

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FOURTH DAY OF SEPTEMBER NINETEEN HUNDRED EIGHTY-FOUR AT 3:13 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Taylor asked if there were any corrections or additions to the Minutes.

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

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

C. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer for the Highway Department reported on the crosspipe on Route 601. He said a work order had gone out. He had not received a response and was not sure if the work has been completed, but would check on it.

The second item Mr. Hall mentioned was the speed limit sign on Route 60 as you approach Lightfoot. He did not have a response for Me. DePue at this time.

Mr. DePue said he wanted to clarify his request and to that end he stated it was his desire that the 45 MPH speed limit sign be moved back toward Williamsburg in include all the houses.

Mr. Hall said he understood and he had no other items to report to the Board.

Mr. Brown said he had a letter for Mr. Hall regarding issues raised by East Williamsburg residents on highway matters, i.e. specifically, drainage problems in the neighborhoods.

Mr. Taylor said Mrs. Adsit was in the audience and had called him regarding highway matters and wanted to speak to Mr. Hall at today's meeting. Mr. Taylor said if the Board had no objections he would let Mrs. Adsit speak now.

Mrs. Adsit, 893 Lake Powell Road, Williamsburg, inquired as to who owns the roads in James City County.

Mr. Oliver responded that County roads are owned by the Highway Department.

Mrs. Adsit spoke on the problem at Lake Powell Dam. She stated that there is no speed limit or weight limit and that this is a dangerous road because of this and that a very serious accident had occurred recently. It is a secondary road that had never been maintained. Erosion has occurred due to a ditch that was dug around the spillway. Three-fourths of the supporting pavement is missing.

Mr. Hall said the Highway Department would take a look at the road.

AAJ775

Mrs. Adsit stated that the Highway Department has already looked at the road and she said they have not done anything about it. Last week she met with Mr. Kelley and he was to get back in touch with her. She said that a second ditch was dug on the opposite side and no vegetation was planted and the bank is eroding fast along this ditch. She wanted to know if the Highway Department is responsible for the road.

Mr. Hall said yes. Mrs. Adsit inquired if the Highway Department owned what is below the surface.

Mr. Hall said as he understands it the Highway Department is responsible for the pavement and the property owners are responsible for the dam.

Mrs. Adsit said the Highway Department is responsible for the erosion. She said that she has had to do some repairs to the dam. This is not fair because there is no weight limit and all vehicles are allowed to go across the spillway. She alleged that three-fourths of the surfact below the spillway road is gone; the Highway Department should not allow tractor trailers on the road.

Mr. Mahone said he had spoken to Mrs. Adsit earlier and was planning to bring these matters to Mr. Hall's attention. He said the erosion on the road situation contributed to the tractor trailer accident causing the trailer to go off the road. He asked Mr. Hall to consider weight or axle limit restrictions on the sharp turns as you enter on the north side of the dam. At the curb, a sizeable truck has a tendency to leave the road and could hit the dam or an abutment.

Mrs. Adsit said a lower speed limit was needed.

Mr. Mahone said the pavement surface was uneven and there is a tremendous crown on the road. Another item to be looked at is the signage which has deteriorated. Wooden posts placed there to prevent cars from going over the dam have rotted. The sign at the abutment was destroyed by the truck in the recent accident.

Mrs. Adsit stated construction behind James Square is causing erosion along that road. Every time it rains the lake is losing depth.

Frank Morton, County Attorney, said the project is being built by a private developer. He suggested Mrs. Adsit contact the developer regarding this problem. He stated that the staff would check into the matter to make sure our ordinances are being enforced, but that is as far as the County can go.

Mr. Mahone said he inspected it this weekend. Bales of hay have been placed there to restrain erosion. He feels like the contractor is doing what he can do.

Mrs. Adsit said the developer should be prepared before construction began and not try to rescue it afterwards when the damage has been done.

Mr. Mahone said the topography is changing continually and the County will look into it and see that siltation requirements are being met.

Mr. DePue spoke to Mr. Hall regarding some confusion that motorists are having at a stop sign on Hempstead Road. Mr. Hall said he has also inspected the site and believes the confusion is a carryover from when the street was developed, because it was the last section to be developed.

Mr. Hall said he would look into the matter and thinks the problem can be alleviated by installing a stop sign on Buford and moving the stop sign now on Hempstead closer to the intersection.

Mr. DePue inquired if Mr. Hall had received the Board's request to study the traffic problems on Longhill and Olde Towne Roads.

Mr. Hall said he had, and would be getting back to the Board with the results of his study.

D. CONSENT CALENDAR

Mr. Taylor presented the consent calendar and asked the Board if anyone wished to remove any items.

Mr. Brown stated he wished to remove item #1.

Mr. DePue removed item #3b.

Mr. Taylor made a motion to approve items #2 and #3a.

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

2. Award of Construction Contract/Mid-County Park

RESOLUTION

AWARD OF CONSTRUCTION CONTRACT
MID-COUNTY DISTRICT PARK BUILDING

WHEREAS, a Land and Water Conservation Grant for the development of the Mid-County Park was approved by the Division of Parks and Recreation on August 6, 1983; and

WHEREAS, bids for the park's buildings and structures were received on September 12, 1984;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to award a contract to O.K. James Construction, Inc., for \$57,186.00.

3. Set Public Hearing Date of October 15, 1984 for:

a. Case No. SUP-34-84. Larry and Penny Richardson.

1. Banking Services

Mr. Brown said he did not agree with the methodology for choosing a bank for banking services. He read the evaluation matrix several times and can appreciate the problems of evaluating banks. The matrix has some subjective items with the results showing only a 15 point spread between banks. A 15 point spread out of 90 points is not that much of a difference. He questioned how you can fairly evaluate banks. Also, he asked if this means that we would be putting all our money in one bank.

Mr. John McDonald, Director of Financial Management Services, replied in the affirmative. The bank proposals which were sent out were not submitted to the Board. The evaluation form used was not as subjective as it sounds in summary form.

Mr. Brown said the evaluation form sounds subjective. If we are using objective criteria, he does not object to the process. He expressed discomfort with a two point spread between the top two banks. He assumed there were good reasons for awarding the contract to the top contender.

Mr. McDonald stated because of the small point spread the Committee interviewed customer representatives from the two banks to obtain clarifying information and afterwards selected Central Fidelity Bank.

Mr. Brown asked if this is the system we had used in the past.

Mr. McDonald said yes, but not used as often. We are currently using United Virginia Bank.

Mr. Mahone said he did not see United Virginia Bank on the list of banks. He was interested in knowing why they were missing from the list.

Mr. McDonald stated that the Committee had received ten requests for proposals and United Virginia Bank did not file a proposal.

Mr. Mahone said that it was unusual that United Virginia Bank did not respond.

Mr. Taylor said that he had heard they were late with their proposal.

AAJ775

Mr. McDonald said that in the original mailing for Requests for Proposals the Committee only received two responses and felt that was not enough. They sent out the requests for proposals a second time hoping to get more response. They got six responses and United Virginia Bank's proposal was late.

Mr. Brown wanted to know if this contract would become effective November 1, 1984.

Mr. McDonald responded affirmatively.

Mr. DePue stated that of the six banks only two have branches in the County.

Mr. DePue inquired if the banking services contract was subject to State purchasing guidelines.

Mr. McDonald replied they were.

Mr. Taylor asked Mrs. Whitaker if this would present any problem for her.

Mrs. Whitaker said that if there were any problems at the end of the year, a clause in the contract would allow either party to cancel. Central Fidelity Bank has experience with local government.

Mr. DePue said he thought it was very unusual that some banks were late or did not respond to the requests to submit a proposal, but he thinks that the mergers between banks are causing the banks to get so large and they are so tied up in their own bureaucracy that they are not able to respond to local situations the way they should. He has complete confidence in the Committee and knows that they have improved and refined their process of selecting a banking institution. He feels the Committee has made their decision on a qualitative and quantitative basis. He supports the resolution.

Mr. DePue made a motion to approve the resolution.

Mr. DePue said today there are no local banks per se. Buildings are located in the County, but he does not feel an obligation that he would have felt five or ten years ago to award a contract to a local bank.

Mr. Brown said he wanted to make the point that local businesses cannot be awarded a County contract simply on the basis that it is located in the County. Bids have to go out and are awarded on a competitive basis according to state procurement laws.

Mr. Mahone thanked Mr. McDonald for explaining the procurement process and commended Mr. McDonald and the Committee for the fine work they had done.

Mr. McDonald said the credit should go to Mrs. Whitaker.

Mr. Mahone then redirected his comments to Mrs. Whitaker and said he appreciated her work on this item and her dedication in the past.

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

RESOLUTION

BANKING SERVICES

WHEREAS, the County is required to solicit competitive proposals on professional services, including banking services; and

WHEREAS, after completing an evaluation of six proposals, Central Fidelity Bank is recommended for the award of banking services for both County and School funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby authorizes the execution of the banking service agreement with Central Fidelity Bank commencing as of November

1, 1984, and authorizes its Chairman and Secretary, with the advice and approval of both the County Attorney and the County Treasurer, to enter into the necessary agreements and/or contracts.

RESOLUTION
CENTRAL FIDELITY BANK

BE IT RESOLVED, that Central Fidelity Bank, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts effective November 1, 1984, and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED, that all checks, drafts notes or orders drawn against said accounts be signed by three of the following:

Stewart U. Taylor	Chairman
OR	
Jack D. Edwards	Vice-Chairman
James B. Oliver, Jr.,	County Administrator
OR	
Darlene L. Burcham	Assistant County Administrator
Frances B. Whitaker	Treasurer
OR	
Betty S. Pettengill	Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, re-purchase agreements, or to make other lawful investments when Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

3. b. Case No. SUP-36-84. Malcolm F. Martin.

Mr. DePue stated that the purpose of this application is to place a mobile home as a rental residence on the property of Mr. Malcolm F. Martin. Mr. DePue would like a memo on the issue of applications of mobile homes from the County Attorney. In the past, the Board has received one memo which broadly addressed the criteria that could be applied to this type application.

Mr. DePue made a motion to approve setting the public hearing of October 15, 1984, for Case No. SUP-36-84. Malcolm F. Martin.

AAJ775

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

Mr. DePue said as an afterthought to the bank issue, he wanted to say there are constitutional officers in the audience. He said it was proper to give credit to them and he feels comfort as a Board member in knowing that someone like Mrs. Frances Whitaker is responsible and accountable to the voters of James City County in the same way as the Board of Supervisors. She serves the Board and the County well. The Board relies on Mr. McDonald and Mrs. Whitaker and their expertise in these matters and appreciates their help.

E. BOARD CONSIDERATIONS

1. Street Name Assignments/Changes

Mrs. Victoria Gussman, Director of Planning, presented this matter to the Board. She stated that the Board had requested the Planning Department to notify the residents on streets which are proposed to be named or renamed. She indicated that after the notices were sent out she received five responses, two were inquiries and three provided comments. The first comment was from Mr. Richardson who lives on Route 705. He requested the road name be changed to County Line Road or Confederacy Camp Road. The staff recommended County Line Road and has checked with New Kent County and they had no objection to the change. Mr. Richardson is the only property owner on this road.

Mr. Taylor said Mr. Richardson is in the audience and has changed his mind. He believes that County Line Road will be misleading because there are other roads that are named County Line Road in York County and New Kent County. Mr. Richardson's family has owned this property for 74 years. Mr. Taylor asked Mr. Richardson if he would like to say anything at this time.

Mr. Richardson stated that he originally suggested County Line Road, but that might be confusing since part of the road is in York County. He would now like the Board to consider naming the road Richardson Road.

Mrs. Gussman said the second comment came from Mr. Gordon Wilkerson, who lives on the road proposed to be named Arlington Island Road. Mr. Wilkerson requested the road name stop at the entrance to his property where the road makes a dog leg. The staff has no objection to ending the road at Diascund Creek.

The third comment was from Mr. Howard Scott who responded in writing and lives on the road proposed to be named Forest Lake Road. Mr. Scott said he had no problems with the name and he would like to suggest names for other dirt streets in the area.

Mrs. Gussman said that because these suggestions were made after the staff had notified the property owners of what the proposed names are, the staff has not included these names on the resolution.

Mr. DePue asked are there any technical reasons why Richardson Road would not be acceptable.

Mrs. Gussman stated not unless there is one already in the County. Mr. DePue asked if she was comfortable with the Board voting on that name today.

Mrs. Gussman stated the staff needed to check it out first.

Mr. Mahone said he thought it would be preferable if the road from James City County into New Kent shared the same name.

Mr. Taylor said the staff should check to be sure there was no other Richardson Lane before the vote was made.

Mr. Brown stated that they were in no hurry and they could defer voting on naming Richardson Road tonight, but vote on the other seven roads listed in the resolution. He suggested staff check with the Post Office regarding another Richardson Road.

Mr. DePue said that they needed to be careful that the Board does not take a simple matter and make it complicated. He suggested the Board follow Mr. Brown's suggestion and defer the matter.

Mr. Mahone said the Board will be voting on more name changes. There as no urgency on this matter and Richardson Road could be included in the next list of streets to be renamed.

Mr. Taylor said he had received a phone call today from a resident on Barhamsville Road. She said she had not been notified of the name change and thought the name should stay Old Stage Coach Road. Mr. Taylor said he did not know what he could do at this time, but would pass along the information.

Mr. Edwards asked if this was on the list for today.

Mr. Olver said that he believed it was Mrs. Hazelwood because she had called Mr. Scruggs about the name change. He thinks there will always be a problem in changing road names.

Mr. Edwards made the motion to approve the resolution with item one deleted.

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

RESOLUTION

STREET NAME ASSIGNMENTS/CHANGES

WHEREAS, Section 17-38 of the Subdivision Ordinance of James City County provides the James City County Board of Supervisors with the authority to rename streets; and

WHEREAS, it is in the interest of public safety and convenience to assign names to streets in James City County with no formal name in order to assign street addresses to them; and

WHEREAS, it is in the interest of public safety and convenience to change names of streets in James City County which have duplicate names;

NOW, THEREFORE, BE IT RESOLVED that the following list of names be approved for assignment to streets in James City County.

1. Arlington Island Road - Dirt road branching off of Hockaday Road extending in a southwesterly direction to the Diascund Creek area, a distance of approximately 1½ miles.
2. Drewry Lane - Dirt road branching off northwest side of Arlington Island Road. Tax Map No. (9-4).
3. Fenton Mill Road - Route 625 between Cedar Point Lane and Croaker Road.
4. Forest Lake Road - Dirt road branching off the southeast side of Arlington Island Road. Provides access to parcels (2-A), (2-B), and (2-C) on Tax Map No. (9-3).
5. Greenway Circle - Platted loop street in Riverview Plantation Subdivision on the northwest side of Riverview Plantation Drive. Tax Map No. (16-4).
6. Melissa Lane - Route 785 off Newman Road at the North Cove Subdivision. Tax Map No. (25-2).
7. Hockaday Road - Dirt road extending off of Diascund Road and paralleling the C&O Railroad tracks in a northwesterly direction for a distance of approximately one mile. Tax Map Nos. (10-3), (9-4), (9-2).
8. Riverview Plantation Drive - Formerly Plantation Drive in Riverview Plantation Subdivision. Tax Map No. (16-4).

2. Colonial Soil and Water Conservation District - Conservation Specialist

Mr. Oliver advised the Board that he had asked Mr. Robert Kane, Chairman of the Colonial Soil and Water Conservation District, to make the presentation.

AAJ775

Mr. Kane stated the State has funded a program to provide to this district, which includes York County, New Kent County, Charles City County, and Williamsburg, a conservation specialist to assist in the Chesapeake Bay Clean-up project. He felt that it would be a great opportunity to get a conservation specialist to work with Mr. Seglin in Toano at the Conservation Office. He is requesting supporting funds from all these jurisdictions. Seventy-five percent of the salary for this new position will be supplied by the grant from the State of Virginia. The remaining 25% would be provided by the local jurisdictions. He is requesting \$3,000 from James City County and this amount is higher than what the other communities will be paying, but the conservation specialist will be doing more work for James City County.

Mr. Taylor asked for information regarding the duties for the position.

Mr. Kane said the person would work with the other two specialists and review commercial and subdivision site plans. The person would make recommendations and follow up on them. Currently the Soil and Water Conservation Committee is working on 48 site plans. The new position would allow the actual inspection of the sites and the work with the contractors and the Public Works Department.

Mr. DePue said coincidentally the person in this position would handle the compliants such as the type Mrs. Adsit mentioned earlier.

Mr. Kane agreed. The Colonial Soil and Water Conservation District does not have any enforcement powers. Citizens can request recommendations on erosion problems. The Specialist would advise the developers on what approaches to use at their sites to prevent erosion. Most developers want to prevent these problems, but do not know how.

Mr. DePue said we are enforcing Local and State ordinances, but not Federal.

Mr. Taylor inquired as to the status of State funding for the position.

Mr. Kane said it will be a two-year project with \$3,000 per year allotted by James City County. After that he is not sure what the State will do. He hopes the program will continue and they will need to look at other funds at the end of the two years, but he is asking for a total of \$6,000 for the two-year period from James City County.

Mr. Brown asked if this is subject to approval depending on other jurisdictions.

Mr. Oliver stated the resolution is not conditional on other jurisdictions. He thought it made a stronger resolution without the condition and he hoped the other communities would support the Conservation Specialist position.

Mr. Mahone said he was initially concerned about the amount being out of proportion. After looking at the situation this weekend, he is aware of the significant pollution problem, specifically of the road work on Route 199 where the Highway Department is paving the shoulders. A large amount of soil run-off into Tutter's Creek is washing out. A lot of work needs to be done. James City County is developing rapidly and he is reconciled to supporting the resolution. The only concern he has is that in two years the grant will be terminated.

Mr. Taylor said there are too many people with rules and regulations interfering in the citizens' freedom. It is difficult to know where it will go. He believes these rules antagonize and he does not support the resolution.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue
(4). NAY: Taylor (1).

R E S O L U T I O N

APPROPRIATION — CONSERVATION SPECIALIST

WHEREAS, the Board of Supervisors of James City County is committed to the control of erosion and sedimentation from "land disturbing activities" in the County; and

WHEREAS, the General Assembly has approved funds for conservation districts with the most developing areas; and

WHEREAS, this funding is for 75 percent of the cost, for the employment of a conservation specialist; the remaining 25 percent of the cost to be borne by local governments; and

WHEREAS, the Colonial Soil and Water Conservation District has determined that James City County's contribution towards the conservationist would be \$3,000.00, provided the other jurisdictions also participate; and

WHEREAS, the employment of a Conservation Specialist would benefit James City County's erosion and sedimentation control program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby appropriates \$3,000.00 from Contingency to account #1162-7791, Colonial Soil and Water Conservation District for the purpose of helping to provide funding for a Conservation Specialist.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Jack Scruggs said he had a comment on the street name changes for James City County. He thought the staff had done a poor job of picking names. Many of these streets should have historical names.

Mr. Taylor said he was not informed until all the names had been selected. He had received no objection from citizens before so he did not express any objections himself. Today he got a call from a citizen who said she never got a letter advising of a street name change. The problem now he said is people have changed their checks and mailing addresses with the Post Office.

Mr. Oliver said with the major exception he named, the County wants to hold on to historical names. We do have the problem of people already changing their addresses, but if there is a particular street name that the Board wants the staff to consider, they are willing to do it.

Mr. DePue asked if any names had been changed without the Board's approval.

Mr. Taylor said the Board had approved street name changes that were submitted in groups by the staff.

Mr. DePue said the Board cannot say we did not vote on them. The Board may have discarded names out of ignorance, but the Board will be willing to reconsider and he wondered if we can inform every person on every road when the road name is going to be changed.

Mr. Scruggs said he does not want to change the road names. Some of the roads had the same names for a hundred years and he thinks the County should do a better job of selecting names.

Mr. DePue said he realizes it is a difficult job and mistakes will be made.

Mr. Edwards said he had received calls from citizens regarding the road name changes, but he had received more calls on why the Board had changed their mind on a street name. If the Board made a mistake, he thinks they should live with it and he is not in favor of changing street names a second time. He felt this could lead to more complicated situations and people will expect the Board to change their mind on other matters.

Mr. Taylor explained that some roads have historical backgrounds and he prefers that the road retain the historical name.

Mr. DePue said he is willing to consider changing the name, but not on one complaint from one resident on one road. He felt the Board is spending too much time on the name changes.

Mr. Brown recommended that the staff check with the supervisor from the district where the road is located before they come up with a new name, especially because the supervisor in a particular district would be the one getting the complaint calls.

AAJ775

Mr. Johnson, 26 Magruder Heights, said he appreciated the Board's interest in this matter. Some road names would not change if people know ahead of time.

G. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Oliver stated that he had no items but at the appropriate time he would like to request an executive session to discuss the acquisition of real estate.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Brown stated that he had a copy of a letter to the Corps of Engineers regarding Powhatan Shores. There are a number of statements made that the County should clarify. He thought Mr. Mahone would be interested in this matter.

His second item was on the memo in the reading file about malathion. He requested the staff send a letter with a note to those residents previously corresponding with the Board on this matter and transmitting the latest update.

Mr. Brown's third item was in reference to the sidewalks on Route 60 as they are in need of maintenance due to weeds. Mr. Brown also commented that in reference to additional parking at the County Government Center, he stated that reserved parking spaces were not what he had in mind. His fifth item was in reference to naming parks and buildings. He feels that these buildings and parks should be given official names. On another matter, Mr. Brown welcomed Mrs. Gussman as the new Planning Director. He said that he and Mr. DePue were involved in the recruitment and interviewing process of the new Planning Director.

Mr. Brown reviewed the discussion of the James Terrace water line from the last meeting. If the Board had a choice, they preferred alternate route number one. He said the County had made a great effort to assure Kingspoint citizens that inconveniences would be minimized. He was out-of-town when the Wetlands Board met and was surprised to learn that a delegation from Kingspoint went to the Wetlands Board and contrary to the Board of Supervisors and the Planning Commission recommendation, the Wetlands Board chose to approve only one route for James Terrace water line. Mr. Brown stated that he had prepared a resolution and requested the Board's support. Mr. Brown said he lived in Kingspoint for five years and appreciated the concerns expressed at the Board Meeting. He knows most of the people who came to the Board of Supervisors meeting and cannot believe they would not approve the alternate route that would help keep all the options open. In that spirit he urges the adoption of the resolution that he has given the Board tonight. The Wetlands Board only approved one alternate and they did not act on the other alternates. He has talked to the County Attorney and is not sure this resolution is necessary, but he thinks that the Wetlands Board does not realize that failure to act on other alternates within 30 days automatically approves the alternate routes.

Mr. Mahone stated that at the Wetlands Board meeting only two crossings were presented.

Mr. DePue asked if it would yield three possible alternate routes.

Mr. Bass stated that two crossings cover all the alternate routes.

Mr. DePue said one crossing yielded only one alternate route. The other crossing gave rise to all the other alternate routes, but was not acted upon.

Mr. DePue asked if it was formally tabled.

Mr. Larry Davis, Assistant County Attorney, said no motion was made on the crossing.

Mr. DePue asked him if he was present at the meeting and if the Board asked for any action to be taken.

Mr. Davis stated that he was present and that he stated the staff and Board position.

Mr. Taylor asked what the possibility was of having to use these alternates. He agrees with some of Mr. Brown's statements but not all of them.

Mr. DePue said the purpose is to have all the alternates open, but looking at the other viewpoint, if nothing happens today with Mr. Brown's resolution, the next stage is moving forward to the Highway Department. If we give the Highway Department four different alternates would they select the one with the least impact on them? He assumed the Wetlands Board picked the alternate that had the least impact on Wetlands. The Highway Department may approve one alternate and the Wetlands Board approve another one. He thinks we should move ahead with the permits to the Highway Department for right-of-way for alternate number one.

Mr. Brown stated we already have that alternate. We are asking the Highway Department to run down Route 199 but we have not gotten an answer.

Mr. Edwards said it seems we have been through the merits of this with Kingspoint residents in the audience and we should stick with the decision to keep all options open. The only question now is whether the Board should talk to the Wetlands Board to see if they understand the Supervisors' position.

Mr. Brown said the Board of Supervisors needs to ask the Wetlands Board to consider the alternates not acted upon at their meeting on September 20.

Mr. Mahone stated he went before the Wetlands Board and there were three other Kingspoint residents present. He discussed the options being pursued and drew to the Wetlands Board attention that Mr. Hesing, President of the Kingspoint Civic Association, was out of town but had spoken to the Board of Supervisors. Mr. Mahone mentioned some of the things from Mr. Hesing's report, specifically the disruption to utilities. He also drew to the Wetlands Board's attention that if we were to cross College Creek with the second alternate, where the gas line and the TV cable is located, if a rupture occurred problems would be extensive. He drew to their attention that communications with the Highway Department is occurring on putting in a second bridge on Route 199 and the location of the bridge has been approved by the Highway Department and they have indicated where they would like the water line to go. He feels that we are getting cooperation from the Highway Department. The Board of Supervisors approved money to extend the pipe in Williamsburg Landing and preferred alternate number one.

The lack of action by the Wetlands Board on the second alternate was not deliberate.

Mr. Brown said that he does not mind saying that a person who put a garage in the path of a County water line only runs up the time and effort to get the line in. New water and sewer lines are put in Kingsmill every month. He is astonished that the Board has to keep explaining what they are doing. If the Kingspoint residents had to drink the water the James Terrace residents do, they would want to have a new source of water too. He does not want to disrupt the Kingspoint subdivision anymore than they want to be disrupted but there is an order to things and something is out of balance here.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Taylor (4). NAY: Mahone (1).

RESOLUTION

JAMES TERRACE WATER

WHEREAS, the public water supply serving the 250 families in James Terrace Subdivision has been deemed a significant health hazard and a matter of grave concern by this Board; and

WHEREAS, this County has proposed a series of alternate routes for a water line to provide quality drinking water for this neighborhood; and

WHEREAS, this Board has gone on record preferring a route which would avoid Kingspoint Subdivision; but

WHEREAS, permits are not yet in hand from other agencies to allow such routing, requiring the County to pursue all available options to solve this critical public health problem; and

WHEREAS, the James City County Wetlands Board has only granted approval of one of the requested routes, which the County may not be allowed to pursue.

AAJ775

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the Wetlands Board consider approval of the other options not acted upon at its meeting of September 20, 1984 for alternate routes for this necessary public works project.

Mr. Scruggs said that he wanted to make a comment on the Powhatan Shores project. He said three engineering studies have been done seeking a better solution. We have gone through this for 14 months. After going through the engineering studies, they received recommendations from the Subdivision Review Committee. The Corps acted upon the application without visiting the site.

Mr. Mahone commented that what Mr. Scruggs said is true. The Corps did act without looking at the site. This site is unusual and the Corps has agreed to come out at 2:00 P.M. on September 26, to explain what is going on. Consultants have been hired on two occasions to study the situation. There is a drainage problem and potential for flooding. The developer proposes to improve drainage. Mr. Mahone has been involved in these situations before. The current existing drainage ditch has overgrown and is filling up. The developer does what he has to do and then moves on. He proposes to put in paved drainage to get control of drainage and this is a positive step.

Mr. Taylor said he appreciated staff putting up reserved parking signs for Board members especially for the afternoon meetings.

Mr. Depue requested that staff report to the Board on what should be done with the unappropriated fund balance.

Mr. DePue asked the staff and the Board to restrain from acting too quickly on personnel positions that are unfilled. Positions should be reviewed by the Board. In the past, the Board has gone along with the staff's request. He does not think it is good practice to have staff call Board members soliciting verbal approval. He requested they defer these requests until the Board discusses it first.

Mr. Brown stated that if it was a case where the Fire Department or another department has a top management position open he would feel comfortable with staff polling the Board members. For a middle management position, he thought they should review it first. In regard to a position in the folder, the Lead Management Analyst position, Mr. Brown recommended leaving it vacant until the next budget. He suggested they review the budget guidelines before filling the position. He recognizes the need for the position but questioned if three people are needed to do the work.

Mr. Taylor said he would like to know the Board's thinking on this matter so when he is called by the staff he will know how to react on behalf of the Board.

Mr. Brown stated if it was a critical position it should be given priority but he felt middle management could wait for a couple of weeks.

Mr. Taylor said that the Board ought to give staff direction and not let the matter wait. They should set policy and abide by it.

Mr. DePue said it is difficult to come up with hard and fast rules. He is only asking for restraint. He did not feel that polling the Board was bad, but the staff has an agenda and the Board has an agenda and he would like to wait and hear comments from other Board members which might alter his thinking.

In looking at the Lead Management Analyst position, he can see the need. If left unfilled, it might not hurt the situation. He suggested they look at it again for the new budget year. It would save the taxpayers some money now.

Mr. Mahone stated that when an opening occurs, the Board should be notified. Hearing the comments of the other Board members is helpful and he prefers to have an explanation on past performance and the justification for the position.

Mr. Edwards said that the performance of an incumbent was allowed to be discussed in executive session.

Mr. Morton said in an executive session the Board can discuss the incumbent but not a vacant position.

Mr. Brown agreed with Mr. Mahone regarding evaluating the Lead Management Analyst position.

Mr. DePue said as he understands it, if the Board does nothing, the position is filled.

Mrs. Burcham, Assistant County Administrator, stated staff have not acted on vacant positions without approval from the Board. Staff would contact the Board to see if there were any objections, if none, staff moved forward. Staff did not take silence to mean it was alright to proceed but wanted to make sure the Board knew the issue was still before them. There is a difference.

Mr. DePue said he feels strongly that the Board should review filling some positions. He does not want every job becoming a political football. He likes the system as now established. Mrs. Burcham is correct that staff has made an effort to notify the Board when they need to fill a position. No resolution or motion is made to approve refilling a vacancy and he is requesting the Board not to give away their vote too quickly. He does not want to go through a formal presentation to fill positions of top management.

Mr. Mahone suggested they put the vacancy on the consent calendar.

Mr. DePue said that was a very good suggestion.

Mr. Brown suggested that the Board continue this year with the current system and consider a new system next year.

Mr. DePue said he is trying to fine tune the current system. Some of this relates to the idea of minority viewpoints because if one of us felt one way and the other four felt another way, we would have a chance to hear the other viewpoints. Mr. DePue said Mr. Edwards summarized it well that the current system will work.

Mr. Taylor made a motion to go into Executive Session to discuss acquisition of real estate, pursuant to Section 2.1-344 (a)(2).

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

The meeting convened into Executive Session at 5:05 p.m.

The Board reconvened in public session at 5:30 p.m.

Mr. Brown made a motion to approve acquisition of right of way and dumpster site off Oak Drive.

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

RESOLUTION

40 FOOT RIGHT OF WAY OFF OAK DRIVE

AND DUMPSTER SITE LOCATION

WHEREAS, funds, have been appropriated in the Capital Improvements Program Budget for dirt street improvements; and

WHEREAS, funds have been appropriated in the Capital Improvements Program Budget for dumpster site purchase; and

WHEREAS, the Department of Public Works has determined that it will be necessary to acquire from private property owners four (4) parcels of land in order to construct a road on the existing 40 foot right of way and to provide a dumpster site; and

WHEREAS, the parcels have been appraised by the Director of Real Estate Assessments; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia as follows:

1. It would be in the public interest to a) lay out, construct, alter and improve the existing forty (40) foot right of way off Oak Drive and, b) to provide a dumpster site for solid waste disposal on this road.


2. The Department of Public Works of James City County is authorized to proceed to acquire the required parcels by purchase from the landowners on behalf of James City County at the values established by the Office of Real Estate Assessments. The subject four (4) parcels and the amount to be offered for their purchase is as follows:

<u>Landowner</u>	<u>Parcel to be Acquired</u>	<u>Amount of Offer</u>
	Kearney Subdivision Deed Book 56, Page 112	
1. Hattie Lee Thomas 1305 Oak Drive Williamsburg, VA 23185	Lot 11	\$ 700.00
2. Same	Lot 10	\$ 785.00
3. Same	Lot 9	\$1300.00
4. William F. Hays 186-16 Hilburn Avenue Hollis, New York 11212	Lot 8	<u>\$3100.00</u>
		Total \$5885.00

Mr. Brown made a motion to adjourn.

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

The meeting ADJOURNED at 5:30 P.M.


James B. Oliver, Jr.
Clerk to the Board

JBO:MFR:vas
BOS 3