

February 26, 1979

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNT'S BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTY-SIXTH DAY OF FEBRUARY, NINETEEN HUNDRED AND SEVENTY-NINE AT 3:00 P.M.

A. ROLL CALL

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

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

B. MINUTES - February 12, 1979

Mr. Donaldson moved the approval of the minutes of February 12, 1979, as printed. The motion carried by a unanimous roll call vote.

C. HIGHWAY MATTERS

Mr. Taylor, noting that Mr. Hall, the Resident Engineer for the Highway Department was in attendance, asked if he had any matters to bring before the Board.

Mr. Hall reported the Highway Department had been requested to prepare a budget using the same amount of funds as last year. He further indicated he would be getting together in the near future with Mr. Porter in reference to this item.

Mr. Taylor indicated his constituents had asked him about the possibility of a sign designating Toano being appropriately placed in that area.

Mr. Hall said he would check into having a sign installed in Toano.

Mr. Taylor also indicated that he had been requested to find out what could be done about a problem involving the intersection of Route 603 and Berkley Town Road. It seems there is a steep grade at this intersection, which poses an unsafe condition. Mr. Taylor asked if a guardrail or some other precautionary measure could be installed in that location.

Mr. Hall said he would look into the matter.

Mr. Taylor referred to another situation existing at the intersection of Route 168 and Route 601, near the New Kent County line. The stop sign there is presently located in the middle of the road and this seems to pose a problem for turning vehicles. Mr. Taylor suggested it would be more appropriate to have the sign placed on the side of the road.

Mr. Hall indicated he would also investigate this problem.

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Mr. Edwards asked Mr. Hall if there had been any major problems as a result of the recent snow.

Mr. Hall stated there were some areas that deteriorated and if the rainy weather continued the situation would become worse.

Mr. Hall informed the Board that a total of \$51,000 had been spent for removal of the past snow.

Mr. Edwards commented that the Highway Department had done a commendable job during this past snow.

D. PUBLIC HEARING

1. An Ordinance to Amend Chapter 9 of the Code of the County of James City, Section 9-6, entitled "Penalties for Nonpayment of License Tax."

Mr. Taylor requested John Watkins to give a brief explanation in reference to this item prior to the public hearing.

Mr. Watkins explained that this had been among the license tax ordinances that had been brought before the Board in December. At that time the Commissioner of Revenue requested the item be deferred; therefore no action was taken. Subsequent to that meeting the County Attorney and Commissioner of Revenue have reviewed the item resolving the problem areas.

Mr. Watkins suggested Mr. Morton briefly outline the contents of this particular ordinance.

Mr. Morton pointed out that this ordinance would provide for penalties being applied for failure to secure business licenses or other tags or certificates required under the License Tax Ordinance. The amount of the penalty is in effect being reduced. This is due to the provisions of the enabling legislation in the Code and not by choice of the Commissioner of Revenue or the County Attorney.

Mr. Taylor opened the public hearing. There being no discussion, the public hearing was closed.

Mr. Edwards asked if this amendment would mean James City County would be in compliance with the State requirements.

Mr. Morton stated that was correct.

Mr. Frink moved the approval of the amended ordinance. The motion carried by a unanimous roll call vote.

ORDINANCE NO. 16A-5

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING SECTION 9-6, ENTITLED PENALTIES FOR NONPAYMENT OF LICENSE TAX.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 9, Licenses, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending Section 9-6, entitled, "Penalties For Nonpayment of License Tax."

CHAPTER 9

LICENSES

Article 1. In General.

Section 9-6. Penalties for nonpayment of license tax.

Any person conducting any business, occupation or profession, or doing other things for which a license tax is required under this chapter, without applying for and obtaining such license as set forth in section 9-5, or who shall fail to obtain any tag, certificate or sign required under this chapter, shall be subject to a fine of not less than twenty-five dollars nor more than three hundred dollars, and each day of default shall constitute a separate offense. Such conviction shall not relieve any such person from the payment of any license tax imposed by this chapter.

In addition to the above fine, if any license tax imposed by this chapter is not paid within the time prescribed in section 9-5, there shall be added to such license tax a penalty of ten percent or ten dollars, whichever shall be the greater; in addition thereto interest in the amount of eight percent per annum shall commence thirty days following the date on which such tax is due.

In the case of a false or fraudulent application where willful intent exists, a penalty of fifty percent of the amount of the proper tax shall be assessed.

E. BOARD CONSIDERATIONS

1. Amended and Restated Contract for the Joint Operations of Schools for the City of Williamsburg and County of James City.

Mr. Taylor asked Mr. Watkins to brief the Board members in reference to this item.

Mr. Watkins stated this item had been brought to the Board previously, having been withdrawn before consideration. He then asked Mr. Morton to summarize what this document represents in reference to the joint school contract.

Mr. Morton explained that prior to this document, the contract consisted of the original 1954 contract and seven amendments. It is suggested that they be incorporated into one document for ease of reference. This document has been reviewed by both the Superintendent of Schools and the Williamsburg City Attorney and there are no problems noted by either. It is understood that Mr. Phillips, the City Attorney, plans to take it to City Council upon favorable action by James City County. A brief discussion followed.

Mr. Edwards moved for approval of the amended and restated joint school contract. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

WHEREAS, the contract governing the Joint School System for the County of James City and the City of Williamsburg is embodied in an original agreement and five amendments thereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby approves that document entitled, "Amended and Restated Contract for the Joint Operation of Schools City of Williamsburg and County of James City".

2. EOC Information Office

Mr. Watkins reviewed a proposal from the Administrator's office which concerned opening of two offices in the EOC for use by the public. One office would be a multi-purpose office for use on a seasonal basis by various offices; i.e., Commissioner of Revenue, Social Services, Real Estate Assessments, etc. These offices have requested an area at the EOC for use during special times of the year whereby they could provide services to the public. The second area proposed would be for a full-time information office. Primary reasons for adding this type office would be (1) the information providing arrangement whereby a person could meet with citizens and offer assistance, answer questions, and handle problems the citizens may have; and (2) to hand out various and sundry permit or license applications.

Mr. Watkins further indicated that staffing for this office has been proposed by one of two ways. The position could be filled either by an existing staff member or with CETA funds.

In summarizing, Mr. Watkins stated this proposal also included a request for funds which had been allocated for a bike trail system, which the County never did institute, be reallocated for the purchase of necessary furniture, equipment and other office supplies for the two areas.

Mr. Taylor stated he felt the individuals in the northern end of the County would certainly like to see these sort of services provided in that area. A brief discussion followed.

Mr. Edwards stressed the point that although the reallocation of funds for bike trails was being utilized for this project, he hoped the matter of bike trails would be considered in the future.

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Mr. Donaldson moved for approval of implementation of the two new services at the EOC and the associated reallocation of funds in the amount of \$3,010 from the bike trail system in order to make purchases necessary to open the areas.

The motion carried by a unanimous roll call vote.

3. Case SP-1-79 - Harrop's Glenn, Phase I (Kingsmill)

Mr. Watkins informed the Board members that their approval was necessary on Master Plans for all development in the R-4 zone. He called upon Mr. Porter to brief the Board on this particular case.

Mr. Porter summarized the memorandum provided the Board members. He indicated the conditions set forth by the Site Plan Review Committee are standard conditions which go along with townhouse-type projects. The conditions as set forth for approval of Phase I of Harrop's Glenn are:

1. Entrance in Phase I to be approved by the Virginia Department of Highways and Transportation.
2. Sedimentation and erosion control measures and devices to be approved by the Department of Public works.
3. Fire hydrants to be located as required by the Fire Marshal.
4. Lighting and signage must be in accordance with the overall lighting and signage program for Kingsmill.
5. Monumentation must be provided in accordance with Section 17-40 of the Subdivision Ordinance.

There was no discussion on the matter.

Mr. Edwards moved for approval of Phase I of Harrop's Glenn, with the conditions as set forth.

The motion carried by a unanimous roll call vote.

4. Annual Audit Presentation

Mr. Watkins indicated Mr. McDonald would be highlighting some items presented in his memorandum to the Board in reference to two audit reports.

Mr. McDonald stated this had been the first time that James City County had been provided with two separate audit reports. He stated the purpose of two reports was to meet the several differing requirements of the various groups that would have an interest in financial statements. The State report is required by law; is somewhat comparable to other Virginia jurisdictions and is used for statistical purposes by the State Auditor of Public Accounts.

Mr. McDonald further noted the GAAP (Generally Accepted Accounting Principles) report had wider acceptance due to the fact that it was prepared on the basis of nationally accepted standards. The report is a more thorough indication of financial status and is preferred by the different Federal agencies and prospective lenders.

Mr. McDonald reviewed the summary of the different audit reports covering Revenue and Transfer, Expenditures, and Fund Balance Analysis, explaining the methodology used for each and pointing out the reasons for the particular differences in the two reports.

A brief discussion followed Mr. McDonald's presentation.

There was no action necessary for this item.

5. Employee Grievance Procedure

Mr. Watkins indicated James City County's grievance procedure had been revised in order to bring it into agreement with the requirements set forth by the General Assembly during 1978.

Mr. Watkins also said it was his understanding through Ms. Frank, the Personnel Officer, that the State Office of Personnel had indicated the revised procedure for James City County would receive approval once submitted to them.

Mr. Watkins further indicated that Ms. Frank was in attendance and had offered to answer any questions the Board members might have in reference to this matter.

There was no discussion.

Mr. Donaldson moved for approval of the resolution amending the Grievance Procedure as proposed. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

WHEREAS, an amendment to Section 15.1-7.1 of the Code of Virginia, effective January 1, 1979, requires the governing body of every county, city and town which has more than fifteen employees to amend local grievance procedures to comply with the definition of a grievance and the minimum provisions of the State grievance procedure as described in Section 2.1 - 114.5:1 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, that Chapter VIII, Grievance Procedure, of the James City County Personnel Regulations and Class Specifications Manual be amended by substituting the proposed amendments attached hereto and made a part hereof by reference.

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F. MATTERS OF SPECIAL PRIVILEGE

Mr. Taylor asked if anyone from the audience had anything to bring before the Board.

There were no comments.

Mr. Taylor asked if the Board members or staff had anything to discuss.

Mr. Oliver stated this would be the last meeting of the Board during which Ms. Frank would be in attendance. He pointed out that Ms. Frank had been with the County for over five years and she had done an outstanding job. During the past 15 to 16 months, especially, Ms. Frank had carried an incredible workload involving personnel matters, and much of the development of the overall Personnel system as well as the new grievance procedure just adopted is a result of her hard work.

Mr. Oliver congratulated Ms. Frank and wished her success in the future.

Mr. Taylor also extended congratulations and wished her good luck in her new job.

G. REPORTS OF THE COUNTY ADMINISTRATOR

None.

H. BOARD REQUESTS AND DIRECTIVES

None.

Mr. Donaldson moved to adjourn. The motion carried by unanimous roll call vote.

The MEETING WAS ADJOURNED AT 3:58 P.M.

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