Mr. Porter presented the matter, stating that Ms. Elizabeth N. Vaiden had applied for the vacation of certain property lines in the Riverview Plantation Subdivision, Sections 2, 3 and 4 and to re-subdivide. He said there is adequate recreational land shown on the plat for the proposed subdivision. Mr. Porter said no comments had been received from the public.

Mr. Edwards opened the public hearing.

Mr. Patrick Micken, a Riverview resident, said around 1962 a group of people known as Riverview Plantation, Inc. put this subdivision up for development and made a number of promises, such as a golf course, tennis courts, a pro shop, a clubhouse, a swimming pool and a marina. Mr. Micken said all of the promises were broken. He did not believe the present owner's "track" record justified the vacation of property lines. He said he would like the Board of Supervisors to request specific plans from the owners as to what they wished to do.

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Mr. Louis Galanos, a Riverview resident, said he has been living in Riverview since 1971. Mr. Galanos said at the time of his purchase, he was told a portion of the money was for a clubhouse. He said the owners made unkept promises and the area has been deserted for the last three or four years.

Mr. Edwards asked if anyone else wished to speak on the matter. No one wished to speak and Mr. Edwards closed the public hearing.

After discussion, Mr. Edwards asked if there was any objection to continuing the public hearing to the first meeting in January. It was the consensus of the Board of Supervisors to continue the public hearing to the first January meeting.

#### 4. Vacation of Plat - Louis C. Goodfarb

Mr. Porter presented the matter of vacating certain easements of Parcel 20A in the Busch Properties Corporate Center. Mr. Porter said that parcel has been sold and the construction shed formerly standing there removed so there is no reason to have an easement.

Mr. Edwards opened the public hearing.

Mr. William Brown, a representative of the Busch Corporate Center, said new sewer and water lines were put down with new easements, and the easement to be vacated are no longer necessary. He said Vepco has vacated their easement.

Mr. Edwards asked if anyone else wished to speak. No one wished to speak and Mr. Edwards closed the public hearing.

Mr. Ware motioned for approval of the vacating of the easements. The motion carried by unanimous roll call vote.

#### ORDINANCE No. 120

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "BUSCH CORPORATE CENTER SUBDIVISION OF PROPERTY OF BUSCH PROPERTIES, JAMES CITY AND YORK COUNTIES, LANGLEY, McDONALD & OVERMAN, CONSULTING ENGINEERS, VIRGINIA BEACH, VIRGINIA," AND MORE PARTICULARLY DESCRIBED AS THAT CERTAIN FIFTY-FOOT UTILITY EASEMENT AS SHOWN ON SAID PLAT AS BEING DEDICATED TO THE JAMES CITY SERVICE AUTHORITY.

WHEREAS, application has been made by Samuel T. Powell on behalf of Louis C. Goodfarb, owner of Lot 20A, and Busch Properties, Inc., owners of the road contiguous to said property, to vacate portions of that plat, as more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 27 day of November, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That the certain fifty-foot utility easement shown on a plat entitled, "Busch Corporate Center Subdivision of Property of Busch Properties, James City and York Counties, Langley, McDonald and Overman, Consulting Engineers, Virginia Beach, Virginia," dated March 5, 1976, and recorded in Plat Book 53, page 72 in the Clerk's Office of the City of Williamsburg and County of James City, Virginia, be and the same is, hereby, vacated.
2. That said plat entitled, "Plat Showing Utility Easement on Former John Jefferson Road at Busch Corporate Center-Williamsburg to be Abandoned by James City Service Authority," be put to record in the Clerk's Office for the City of Williamsburg and the County of James City, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

G. BOARD CONSIDERATIONS

1. Certification of Warrants

Mr. Edwards read the certification of warrants and asked if there was any discussion. No one wished to discuss the matter and Mr. Edwards moved for approval of the warrants. The motion carried by unanimous roll call vote.

CERTIFICATION OF WARRANTS

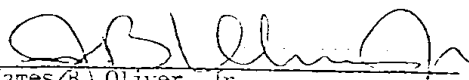
October, 1978

On a motion by Mr. Edwards and carried by unanimous roll call vote, the Board of Supervisors of the County of James City, Virginia, hereby certifies the following warrants for the month of October, 1978.

GENERAL FUND	Checks #5911 thru #6097 Totalling \$742,583.36
GENERAL FUND PAYROLL	Checks #13,901 thru #14,252 Totalling \$110,479.31
SANITARY DISTRICT NUMBER 1	Check #58 Totalling \$12.00
SANITARY DISTRICT NUMBER 2	Temp. Checks #1 thru #7 and Checks #1 - #4 Totalling \$4,059.21
SANITARY DISTRICT NUMBER 3	Checks #699 thru #719 Totalling \$61,435.51
SUBDIVISION ESCROW	- 0 -
REVENUE SHARING	Checks #451 thru #452 and #501 thru #503 Totalling \$17,403.88
ANTI-RECESSION	- 0 -
TOANO WATER CONSTRUCTION	- 0 -
JCC BOND SINKING FUND	Check #6 Totalling \$65,722.65
REGIONAL JAIL CONSTRUCTION	Check #1 Totalling \$25,332.00

Certified a true excerpt of the minutes of the James City County Board of Supervisors' meeting held on 27th day of November, 1978

ATTEST:

  
James B. Oliver, Jr.  
County Administrator

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2. Virginia Independence Bicentennial Commission Meeting

Mr. Oliver stated that the staff memorandum was self-explanatory. He said no action was necessary immediately, other than to give the matter some consideration, particularly since Mr. Wilfred Kale, Chairman of the previous Bicentennial Commission was not present.

Mr. Oliver said some interesting things were being talked about in Yorktown and the Board of Supervisors should give serious consideration to reactivating the previous commission or designate a new group to ascertain if it is appropriate for James City County to participate.

Mr. Oliver said if the idea is conceptually all right, he would like to talk with individual members of the Board of Supervisors about any interested people they might suggest who would like to be involved and he wanted to discuss the matter with Mr. Kale.

Mr. Edwards asked if there was any objection to Mr. Oliver's pursuing the matter in this manner. There were no objections and the matter was tabled.

3. Solid Waste Management/Resource Recovery Planning

Mr. Oliver said County planners have been exploring the feasibility of investing in a refuse-fired steam generator and selling the steam to industry. He said the potentiality of major users of steam in this part of the Peninsula had been overlooked and some

general interest has been shown by some of these corporate entities. He said the idea of being able to use steam is acceptable to Dow Badische and Anheuser Busch, subject to a number of conditions, such as price, fuel alternatives and some technical considerations.

Mr. Oliver said James City County must get York County and possibly Williamsburg to participate in a Phase II study of solid waste disposal, because federal funds are available only on a regional basis to populations of at least 50,000. He said the second phase study will cost approximately \$100,000, but 75% of that amount is eligible for Environmental Protection Agency funding. Mr. Oliver said he should know about York County's participation by December 15.

Mr. Ware said the amount involved in the study caused him a problem, but he favored recycling garbage. Mr. Ware stated that he would vote for the pre-application, with the understanding that he might vote against the actual expenditure.

Mr. Donaldson motioned for approval of authorization for James City County to apply for a Phase II grant by obligating \$5,400 in the Capital Improvements Fund previously allocated for regional solid waste planning. The motion carried by unanimous roll call vote.

4. Proposed Amendment to Military Leave Policy

Ms. Terry Frank, Personnel Officer, presented the matter, stating that the present County policy for military leave provides that employees be given a maximum of 13 work days for military training. Ms. Frank said this policy applied basically to employees working a standard five-day week, but a 24-hour shift schedule in the Fire Department causes the need for clarification.

Ms. Frank proposed amending the personnel policy by providing a maximum of 16 calendar days for military training attendance.

Mr. Ware asked if the military trainees were receiving full salary plus the military pay. Ms. Frank said they were. Mr. Ware said he considered this to be "double dipping", which he opposed, and requested a change in the personnel policy. Ms. Frank said she would review the personnel policy in this regard and present recommendations about the matter at a later date.

Mr. Taylor motioned for approval of a resolution amending the James City County personnel and specifications manual with regard to military leave. The motion carried by unanimous roll call vote.



WHEREAS, the Board of Supervisors of James City County on December 18, 1973, adopted a personnel system entitled the "James City County Personnel Regulations and Class Specifications Manual"; and

WHEREAS, the Personnel Regulations and Class Specifications Manual, Chapter V, Section 7, Military Leave, provides that probationary and permanent employees shall be granted a maximum of 13 work days leave without loss of vacation or sick leave for training purposes as a member of any reserve component of the Armed Forces of the United States or the Commonwealth; and

WHEREAS, the 13 work days granted by the aforementioned policy does not adequately provide employees working a 24-hour shift with the maximum leave time required to fulfill the annual active duty reserve training obligation; and

WHEREAS, the intent of this policy is to comply with state and federal law by providing leave for mandatory annual active duty reserve training.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that Chapter V, Section 7, Military Leave, be amended to:

1. Provide a maximum of 16 calendar days of leave annually.
2. State that such military leave shall be granted in compliance with state and federal law for the purpose of providing employees the time required to fulfill their annual active duty reserve training obligation.
3. This policy shall not apply to weekly or monthly drills for which the employee shall be entitled to use annual leave or make arrangements with his department or agency head to make up the hours missed.

5. HRSD Facility Plan for the Upgrading and Expansion of the Williamsburg Sewage Treatment Plant

Mr. Oliver presented the matter, recommending that a resolution be approved to assist HRSD in securing approval and financial aid from the State Water Control Board and the U.S. Environmental Protection Agency.

Mr. Donaldson motioned for approval of the resolution. The motion carried by unanimous roll call vote.

RESOLUTION

WHEREAS, the James City County Board of Supervisors recognizes inherent advantages of resource recovery for the conservation of natural resources; and

WHEREAS, a Phase I Feasibility Study provided through U.S. Environmental Protection Agency Technical Assistancess certifies the feasibility of a refuse generated steam facility, a voluntary source separation depository, and mechanical separation in this region; and

WHEREAS, the potential markets for steam and recycled materials and reliable equipment manufacturers have all indicated their interest and support of such a project;

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THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the staff be directed to prepare and submit applications for a U.S. Environmental Protection Agency grant in cooperation with York County, and with Williamsburg if that city so desires; and

BE IT FURTHER RESOLVED that James City County authorize the obligation of \$8,100 towards this cause, namely \$2,700 of in kind services and \$5,400 in cash previously appropriated in the County Capital Improvements Budget for Regional Solid Waste Planning.

H. MATTERS OF SPECIAL PRIVILEGE

Mr. Frink stated that he had previously voted against staggered terms for members of the Board of Supervisors, but after further consideration, requested Frank Morton to check into the ramifications of the matter so that he could reconsider his position.

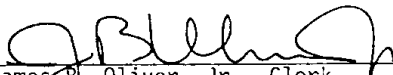
Mr. Ware asked if it would not be feasible to mail certificates of service and appreciation to James City County employees who had less than a certain number of years' service. He said it appeared that people with only three or five years' service did not attend the meetings to accept the certificate. Mr. Oliver said he would review the matter.

Mr. Donaldson requested that more information be obtained on the Riverview Plantation matter.

Mr. Oliver said he would attempt to eliminate the second Board of Supervisors meeting in December, which conflicts with the Christmas holidays. He said the next meeting will be held on Monday, December 11, 1978, at 7:30 P.M.

Mr. Taylor motioned to adjourn the meeting. The motion carried by a unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 4:20 P.M.

  
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James B. Oliver, Jr., Clerk  
Board of Supervisors