

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-EIGHTH DAY OF MARCH, NINETEEN HUNDRED EIGHTY-THREE AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Perry M. DePue, Chairman, Powhatan District  
 Abram Frink, Jr., Vice-Chairman, Roberts District  
 Jack D. Edwards, Berkeley District  
 Thomas D. Mahone, Jamestown District  
 Stewart U. Taylor, Stonehouse District

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

**B. MINUTES - March 14, 1983**

Mr. DePue and Mr. Mahone requested changes to page 7.

Mr. Frink made a motion to approve the minutes as amended.

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

**C. HIGHWAY MATTERS**

Mr. Frank N. Hall, Resident Engineer, Virginia Department of Highways & Transportation made the following reports:

1. The department is conducting drainage adjustments to entrances pipes on Route 622.

2. The bids for the Route 199 project were rejected and they will go through the bid process again.

3. There was no progress report on the school signs for Rawls Byrd School.

Mr. Mahone questioned the procedures for keeping the ditches clear.

Mr. Hall replied that the usual procedure is to clear the ditches every two years.

Mr. Mahone requested that drainage easements be cleared at 126 and 128 Crownpoint Drive.

Mr. Frink requested the status of a complaint from a citizen about guardrails on Route 60 near Poplar Hall.

Mr. Hall said he has been contacted by mail regarding the complaint, advising her of speed limit signs placed in the areas in question and that guardrails were not appropriate.

**D. PUBLIC HEARINGS**

1. 1983-84 Proposed Annual Budget - Advertised in the Daily Press on March 18, 1983 and March 27, 1983.

Mr. John E. McDonald, Assistant to the County Administrator, made a presentation on the proposed budget outlining the General Fund, Capital Projects Budget, Capital Improvements Program, Utility Budgets and Other County Funds.

After a brief discussion, Mr. DePue opened the public hearing. The following citizens made comments on the proposed budget:

1. Mr. Louis Vosteen, County appointee and Chairman to the Library Board, spoke in support of library funds.

2. Mr. Harry Marchant, County appointee to the Parks & Recreation Commission, requested funds for the position of a Program Supervisor be added to the budget.

3. Ms. Peggy Wilchek, President of the PTA Council, stated the Council did not want their taxes lowered at the risk of lowering the quality of their children's education.

4. Ms. Irma Hawkins, representing Handicaps Unlimited, requested that the Board of Supervisors do everything possible to assume programs and recreational facilities that would accommodate the handicapped.

5. Mr. Clay Henson, President of the Williamsburg/James City County Education Association, urged funding of the School Board budget.

6. Ms. Inez C. Mihalcoe, member of the PTA Council, spoke in support of the School Board budget.

Mr. DePue closed the public hearing then invited citizens to attend the work sessions scheduled for March 29 and March 31, 1983.

D.2 Peninsula Public Service Authority - Advertised in the Daily Press on March 17, 1983.

Mr. McDonald presented this matter to the Board recommending adoption of the resolution providing for the creation of the Peninsula Public Service Authority.

Mr. DePue opened the public hearing.

Ms. Helen Davis asked whether the funds for the facility were included in the budget.

Mr. McDonald replied that this project was not funded in the budget because the feasibility of the project is based on the idea of financing the construction through revenue bonds and attracting private investment to support the facility.

Mr. DePue closed the public hearing.

Mr. DePue made the motion to adopt the resolution.

Mr. Frink stated he will vote for the resolution reluctantly. The facility would be located in his district and while the consultants have indicated that there would be no odor problems, the Hampton Roads Sanitation Plan engineers assured him that the sewer treatment plant would not have odor problems 10 years ago, and the plant has and is still causing odor problems.

Mr. Mahone cited articles from newspaper clippings regarding the failures of steam generating plants. He then asked Mr. Morton to protect the County's interest in hiring engineers and consultants to hold them responsible for their recommendations to the County.

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

A RESOLUTION PROVIDING FOR THE  
CREATION OF THE  
PENINSULA PUBLIC SERVICE AUTHORITY

BE IT RESOLVED by the Board of Supervisors of the County of James City:

1. That the County of James City (the "County") has found and determined and does hereby declare that the County, together with the Cities of Newport News and Williamsburg, and the County of York, desires to establish a

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public authority pursuant to the provisions of the Virginia Water and Sewer Authorities Act, being Chapter 28, Title 15.1, Code of Virginia, 1950, as amended, in the manner and for the purposes set forth therein.

2. That the articles of incorporation for the Peninsula Public Service Authority shall be as follows:

ARTICLES OF INCORPORATION  
OF  
PENINSULA PUBLIC SERVICE AUTHORITY

The Councils of the Cities of Newport News and Williamsburg, and the Boards of Supervisors of the Counties of James City and York, having signified their intention to create an authority pursuant to the Virginia Water and Sewer Authorities Act, (Chapter 28, Title 15.1, Code of Virginia of 1950, as amended) (the Act), which shall be a public body politic incorporate, hereby certify:

(a) The name of the authority shall be "Peninsula Public Service Authority" and the address of its principal office shall be 2017 Cunningham Drive, Hampton, Virginia 23666.

(b) The names of the incorporating political subdivisions are the Cities of Newport News and Williamsburg, and the Counties of James City and York.

(c) The powers of the authority shall be exercised by a board consisting of five members residing in and appointed by the governing body of each of the member political subdivisions. The names and addresses of the first members, the names of the appointing political subdivisions and the year of expiration of the terms of the first members are as follows:

<u>Name and Address</u>	<u>Appointing Political Subdivision</u>	<u>Expiration of Term</u>
Robert T. Williams 2400 Washington Avenue Newport News, VA 23607	City of Newport News	1986
Frank Force 412 N. Boundary Street Williamsburg, VA 23185	City of Williamsburg	1986

<u>Name and Address</u>	<u>Appointing Political Subdivision</u>	<u>Expiration of Term</u>
James B. Oliver, Jr. Post Office Box JC Williamsburg, VA 23187	County of James City	1986
John M. Richardson 126 Ballard Street Yorktown, VA 23690	County of York	1986

City of Newport News  
City of Williamsburg  
County of James City  
County of York

The governing body of each member political subdivision may appoint an alternate who may attend meetings of the authority but who shall be entitled to vote only in the absence of the designated member for which such alternate is serving.

The terms of the first members shall begin on the date of the issuance to the authority of a certificate of incorporation by the State Corporation Commission, and shall expire on December 31 in the year set forth above. The successor of each member shall be appointed for a term of years by the governing body of the political subdivision by which he was appointed, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Members shall hold office until their successors shall have been appointed and qualify, and any member shall be

eligible for reappointment to succeed himself. The members may receive as compensation for each meeting attended such amount as may be determined from time to time by resolution of the governing bodies of the member political subdivisions, but any member who is a full-time salaried employee of the political subdivision by which he was appointed shall serve without compensation.

(d) The purposes for which the authority is to be formed are to acquire, finance, construct, operate and maintain a garbage and refuse collection and disposal system, all pursuant to the provisions of the Act. Pending completion of the necessary engineering studies and estimates, it is not practicable to set forth herein preliminary estimates of capital costs and initial rates for services of proposed projects.

(e) The authority shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.

IN WITNESS WHEREOF, the Councils of the Cities of Newport News and Williamsburg and the Boards of Supervisors of the Counties of James City and York, have caused these articles of incorporation to be executed on their behalf by their presiding officer and their seals to be affixed and attested by their Clerks, this \_\_\_ day of March, 1983.

3. That in accordance with the requirements of Section 15.1-1243 of the Code of Virginia, 1950, as amended, this resolution shall be published in a newspaper of general circulation in the County, and a duly constituted public hearing shall be held thereon on such date as shall be set forth in the notice of publication.

4. That this resolution shall take effect from the date of its adoption.

#### E. **CONSENT CALENDAR**

Mr. DePue asked the Board members if there were any items that they might wish to have removed from the Consent Calendar.

Mr. Mahone requested that item No. 1 be removed.

Mr. DePue, at the request of Mr. Morton, asked that No. 5 be removed until another time. He then made the motion to approve the remaining items on the Consent Calendar.

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

2. Rescheduling Public Hearing Date for Case No. Z-3-83. - Mr. Donald W. Cherry to May 9, 1983.
3. Case No. CUP-15-83. John and Tina Backes

### R E S O L U T I O N

#### CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	John & Tina Backes
Real Estate Tax Map ID:	(9-2)
Parcel No.	(1-64)

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District: Stonehouse  
 Zoning: A-1, General Agricultural  
 Permit Term: N/A  
 Further Conditions: The subdivision must be recorded prior to the placement of the mobile home on the property.

4. Case No. CUP-17-83. Ms. Laura H. Croswell

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant: Ms. Laura H. Croswell  
 Real Estate Tax Map ID: (9-3)  
 Parcel No. (2-10)  
 District: Stonehouse  
 Zoning: A-1, General Agricultural  
 Permit Term: N/A  
 Further Conditions: None

1. Set Public Hearing Date of May 9, 1983 for Proposed Amendments to Chapter 11, Motor Vehicle Code

Mr. Mahone stated he wanted the opportunity to vote against having the public hearing for this case because he felt there are other ways to handle the violations of this Code.

Mr. Taylor stated he supported Mr. Mahone's statements.

Mr. DePue made the motion to approve the setting of the public hearing for May 9, 1983 for this case.

On a roll call, the vote was AYE: DePue, Frink, Edwards (3). NAY Mahone, Taylor (2). MOTION passed by a 3-2 vote.

5. Adoption of CDBG Loan Program Agreement

Mr. Morton requested that this item be removed to be heard at a later date.

The matter was deferred by consensus.

**F. BOARD CONSIDERATIONS**

1. Case No. SUP-8-82. Williamsburg Landfill

Mr. Joseph Phillips, Attorney for the City of Williamsburg, made a presentation requesting time to conduct an engineering study to determine the useful life of the landfill.

Mr. DePue stated that he had not received a definitive statement from the State Health Department and could see no further reason to defer this matter.

Mr. Taylor questioned the time table for conducting the study.

Mr. Phillips replied that they have not hired the consultant yet.

Mr. Mahone stated that he would concur with conducting a study.

Mr. Edwards asked what kind of assurance the City would give to the County of some definite endpoint to this matter.

Mr. Phillips replied that whatever the results of the study concluded, that they would take that action.

Mr. Edwards felt that if the Board extends this matter any longer, that the City will find another reason to get another extension.

Mr. Frink asked how long would it take to conduct the study.

Mr. Phillips replied that it should take 30 days.

Mr. Edwards made a proposal to extend the permit to June 1 under two conditions: the consultant hired is approved by both the City and County and produces a favorable answer to the life of the landfill question; and that the City operate the landfill consistent with the standards the County follows and not endanger the environment.

Mr. Edwards stated that if the Consultant gives less than a definitive answer as to the life of the landfill the County would then have the decision as to whether to extend the permit.

Mr. Morton stated that if the date foreclosure are changed, the matter would have to go back to the Planning Commission.

Mr. DePue requested this matter be deferred 24 hours until the work session on March 29, 1983 at 7:00 P.M.

Mr. Oliver felt the Board should vote on the permit now and then the Board could amend the permit at a later date.

After further discussion the Board voted on Mr. DePue's motion.

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

Mr. Edwards asked Mr. Phillips to convey to the City that the main reason for frustration over this matter was a lack of communication on the City's part. He asked that the City's staff work together with the County staff to attempt to resolve these issues.

2. Case No. CUP-14-83. Linda J. Salisbury

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board stating that staff still recommends denial of the conditional use permit even with the five year time limit.

Mr. DePue stated that Ms. Tintle was in the audience and wanted to speak concerning this matter.

Ms. Tintle gave the background and circumstances for her daughter wanting to place this mobile home on her property. She asked that the Board approve the permit.

Mr. DePue recommended that a second resolution of approval be adopted.

Mr. Taylor and Mr. Frink stated their support of the resolution of approval.

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Mr. DePue moved for the approval of the conditional use permit for a three year period.

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

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CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Ms. Linda J. Salisbury
Real Estate Tax Map ID:	(31-4)
Parcel No.	(1-2)
District:	Powhatan
Zoning:	A-1, General Agricultural
Permit Term:	Expires March 28, 1986
Further Conditions:	The mobile must be screened, connected to public water which is available to the site, and skirted.

3. FY 1984 Budget to the State Compensation Board

Mr. McDonald presented this matter to the Board stating that the County's constitutional officers and himself would be going to meet with the State Compensation Board on March 29, 1983 to present the three resolutions to the Compensation Board.

Mr. Edwards made a motion to approve the three resolutions.

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

R E S O L U T I O N

IN SUPPORT OF FY 1984 BUDGET REQUESTS  
STATE COMPENSATION BOARD

WHEREAS, the Board of Supervisors of James City County has determined that the budget requests submitted by the Sheriff, Treasurer, and Commissioner of Revenue are both reasonable and well-justified.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby endorse and recommend for your favorable consideration the following:

1. The James City County Treasurer has requested approval of \$110,776.00 in salaries, \$30,198.00 in office expenses, \$810.00 in mileage and \$425.00 in rental equipment for the upcoming fiscal year.
2. The James City County Sheriff has requested approval of \$98,468.00 in salaries, \$4,175.00 in office expenses and \$18,240.00 in mileage.

3. The James City County Commissioner of Revenue has requested approval of \$114,617.00 in salaries, \$16,805.00 in office expenses and \$720.00 in mileage. Said salaries to include \$5,000.00 for a seasonal part-time clerk typist to assist the public in preparing State Income Tax returns.

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REGIONAL JAIL BUDGET REQUEST  
STATE COMPENSATION BOARD

WHEREAS, the County of James City and the City of Williamsburg jointly operate a regional jail under the direction of the Sheriff of the City of Williamsburg; and

WHEREAS, the service area for the Williamsburg Regional Jail includes both the City and the County, with a combined population, according to estimates by Tayloe-Murphy for 1981, of 34,200 persons;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County strongly urges the State Compensation Board to establish the salary of the Sheriff of the City of Williamsburg in recognition of the full service area served by the Williamsburg Regional Jail and in a manner fully consistent with the stated objectives of the General Assembly in codifying a salary scale for Constitutional Officers under Section 14.1-73 of the Code of Virginia.

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COMPENSATION BOARD - COMMONWEALTH'S ATTORNEY

WHEREAS, the Board of Supervisors of James City County, in review of the budget for the Commonwealth's Attorney as proposed to the State Compensation Board, concurs in the proposed request;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors strongly urges that the State Compensation Board consider favorably the proposed budget, as follows:

Salaries	\$ 39,715
Office Expenses	<u>2,090</u>
Total	<u>\$ 41,805</u>

**G. MATTERS OF SPECIAL PRIVILEGE**

None.

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Oliver suggested that the Board invite the Industrial Development Authority to meet the Board at 4:00 P.M. on April 25, 1983. He also requested at the appropriate time the Board convene into Executive Session to discuss a potential legal matter.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. Mahone requested a listing of the expiration dates of the positions on Boards and Commissions advertised on Cable television. He made some suggestions as to the process of notifying applicants when they are not appointed to a Board or Commission.

Mr. Oliver suggested a work session be held on the process of handling appointments on Boards and Commissions.

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Mr. Frink read a statement indicating that he will not seek re-election in the fall. The statement read as follows:

"Gentlemen, I'd like to ask your patience for a few minutes. After much reflection, I have decided to step down from the Board of Supervisors and not seek re-election in the fall. This has been a difficult decision, but I do think it is time to move on.

I have been honored to serve on the Board for thirteen years. They were years of change for James City County, and the challenges have been great.

Looking back, I am sure now I did not know what I was getting into when I agreed to serve. In 1969, we were a pretty quiet community. The decisions to be made were less complicated and more infrequent. There was little more than an executive secretary to the Board. We had no brewery, no Busch Gardens, no Owens-Illinois plant, no Lafayette High School, and considerably fewer tourists.

I'd like to think I was responsible for it all, certainly the improved tax base part of it. But, of course, that is not true either.

I do feel I have been a part of a team effort that has handled those challenges pretty well. It has been a changing team as some of my supervisor colleagues have come and gone. But with each Board I have served with, there has always been a team effort, and for this I am proud.

I have always tried to balance the need to represent the Roberts District with the needs of the County as a whole. And again I give good grades to all of my colleagues for the same.

That will continue to be one of the most serious challenges for James City County in the future. Our County is made up of many different communities, spread across large areas, and there is always the temptation to say the whole County should be exactly the same. The supervisor who tries to recognize the differences has a tough job. And yet this remains an important goal for the future.

But there is also the major goal to draw us closer together as one large community. I believe significant steps were taken during the 1970's in that direction. It is evident in the water and sewer lines that physically tie neighborhoods together; it is evident in the county-wide programs that are now offered in fire, emergency medical, police and recreation services; and hopefully, it is growing in the personal relationships that are developing between and among the people that these programs, these services, these facilities touch.

I see real promise in our local government, and what it has begun to do to meet the challenges. Our progress in touching people has been difficult, even controversial at times, as new efforts were made. But I believe the effort has been progressive, deliberate and most of all compassionate. When I came to James City County government we had good people. As I step down, we have good people. The problems have become tougher and bigger, but the Board and its staff are equal to the task, and I take great pride in knowing that.

My last thought is a suggestion that comes from my experiences on the Board. We have confronted many issues, problems and opportunities in those years, but as I think back the best solutions, the best decisions always came about when people were reasonable and in control of their emotions. The worst efforts came when people seemed to be distrustful and at loose ends. I think a major challenge for this Board and this community in the future will be to try to work in ways that maximize the openness, trust and fair play in how the County does its business. We all know that it is not going to be easy as budgets need to be balanced, tough zoning decisions made, and so forth. But I do believe the community will take its lead from the Board about how the debate is conducted. Therefore, I think the challenge to be good leaders starts here.

In that regard, Stewart Taylor has always been a sign to me that we were doing pretty well. Probably no two supervisors differed more philosophically, and yet I always felt I had found a friend in him. I can remember several times after a difficult vote, with Stewart on one side and me on the other, the meeting would end, and Stewart would say "come on outside to the truck, I've got some pumpkins for you."

Vote your convictions aggressively, gentlemen, but pass the pumpkins around after the meeting."

All the Board members wished Mr. Frink well and expressed their sadness with his decision.

Mr. Mahone made a motion to convene into Executive Session to discuss a potential legal matter pursuant to Section 2.1-344(a) ( ) of the Code of Virginia, 1950, as amended.

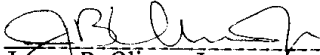
On a roll call the vote was, AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

The Board convened into Executive Session at 5:32 P.M. and returned into Public Session at 6:00 P.M. at which time Mr. DePue made a motion to approve the resolution indicating the 50-50 sharing of costs for the Ironbound Road Water Main Extension.

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

Mr. Mahone made a motion to adjourn. On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

The Board of Supervisors meeting **ADJOURNED** AT 6:02 P.M. until the scheduled public work session on the proposed budget at 7:00 P.M. on March 29, 1983.

  
 \_\_\_\_\_  
 James B. Oliver, Jr.  
 Clerk to the Board

RS/dfc  
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