

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 16TH DAY OF AUGUST, NINETEEN HUNDRED NINETY-THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Judith N. Knudson, Chairman, Jamestown District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
David L. Sisk, Roberts District
David B. Norman, County Administrator
Leo P. Rogers, Assistant County Attorney

B. PRESENTATION

1. Continental Cablevision, Paul K. Spacek

Mr. Paul Spacek, General Manager, explained the rationale for the rate restructuring, effective September 1, 1993. He stated the 1992 Cable Act required a roll back of prices on remote controls, additional hookups and some service rates, and permitted a raise in rates for the limited and standard package, provided the higher rates are revenue neutral for Continental Cablevision. Mr. Spacek also detailed projections for the County.

A brief discussion followed and Ms. Knudson thanked Mr. Spacek for his presentation.

C. MINUTES - August 2, 1993

Ms. Knudson asked if there were corrections or additions to the minutes.

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

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

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation, was present.

Mr. Taylor commended the Virginia Department of Transportation's cleanup of fallen trees on Stewarts Road (Route 621).

Mr. Sisk made several requests: 1) replacement of street sign on north side of Route 60 at Woodside Drive; 2) check torn and bent street signs at Kingspoint subdivision and Route 199; 3) check placement of "No Right Turn on Red" sign at intersection by McDonald's Restaurant and

Chevron service station on Route 60; and, a reminder about the status of a warning sign for turns near Farmer's Market on Strawberry Plains Road.

Mr. DePue gave a reminder about the status of a turn lane on Longhill Road at The Mews subdivision.

Mr. Elliott responded that reviews would be made.

Mr. Edwards asked whether the County could coordinate with the City of Williamsburg on its street signs.

Mr. Elliott responded in the negative since the City maintains its street signs.

Mr. DePue asked about an earlier request for a road sign for a private road.

Mr. Elliott responded that the Virginia Department of Transportation did not install private road signs.

Mr. John T. P. Horne, Manager, Development Management, stated that in the past, County policy was not to install private road signs. He stated staff would review that policy.

E. CONSENT CALENDAR

Ms. Knudson asked if any Board member wished to remove an item from the Consent Calendar.

Ms. Knudson made a motion to approve the amended resolution as distributed for the Consent Calendar.

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

1. Civil Defense Budget - State Reimbursement

RESOLUTION

BUDGET AMENDMENT - CIVIL DEFENSE

WHEREAS, the Board of Supervisors of James City County has been requested to approve the reimbursement by the Virginia Department of Emergency Services to James City County Office of Emergency Services to upgrade the existing Emergency Operations Facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 94 Capital Projects Budget, as follows:

Revenues:

Department of Emergency Services	<u>\$30,000</u>
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Expenditures:

Central Dispatch

\$30,000**F. PUBLIC HEARINGS**1. Case No. SUP-28-93. Louis Stocks - Manufactured Home

Ms. Sandra E. Barner, Development Management Technician, stated that Mr. Richard Hanson, of the James City County Community Development Office, had applied for Mr. Louis Stocks for a special use permit to allow the placement of a manufactured home on 3 acres in A-1, General Agricultural, located at 301 Camp Road, further identified as Parcel (01-14) on James City County Real Estate Tax Map No. (10-2).

Staff recommended approval with conditions listed in the resolution.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. Taylor made a motion to approve Case No. SUP-28-93.

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

R E S O L U T I O N**CASE NO. SUP-28-93. LOUIS STOCKS - MANUFACTURED HOME**

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

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

Applicant: Louis Stocks

Real Estate Tax Map ID: (10-2)

Parcel No: (01-14)

Address: 301 Camp Road

District: Stonehouse

Zoning: A-1

Conditions: 1. The manufactured home shall have no more than two bedrooms.

2. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
3. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

2. Case No. ZO-5-93. Zoning Ordinance Amendment/ NonEmergency Medical Transport

Ms. Barner stated that the proposed amendment would introduce nonemergency medical transport as a use within the County's zoning ordinance by placing in the Mixed Use and M-1 Districts as generally permitted and the B-1 District as specially permitted.

In concurrence with staff, the Planning Commission unanimously recommended approval of the ordinance amendment.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Ms. Knudson made a motion to approve the ordinance amendment.

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

3. Ordinance Amendment, Chapter 6, Article I, Sections 6-2, 6-3 and 6-3.1, Fire Prevention, Burning Leaves

Mr. Richard M. Miller, Fire Chief, stated that the ordinance amendments added definitions of open burning and yard waste, specified locations where burning would be allowed, and prohibited open burning of waste at construction and demolition sites.

Staff recommended approval of the ordinance amendments.

Ms. Knudson opened the public hearing.

1. Mr. R. E. Gilley, 227 Gate House Boulevard., asked Mr. Miller to read the ordinance.

Mr. Miller read the portion requested and stated the ordinance was available for citizens to read.

Ms. Knudson closed the public hearing.

Mr. Edwards made a motion to approve the ordinance.

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

G. BOARD CONSIDERATIONS

1. Toll-Free Calling Between the Williamsburg Area and Lower Peninsula

Mr. Sanford B. Wanner, Assistant County Administrator, stated that Chesapeake and Potomac Telephone Company had filed an amendment to its proposal with the State Corporation Commission to provide toll-free calling between the Williamsburg area and the lower Peninsula. He further explained that unlimited usage monthly service charge would increase \$0.95 for residential customers and \$3.83 for business customers.

Mr. Wanner noted that the resolution would request Chesapeake and Potomac Telephone Company to amend its contiguous calling proposal to include Toano telephone exchanges 564 and 566.

Staff recommended approval of the resolution.

The Board expressed appreciation for staff efforts of including all of the County in the request.

Ms. Knudson asked if any one wished to comment.

1. Mr. Ed Oyer, 139 Indian Circle, spoke about the rate paid by customers with an 877 exchange.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O N

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY'S

PROPOSAL TO ELIMINATE TOLL CALLS ON THE PENINSULA

WHEREAS, On August 4, 1993, Chesapeake and Potomac Telephone Company (C&P) amended its filing with the State Corporation Commission (SCC) to provide toll-free calling between the Williamsburg area and the lower Peninsula (SCC Document Control No. 930810162); and

WHEREAS, C&P's current proposal to the SCC does not include the 564 and 566 telephone exchanges in the Toano area of James City County; and

WHEREAS, elimination of the tolls on telephone calls from James City County to the lower Peninsula would benefit County residents and businesses; and

WHEREAS, the Board of Supervisors held a public input session to receive comment on C&P's amended proposal.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests that Chesapeake and Potomac Telephone Company amend its contiguous calling proposal filed with the State Corporation Commission on August 4, 1993, to include the 564 and 566 Toano telephone exchanges in order to unify all of James City County and provide equivalent telephone service to all County residents.

2. Case No. Z-4-93. News Road Rezoning - Fannie New

Mr. R. Patrick Friel, Senior Planner, stated that Mr. Vernon Geddy, III, had applied to rezone approximately 89 acres from R-8, Rural Residential, to R-2, General Residential, located along News Road approximately 1,000 feet north of its intersection with Firestone Drive, further identified as Parcel (1-2) on James City County Real Estate Tax Map No. (37-2).

Mr. Friel further stated the proffers addressed density, roadway improvements and funding, access, provisions for greenbelt and buffers, archaeological studies, trails, homeowners association, and maintenance of open space. Mr. Friel explained the amended proffers reflected a contribution of \$750 per unit for upgrading News Road.

In concurrence with staff, the Planning Commission unanimously recommended approval for the reasons that with proffers, the project was consistent with the Comprehensive Plan designation for the property and with surrounding development and zoning.

Ms. Knudson asked if anyone in the audience wished to speak.

1. Mr. R. E. Gilley, 227 Gate House Boulevard, stated that roads could not handle additional traffic and should be upgraded before developments are approved.

2. Mr. Thomas Winter, 118 Winter East, spoke in opposition to the development as counter productive in housing market, environmentally inappropriate for the region of the County, and needing a more systematic approach to regional planning.

3. Mr. Alvin Anderson, Esq., spoke in favor of the development as a responsible development by a developer in the County.

4. Mr. Vernon Geddy, III, Esq., restated the merits of the development and asked the Board to approve the rezoning.

Mr. DePue made a motion to approve the resolution.

The Board discussed percentage of open space, improvements to News Road, responsible County developers, development consistent with Comprehensive Plan, and concerns about additional building and the need to look at infrastructure.

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

R E S O L U T I O NCASE NO. Z-4-93. NEWS ROAD REZONING - FANNIE NEW

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-4-93 for rezoning approximately 89 acres from R-8, Rural Residential, to R-2, General Residential, on property identified as Parcel (1-2) on James City County Real Estate Tax Map No. (37-2); and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 13, 1993, unanimously recommended approval of Case No. Z-4-93.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-4-93, and accepts the voluntary proffers.

3. Changes to the Personnel Policies and Procedures Manual, Chapter 6, Training

Ms. Carol M. Luckam, Human Resource Manager, stated revisions included the County's training and development philosophy, changes to tuition program, expansion of employee training, education and development opportunities, and elimination of current Section 6.3B.

Staff recommended approval of the resolution.

Ms. Knudson made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Sisk, Knudson (5).

NAY: (0).

R E S O L U T I O NREVISION TO TRAINING CHAPTER OF THEPERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the County wishes to set forth its philosophy of and commitment to continuous personal and professional employee development as the means of meeting the challenges of the future; and

WHEREAS, the County wishes to provide training, development, and educational opportunities which will enhance the effectiveness of the employees and the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision to Chapter 6 of the Personnel Policies and Procedures Manual.

4. Changes to the Training Chapter of the Personnel Policies and Procedures Manual, Chapter 5, Employee Benefits, Chapter 11, Safety Program and Certain Name Titles

Ms. Luckam stated that the recommended changes would add information about the new Long Term Disability Insurance benefit; add Appendix F, Bloodborne Pathogen Program; revise Chapter 11, Safety Program to reference the Bloodborne Pathogen Program; and, change names of State retirement system and County department in the text.

Staff recommended approval of the resolution.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O N

ADDITION OF LONG TERM DISABILITY INSURANCE AND
BLOODBORNE PATHOGEN PROGRAM AND CERTAIN NAME CHANGES TO THE
PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, County employees were covered by long-term disability insurance effective July 1, 1993; and

WHEREAS, It is appropriate to amend the Personnel Policies and Procedures Manual to recognize such coverage; and

WHEREAS, the County wishes to come into compliance with the new OSHA Bloodborne Pathogen Standard and to protect our employees from unnecessary exposure to communicable diseases; and

WHEREAS, the County wishes to update the Manual to reflect the correct names VRS, Human Resource Department, and Human Resource Manager.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revisions to Chapters 5 and 11 of the Personnel Policies and Procedures Manual, changes the name VSRS to VRS, Personnel Department to Human Resource Department and Personnel Manager to Human Resource Manager wherever they appear in the Manual.

H. PUBLIC COMMENT

1. Ms. Tina Knickerbocker, County resident, spoke of a concern that testing of near kindergarten age children would not be available this year.

Ms. Knudson recognized Mr. Christopher Prendergast in the audience.

Mr. Christopher Prendergast, 7602 Vincent Drive, Toano, and a member of Disabled American Veterans, requested the Board of Supervisors to consider enactment of a separate personal property tax rate for motor vehicles owned by disabled veterans.

In agreement, the Board asked staff to review the request to include all disabled persons.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, recommended an executive session pursuant to Section 2.1-344(a)(1) and (7) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions and consult with staff regarding ongoing litigation.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor, on behalf of the James City County Fair Committee Chairman, expressed appreciation for attendance and support on Saturday, August 14, 1993. He commended all for their hard work.

Mr. Taylor stated that constituents had called him regarding the dumping of trash alongside roads.

Mr. DePue mentioned correspondence from a constituent with an ongoing problem and requested the Board to investigate. He strongly suggested asking all parties to meet to discuss the facts in order to respond to the constituent.

Mr. Bernard Farmer, Jr., Director of Code Compliance, stated that a hearing with the State Board of Contractors regarding that problem would be held on Friday of this week and that he would furnish correspondence and documents formally at that time.

Ms. Knudson recessed the Board for a James City Service Authority Board of Directors' meeting at 8:46 p.m.

Ms. Knudson reconvened the Board into open session at 9:00 p.m.

Ms. Knudson brought forward the request from Mr. Alvin Anderson, Esq., on behalf of Williamsburg Crossing Shopping Center, to defer the public hearings for Case Nos. SUP-2-93 and SUP-3-93 from September 7, 1993, and re-advertise them for Monday, October 4, 1993.

Discussion by the Board included its August 2, 1993, statement that no additional deferrals would be considered; a lighting study would be a written report; consideration of indefinite deferral; and, advertise date of hearing and make plan available for public to view prior to date of meeting.

Mr. Sisk made a motion to re-advertise Case Nos. SUP-2-93 and SUP-3-93 for the October 4, 1993, Board of Supervisors' meeting.

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

Ms. Knudson made a motion to convene into an executive session as recommended by the County Administrator, at 9:17 p.m.

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

Ms. Knudson reconvened the Board into open session and made a motion to approve the executive session resolution, at 9:37 p.m.

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

R E S O L U T I O N

MEETING DATE: August 16, 1993

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

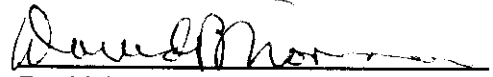
Ms. Knudson made a motion to reappoint Gene Farley, Evelyn Curd, Joseph Grebb to 4-year terms, respectively, terms expiring 9/15/97, and Delores Monroe to a 4-year term, term expiring 9/30/97, on the Cable Television Advisory Committee; to reappoint Will Molineux, Sara Patton, Frances Hamilton, Marie Sheppard, Ralph Maxwell, and Nancy Bradshaw to 4-year terms on the Historical Commission, terms expiring 8/31/97; and, to reappoint Henry Lindsey to a 5-year term on the Wetlands Board, term expiring 10/1/98.

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

Ms. Knudson made a motion to adjourn.

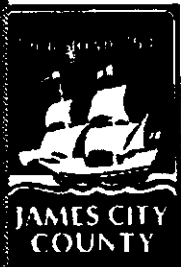
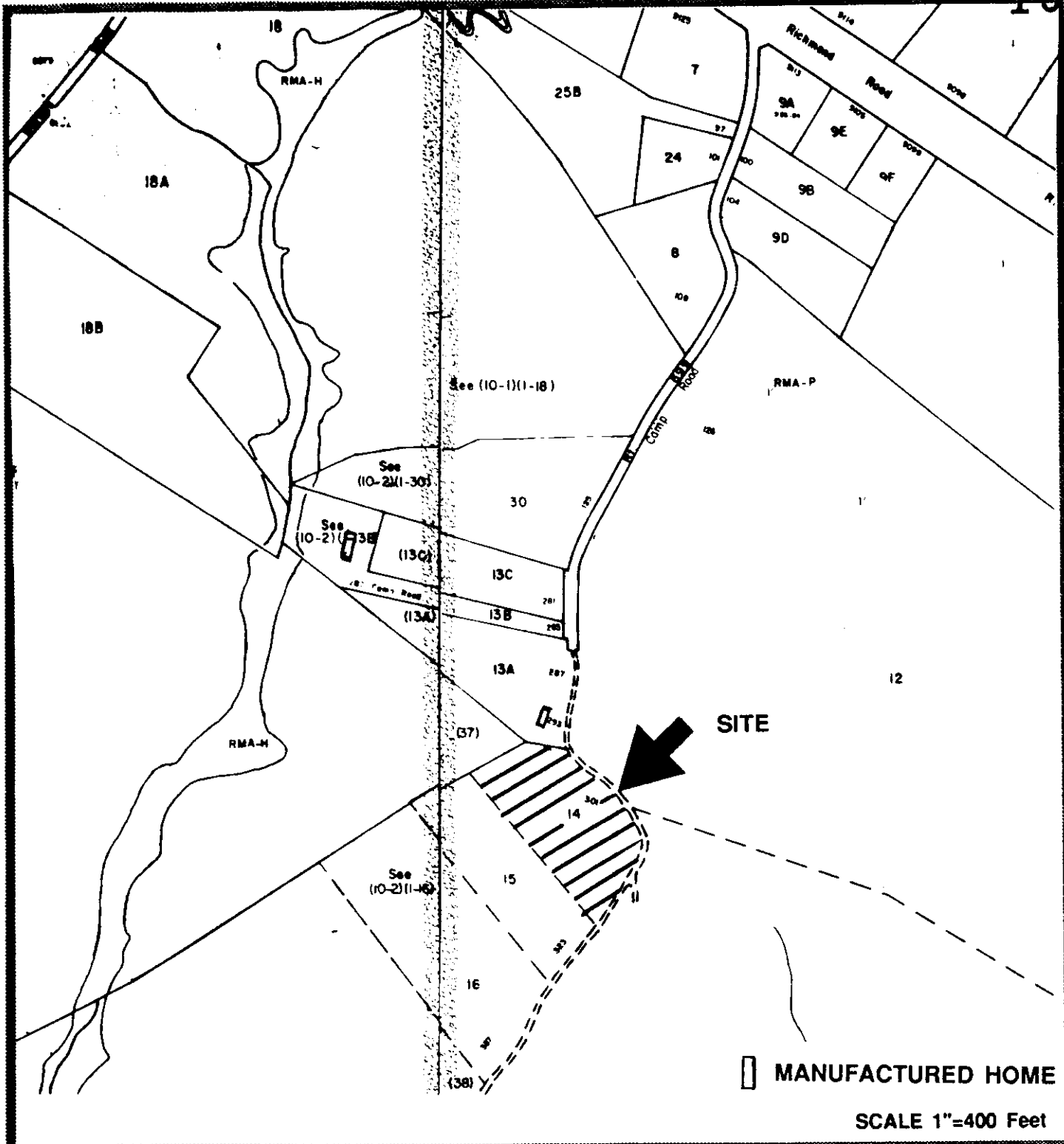
On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Sisk, Knudson (5).
NAY: (0).

The Board adjourned at 9:40 p.m.

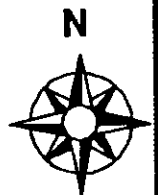
A handwritten signature in cursive script, appearing to read "David B. Norman", written over a horizontal line.

David B. Norman
Clerk to the Board

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Case No: **SUP-28-93**
 Name : **Louis Stocks Manufactured Home**



PLANNING DIVISION

AUG 16 1993

ORDINANCE NO. 31A-152

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 6, MIXED USE DISTRICT, MU, SECTION 20-197. PERMITTED USES; DIVISION 12, GENERAL BUSINESS DISTRICT, B-1, SECTION 20-330. USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 13, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 20-350. PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Article IV, Districts, Division 6, Mixed Use District, MU, Section 20-197. Permitted uses; Division 12, General Business District, B-1, Section 20-330. Uses permitted by special use permit only; and Division 13, Limited Business/Industrial District, M-1, Section 20-350, Permitted uses.

CHAPTER 20 ZONING
ARTICLE IV. DISTRICTS
DIVISION 6, MIXED USE DISTRICT, MU

Section 20-197. Permitted uses.

Nonemergency medical transport.

Ordinance to Amend and Reordain
Chapter 20. Zoning
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DIVISION 12, GENERAL BUSINESS DISTRICT, B-1

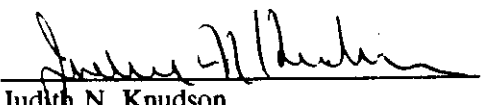
Section 20-330. Uses permitted by special use permit only.

Nonemergency medical transport.

DIVISION 13, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1


Section 20-350. Permitted uses.

Nonemergency medical transport.


Judith N. Knudson
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

ATTEST:


David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 16th day of
August, 1993.

Z0593.ord

AUG 16 1993

ORDINANCE NO. 9A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, FIRE PREVENTION CODE, BY AMENDING SECTION 6-2, DEFINITIONS; SECTION 6-3, AMENDMENTS, AND SECTION 6-3.1, BURNING LEAVES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 6, Fire Protection, is hereby amended and reordained by amending Section 6-2, Definitions; Section 6-3, Amendments; and Section 6-3.1, Burning yard waste.

Chapter 6. Fire Protection

Article I. Fire Prevention Code.

Section 6-2. Definitions.

The following words and terms used in the fire prevention code shall have the definitions ascribed to them in this section:

Fire official shall mean the fire marshal of the county or his duly authorized representative.

Jurisdiction shall mean the County of James City, Virginia.

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 2

Legal counsel of the jurisdiction shall mean the county attorney or an attorney appointed by the board of supervisors to represent the county in legal matters.

Open burning shall mean any burning wherein the products of combustion are emitted directly into the ambient air without passing thorough a stack or chimney from an enclosed chamber. A chamber shall be regarded as enclosed when, during the time combustion takes place, only apertures, ducts, stacks, flues, or chimneys necessary to provide air and to permit the escape of exhaust gas are open.

Yard waste shall include leaves, brush, grass, stumps, scrub vegetation, bushes, and twigs or branches less than one inch in diameter.

Section 6-3. Amendments

The fire prevention code is hereby amended, modified and changed as set out in the following subsections of this section.

- (1) Section F-104.2., Permits required, is hereby amended to read as follows:

"Permits shall be obtained, when required, from the fire official. Permits shall be available at all times on the premises designated in the permit for inspection of the fire official. Fees for such permits, and for inspections, shall be in such amounts as are from time to time established by resolution of the board of supervisors."

(2) Section F-105.1., Local appeals, is hereby amended to read as follows:

- "(a) The James City County Building Board of Appeals is hereby constituted as and shall serve as the James City County Fire Prevention Code Appeals Board.
- "(b) The chairman and secretary of the James City County Building Board of Appeals shall serve in that same capacity for the James City County Fire Prevention Appeals Board. A majority of the members of the board shall constitute a quorum. The board shall operate in accordance with the applicable provisions of the Administrative Process Act set forth in Section 9-6.14 of the Code of Virginia. All board hearings shall be open to the public.
- "(c) The fire official shall provide clerical support to the board within personnel and budgeting limits.
- "(d) Appeals to the board may be made by any person aggrieved by any decision or interpretation of the fire official made under the provisions of this code. The board shall meet within thirty (30) days of receipt of an appeal application by the board."

(3) Section F-301.2., Allowable burning, is hereby amended to read:

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 4

"Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs, and the burning of leaves, twigs yard waste, twigs or branches one inch or greater in diameter and household debris, except garbage, when conducted in accordance with this Code, ~~in small and contained quantities;~~ provided, however, pursuant to Section 10.1-1142 of the Code of Virginia, that:

- "(a) It shall be unlawful for any owner or lessee of land to set fire to, or procure another to set fire to, any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.
- "(b) During the period beginning March 1 and ending May 15 of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful in this county for any person to set fire to, *or to procure another to set fire to*, any brush, leaves, grass, debris, or field containing dry grass or other inflammable material capable of spreading fire located in or within three hundred feet of any woodland, brushland, or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.

"The provisions of this subsection shall not apply to any fires which may be set on rights-of-way of railroad companies by their authorized employees.

"(c) Any person who builds a fire in the open air, or uses a fire built by another in the open air, within one hundred fifty feet of any woodland, brushland or field containing dry grass or other inflammable material shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

"(d) Any person violating any of the provisions of subsections (a), (b) or (c) of this section shall be guilty of a Class 3 misdemeanor for each separate offense."

(4) *Section F-301.7, Location requirements, is hereby amended to read:*

The location for any open burning shall not be less than 50 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Fires in approved containers shall be permitted provided that such fires are not less than 15 feet from any structure.

Exception: The location of any open burning conducted for the disposal for land clearing refuse which has been permitted through the Virginia Department of Environmental Quality shall not be less than 500 feet from an occupied dwelling.

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
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- (5) *Section F-302.7.1, Open burning prohibited - construction sites, is hereby added:*

Open burning of construction waste, demolition waste, refuse or any other type of waste is prohibited when located at a construction or demolition site. The removal of such waste from a construction or demolition site and the subsequent burning of the same at another location in James City County is also prohibited.

Exception: Approved open burning for the disposal of land clearing refuse shall be allowed on construction sites when conducted in accordance with the regulations concerning open burning issued by the Virginia Department of Environmental Quality and this Code."

- (6) *Section F-301.8, Open burning stipulations, is hereby amended to read:*

Notwithstanding any other provision of this Article, open burning shall not be used for waste disposal purposes, the quantity of material to be burned shall not exceed five feet in any dimension, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

Exception: Approved burning for forest management and agriculture practices and open burning for disposal of land clearing refuse when conducted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.

(4) (7)Section F-2700.2., Permit required, is hereby amended to read:

"A permit shall be obtained from the county administrator for the display or discharge of fireworks. Upon written application by an organization or association representing a fair or amusement park or by any administrator, organization or group of individuals to the County, a permit may be issued for the display of fireworks; provided, that such display shall be held under proper supervision and at a location safe to persons and property. Such application shall be made at least fifteen (15) days in advance of the date of display or discharge of the fireworks and shall include a description of the types of fireworks to be displayed and the location to be used to ensure the safety of those in attendance. The permittee shall furnish a bond in the amount required by Section F-2701.2 of the Virginia State-wide Fire Prevention Code. A permit, when issued, shall be for a stated period. No such permit shall be issued by the county administrator to any organization or association or group of individuals unless the county administrator is satisfied that the display will be held at an appropriate site. A member of the fire department shall, prior to the issuance of such a permit inspect the scene for its appropriateness for the display of fireworks and make a recommendation to the county administrator. The county administrator or an authorized member of the fire department may revoke any such permit during the display if such is conducted in any manner not in keeping with the application or in compliance with this section, and the display shall thereupon be immediately stopped.

"In order to cover administrative and inspection costs, the applicant shall pay, prior to issuance of the permit, a fee of fifty dollars (~~\$50.00~~) per event or one hundred dollars (~~\$100.00~~) for an annual permit to hold multiple events, during a calendar year, in the same location with similar fireworks, projectiles, launchers and height limits."

Ordinance to Amend and Reordain
Chapter 6. Fire Protection
Page 8

~~(5)~~(8) Section 201.0, General definition, is hereby amended to read:

"Fireworks" shall mean and include any item known as a firecracker, torpedo, skyrocket or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance and is intended, or commonly known as fireworks and which explodes, rises into the air, or travels laterally, or fires projectiles into the air. The term "fireworks" shall also include pinwheels, sparklers, fountains or Pharaoh's serpents. The term "fireworks" shall not include auto flares or caps for pistols."

Section 6-3.1 ~~Open B~~ burning leaves yard waste.

The fire prevention code is hereby amended, modified and changed as set out in the following subsection of this section:

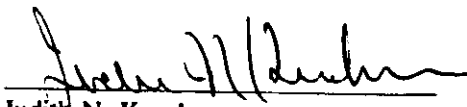
(1) *F-301.2.1 Burning yard waste, is hereby added.*

- (a) Notwithstanding any other provision of this Code, ~~it shall be unlawful for any person to burn leaves in the~~ open burning of yard waste by any person shall be unlawful within the County except in those areas zoned A-1, General Agriculture; provided, however, even within A-1 areas, leaves yard waste shall not be burned in platted subdivisions consisting of five ~~(5)~~ or more lots of which at least three ~~(3)~~ lots have occupied dwellings or in manufactured home parks. In those areas

where ~~leaf burning~~ *the open burning of yard waste* is otherwise permitted, it shall be unlawful for any person to burn ~~leaves~~ *yard waste* during the period beginning March 1 and ending May 15 of each year, except between the hours of 4:00 p.m. and 12:00 midnight.


- (b) ~~Leaf burning~~ *Open burning of yard waste* performed in an area permitted in paragraph (a) shall comply with any applicable provisions of state law and this article.
- (c) *Notwithstanding paragraphs (a) and (b), open burning of yard waste shall be allowed for farming activities and pursuant to a permit for forest management and agriculture practices and open burning for disposal of land clearing refuse when conducted in a accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.*

State law references-- Code of Va., §§ 27-97 and 10.1-1142.


Judith N. Knudson
Chairman, Board of Supervisors

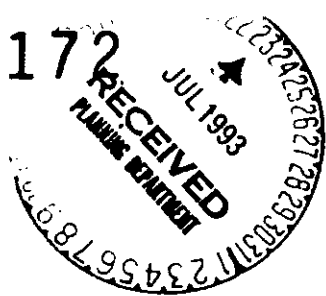
<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

ATTEST:


David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 16th day
August, 1993.

Fire.Ord



PROFFERS

BOOK 641 PAGE 447

12760 THESE PROFFERS are made this 23rd day of July, 1993 by the ESTATE of FANNIE E. NEW (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of a certain tract or parcel of land (the "Property") containing approximately 89.9 acres located in James City County, Virginia and shown and set out on the plan entitled "Preliminary Layout One, News Road Site, James City County, Virginia" made by Langley & McDonald, P.C. and dated June, 1993, (the "Plan"), and more particularly described on Exhibit A hereto.

B. Owner has applied for a rezoning of the Property from R-8, Rural Residential District to R-2, General Residential District, with proffers.

C. Owner desires to offer to James City County (the "County") certain conditions on the development of the Property not generally applicable to land zoned R-2, General Residential District.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.1-491.2:1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the

Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Use. The Property shall be developed as a residential cluster development under Article IX, Residential Cluster Development, Section 20-499 et seq., of the County Zoning Ordinance.

2. Density. The Property shall be developed with a maximum density of 2.5 dwelling units per acre of gross acreage (calculated pursuant to Section 20-508 of the Zoning Ordinance).

3. Turn Lanes. Before any Certificate of Occupancy is issued by the County for any building on the Property, a right turn lane from westbound News Road into the Property shall have been constructed or construction commenced and completion bonds acceptable to the County Attorney posted. The foregoing turn lane shall be approved by the Virginia Department of Transportation ("VDOT") before construction and constructed in accordance with the VDOT requirements.

4. Entrance. There shall be one entrance to the Property from News Road.

5. Greenbelt. There shall be a greenbelt buffer of at least 150 feet measured from the northern edge of the right-of-way of News Road. The greenbelt buffer shall be exclusive of lots and shall remain undisturbed and in its natural state except for utilities, drainage improvements, trails, the entrance to the

Property and signs as approved by the Development Review Committee.

6. Buffers. There shall be a buffer 15 feet in width along the northern boundary line of the Property generally as shown on the Plan, a buffer along the eastern boundary line of the Property at least 70 feet in width and a buffer along the southern boundary line at least 30 feet in width. These buffers shall be exclusive of lots and shall remain undisturbed and in their natural state except for approved utilities, approved drainage improvements and an entrance to the adjoining property.

7. Powhatan Swamp Conservation Area. The area of the Property shown on the Plan as "Powhatan Swamp Conservation Area" shall have an average width of at least 930 feet and shall be exclusive of lots and shall remain undisturbed and in its natural state except for trails and other passive recreational facilities approved by the Development Review Committee. Owner shall cooperate with the County to incorporate the Powhatan Swamp Conservation Area into the County greenway system, if and when created.

8. Archaeology. A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to and approved by the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic

Places. If a Phase II study is undertaken such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to and approved by the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon. An acceptable treatment plan may consist of preservation of the site in situ, either by leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.

9. Trails. There shall be a pedestrian trail system on the Property in the general locations shown on the Plan. The trails shall be at least 6 feet in width and constructed of mulch or a similar soft surface material.

10. Owners Association. All owners of lots within the property by virtue of ownership of their lot shall be members of a property owners association with the power to levy mandatory assessments.

11. Maintenance of Open Space; Conservation Easement. All Open Space (including the Powhatan Swamp Conservation Area) within the Property shall be maintained by Owner until conveyed to the property owners association. Upon such conveyance and thereafter, the Open Space (including the Powhatan Swamp Conservation Area) shall be maintained by the property owners association. At the request of the County Administrator, Owner shall convey to the County, free of charge, a conservation easement with terms acceptable to the County Attorney and Owner over the areas designated on final subdivision plats as Open Space (including the Powhatan Swamp Conservation Area).

12. Road Improvement Funding. Owner shall make a contribution to the County of \$750 for each lot included on each subdivision plat of the Property payable prior to the approval of such final subdivision plat for lots on the Property for use by the County for the improvement and realignment of News Road between Ironbound Road and the entrance to the Property or for any other project included in the County's Capital improvement

program the need for which (in whole or in part) is generated by the development of the Property.

WITNESS the following signatures.

ESTATE OF FANNIE E. NEW

By: Clara M. Sedille
Clara M. Sedille, Executor

By: Jean C. New
Jean C. New, Executor

STATE OF VIRGINIA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 23rd day of July, 1993, by Clara M. Sedille, Executor.

William H. Clegg
NOTARY PUBLIC

My commission expires:

12/31/96.

STATE OF VIRGINIA
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 23rd day of July, 1993, by Jean C. New, Executor.

William H. Clegg
NOTARY PUBLIC

My commission expires:

12/31/96.

VIRGINIA: City of Williamsburg and County of James City, to Wit:

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City, the

Plat 20 day of Sept, 1993 this Deputy was presented with certificate annexed and admitted to record at 1:35 o'clock

Teste: Helene S. Ward, Clerk

by Deputy Clerk
Deputy Clerk

- C. Death of Employee - In the event of the death of an employee, the designated beneficiary shall receive terminal leave payments.

Section 5.5 Workers' Compensation

- A. Coverage - The County furnishes Workers' Compensation insurance for all employees as required by the Virginia Workers' Compensation Act. The insurance provides benefits to employees who have an accident or illness that arises out of and in the course of County employment. Some of the benefits include compensation for (1) temporary total disability, (2) temporary partial disability, (3) permanent partial disability, (4) permanent total disability, (5) medical expenses, (6) rehabilitation, and (7) death benefits. The Act is administered by the Industrial Commission of Virginia, located at 1000 DMV Drive, Richmond, Virginia.
- B. Injury Report - An employee who has an accident or illness that arises out of and in the course of County employment shall immediately report the accident or illness to his or her immediate supervisor. Failure to report the accident or illness promptly may result in loss of compensation and payment of medical bills. The injury report shall be forwarded to the Personnel Department within one work day.
- C. Medical Treatment - If the accident results in bodily injury, the employee shall seek treatment from an authorized Workers' Compensation panel physician or an emergency room. A list of authorized panel doctors may be found in the Employee Handbook. Failure to seek treatment from an authorized physician may result in loss of payment of medical bills. All authorized medical bills deemed to be related to a compensable accident or illness shall be paid by the County unless otherwise provided by law.
- D. Incapacity from Work - If an employee is incapacitated from work due to the injury or illness, the County shall maintain the employee on the regular payroll for up to seven calendar days on a reimbursable basis. If the accident or illness is deemed compensable, workers' compensation shall begin with the eighth calendar day of disability. If the incapacity continues for a period of more than three weeks, workers' compensation shall be allowed from the first day of such incapacity. The salary paid for the first seven days of disability shall be reimbursed either by the use of sick leave or on a dollar for dollar basis.
- E. Amount of Compensation - Workers' compensation payments shall be the lesser of two-thirds of the employee's average weekly salary or the current maximum established by the Industrial Commission. An employee may elect to supplement compensation up to the amount of the regular net pay by using the necessary amounts of annual or sick leave. However, in no case shall the total compensation be greater than what the employee's net pay would be if he or she were not incapacitated.

- F. Use of Leave Pending Determination of Compensability - If a determination as to whether an incapacity is compensable is pending, an employee may use accrued annual or sick leave. If the incapacity is ultimately deemed compensable, the employee shall repurchase the portion of accrued leave for which compensation was received.
- G. Light Duty Work - An employee incapacitated from regular duties shall accept alternate work duties offered by the County, if made available, provided that the treating physician does not restrict the employee from performing such alternate duties. If an injured employee refuses any suitable employment he or she shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the Industrial Commission, the refusal was justified.
- H. Health, Life, and Long-Term Disability Insurance - The County shall continue to pay its share of health, life, and long-term disability insurance premiums so long as the employee remains in a full-time permanent or limited term position. If an employee is temporarily performing light duty work in a part-time position he or she may continue to be considered as holding a full-time permanent or limited term position even though paid on a part-time basis.
- I. Questions - Questions regarding workers' compensation and its application to County employees shall be directed to the Human Resource Department.

Section 5.6 Personal Leave

- A. Eligibility - Employees in full-time and part-time permanent and limited term positions shall be entitled to personal leave upon the death of members of the employee's immediate family.

The immediate family is defined as: spouse, parent, spouse's parent, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, guardian, and any persons residing in the same household as the employee.

Personal leave, if requested by the employee, shall be granted by the department manager for a period not to exceed three (3) working days.

- B. Special Circumstances - Where special circumstances warrant, personal leave may be used, with the approval of the department head, for major illness in the employee's immediate family requiring the attendance of the employee.
- C. Additional Leave - Absence in excess of the permitted allowance, unless authorized by the Human Resource Manager, shall be deducted from

annual leave. If the employee has exhausted annual leave, it shall be regarded as leave without pay.

Section 5.7 Civil Leave

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

Section 5.8 Military Leave

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

Section 5-8.1 School Leave

- A. Purpose of Leave - School leave may be used by an employee to provide paid absences for the following reasons:
 - 1. To meet with a teacher or administrator of any public or private school, grades Kindergarten through 12, concerning the employee's

children, step-children, or children over whom the employees have custody. Employees also may take leave to attend any school function in which such children are participating; or

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

B. Amount of Leave

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

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

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

Section 5.9 Leave Without Pay

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

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

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

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

- C. Approval - Requests for leave without pay shall be submitted in writing to the department manager. The request shall specify how much, if any, accrued leave the employee wishes to retain while on leave without pay. If the leave request is for the purpose of caring for a spouse, child, or parent with a serious health condition, or for the employee's own serious health condition, the employee may be required to furnish written certification from a physician or health care provider which includes the information outlined in Section 5.3D above.

The department manager may approve such leave without pay, for any mutually agreeable reason, and shall determine whether to approve the employee's retaining all or a portion of his-her accrued leave. If the employee's request for leave meets the criteria of the Family and Medical Leave Policy, Section 5.10.1 of this Manual, the leave shall be approved. The department manager shall notify the Human Resource Department and Payroll Office of any employees on leave without pay in the department.

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

Section 5.10 Leave of Absence

- A. Defined - A leave of absence is more than six consecutive calendar weeks of approved leave without pay. A Leave of Absence may be used for any mutually agreeable reasons. An employee must exhaust accrued leave before being granted a leave of absence.
- B. Request for Leave - All requests for leaves of absence shall be submitted to the department manager and shall state the reasons for the leave and the length of the leave. If the leave request is for the purpose of caring for a spouse, child, or parent with a serious health condition, or for the employee's own serious health condition, the employee may be required to furnish written certification from a physician or health care provider which includes the information outlined in Section 5.3D above.
- C. Approval Required - If the department manager recommends the leave, the request shall be forwarded to the Human Resource Manager for approval.

If the leave request meets the criteria of the Family and Medical Leave Policy, Section 5.10.1 of this Manual, the leave shall be approved.

- D. Leave of Absence Agreement - If a leave of absence is approved, a formal agreement which states the purpose and length of the leave shall be signed by the employee, the department manager, and the Human Resource Manager.
- E. Violation of Agreement - Should an employee fail to return to work by the date specified in the Leave of Absence Agreement, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date except where the employee requires additional leave under the Family and Medical Leave Policy, Section 5.10.1 of this Manual. An employee who accepts employment elsewhere while on a Leave of Absence, unless approved, shall be considered to have terminated employment with the County without notice as of the original date the leave was begun.
- F. Merit Increase Date - An employee's merit increase date shall be deferred one calendar month for each period of thirty (30) consecutive calendar days the employee is on a leave of absence.
- G. Health, Life, and Long-Term Disability Insurance - The County shall pay its share of County health, life, and long-term disability insurance premiums during an approved Leave of Absence, unless otherwise provided in the Leave of Absence Agreement.
- H. Accrued Leave - Sick and annual leave shall not be earned for any pay period during which an employee takes a leave of absence which includes more than one full work day of that pay period.

Section 5.10.1 Family and Medical Leave

- A. Purpose of Policy - The Family and Medical Leave (FML) Policy is written to assist the County in complying with the Family and Medical Leave Act (FMLA) of 1993. It seeks to balance the needs of the County with the needs of County employees and their families.
- B. Definition of Leave - FML is an entitlement for employees who have worked for the County one year or more to take off up to 12 weeks in a fiscal year using one or more of the types of leave offered by the County (sick leave, annual leave, leave without pay, etc.) for the purposes listed below in Section C. The type of leave taken must be in compliance with the provisions of the applicable leave policy found in this chapter of the Personnel Policies and Procedures Manual.

For purposes of this policy, a week is defined as the annual authorized hours of the employee's position divided by 52.

- C. Purpose of Leave - FML can be used for one of the reasons listed below:
 - 1. the birth of a child and the care of that child;
 - 2. adoption or foster care placement of a child with an employee;
 - 3. to care for a spouse, child, or parent with a serious health condition; or
 - 4. the serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position.
- D. Employee Status After Leave - Upon returning to work after taking FML, the employee will return to the same job or a job with equivalent status, pay, and benefits.
- E. Employee Responsibilities - Employees are responsible for informing their supervisor that they are requesting FML, and the type of leave they are requesting as soon as possible after they become aware of the need to be away from work for purposes covered in this policy.
- F. Questions - Questions regarding this policy should be directed to the Human Resource Department.

Section 5.11 Retirement

- A. VRS - The County participates in the Virginia System (VRS).
- B. Eligibility for Membership - Employees in full-time permanent and limited term positions are eligible for membership in VRS.
- C. Cost - The County pays the full cost of the VRS contribution for the employee.
- D. Eligibility for Retirement with Benefits from VRS
 - 1. Service Retirement - An employee is eligible for service retirement if he or she is:
 - a) A VRS member, at least 55 years of age, and has at least five years of contributions in VRS, or
 - b) Age 60 or older.

2. Disability Retirement - A member may apply for disability retirement
 - a) from the first day of employment provided the disability did not exist at the time of employment;
 - b) whether the cause of the disability is not work-related, or is compensable under Workers' Compensation;
 - c) when the employee becomes mentally or physically unable to perform present duties;
 - d) when the employee is under age 65; or is under age 60 and covered under special benefits for law enforcement officers and firefighters; and
 - e) when the disability is total and likely to be permanent.

- E. Retirement Benefits - Amount of retirement benefits vary based on such factors as years of covered service, age upon retirement, and salary. Employees may contact the Personnel Department for information regarding their estimated retirement benefits. Employees planning retirement should contact the Personnel Department four (4) months prior to retirement to facilitate the application for all retirement benefits.

Section 5.12 Group Life Insurance

- A. Eligibility for Coverage - Group life insurance is provided through the VRS. All employees in full-time permanent and limited term positions are covered by the insurance unless they are age 70 when first employed or reemployed. A medical examination is not required.
- B. Cost - The County pays the full cost of coverage for the group life insurance.
- C. Benefits - Benefits include:
 1. Natural death benefits in the amount of the employee's annual salary rounded to the next highest thousand and then doubled,
 2. Double indemnity for accidental death, and
 3. Dismemberment payments for accidental loss of one or more limbs, or of eyesight.

Employees may contact the Personnel Department for additional information regarding group life insurance benefits.



Appendix F of
Personnel Policies and Procedures Manual
BLOODBORNE PATHOGENS
EXPOSURE CONTROL PLAN

**GOAL:**

To take all reasonable precautions to protect employees from unnecessary exposure to communicable diseases.

OBJECTIVES:

To provide guidelines to minimize and to prevent, when possible, the occupational exposure to disease-causing microorganisms transmitted through blood or other potentially infectious materials, since any exposure could result in the transmission of bloodborne pathogens which could lead to disease, or result in the death of an employee.

This policy will be reviewed as needed annually and updated as needed by the Human Resource Department.

REFERENCE:

OSHA Instruction CPL 2-2.44C (March 5, 1992)

VOSH Directive 02-400 (April 1, 1992) Regulation on Occupational Exposure to Bloodborne Pathogens Standard, 1910.1030, Final Rule

SCOPE:

This Plan covers *all employees* of James City County and the James City Service Authority, except public safety employees, who could be "reasonably anticipated" as the result of performing their job duties *to face contact with blood* and other potentially infectious materials. Department managers have identified each position by job title into one of three categories. The categories are:

1. Category I - High potential for occupational exposure to potentially infectious materials in course of normal duties;
2. Category II - Moderate potential for occupational exposure to potentially infectious materials in course of normal duties; and
3. Category III - Very low potential for occupational exposure to potentially infectious materials in course of normal duties.

Duties and responsibilities for each job are on file in the Human Resource Department. (Public Safety employees are covered by more detailed exposure control policies within their respective agencies.)

DEFINITIONS:

Blood: Human blood, human blood components, and products made from human blood.

Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Contaminated: Presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Exposure Incident: A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

HBV: Hepatitis B virus

HIV: Human immunodeficiency virus

Occupational Exposure: Reasonably anticipated skin, eye, mucous membrane, or parenteral (other) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Other Potentially Infectious Materials: Include: 1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; and, 2) any unfixed tissue or organ (other than intact skin) from a human (living or dead); (NOTE: Urine and feces are not considered infectious unless contaminated with blood)

Parenteral: Piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

Universal Precautions: An approach to infection control. All human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

METHODS OF EXPOSURE CONTROL:

Universal Precautions: Each employee shall use universal precautions at all times. All blood or other potentially infectious materials shall be handled as if contaminated by a bloodborne pathogen. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered as potentially infectious materials.

Those departments whose employees are subject to potential exposure shall provide for their use appropriate personal protective equipment such as gloves, gowns, protective eyewear, masks and a "pocket mask" with one-way valve for mouth-to-mouth rescue breathing.

Handwashing is a primary infection control measure which is protective of both the employee and others. Appropriate handwashing must be diligently practiced. Employees shall wash hands thoroughly using soap and water whenever hands become contaminated and as soon as possible after removing gloves or other personal protective equipment.

Eating, drinking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

Contaminated clothing shall be changed as soon as possible. (Use protective latex/vinyl examination gloves to reduce exposure risk.) Once removed, the clothing shall be washed in a disinfectant-detergent solution and hot water in a standard washing machine. Machine drying assists in the decontamination process.

CONTAMINATED CLOTHING SHALL NOT BE WORN OR TAKEN HOME BY THE EMPLOYEE PRIOR TO BEING WASHED

Housekeeping: The workplace will be maintained in a clean and sanitary condition. A written housekeeping procedure guide, which outlines the appropriate methods and frequency of decontamination based upon the location within the work area, type of surface to be cleaned, type of soil present, and tasks or procedures to be performed is in Attachment A.

Hepatitis B Vaccination: The Hepatitis-B vaccination series is available within 90 days of hire to all employees in a job that has been assigned to Category I, high exposure potential, as described in the "Scope" section of this plan. A vaccination series prior to an actual exposure is not necessary for the majority of non public safety employees due to their lower probability of exposure. Post exposure vaccination will be offered to any employee who has had a job-related exposure.

The vaccination series will not be available to employees who have previously received the complete Hepatitis-B vaccination series; to any employee who has immunity as demonstrated through antibody testing; or to any employee for whom the vaccine is medically contraindicated.

Any employee who chooses not to take the Hepatitis-B vaccination will be required to sign a declination statement. (Appendix B) If the employee later chooses to receive the vaccination series, as recommended, the declination statement will become invalid.

**EXPOSURE
REPORTING
REQUIREMENT:**

If exposed, the employee will notify his/her immediate supervisor. This will be done prior to the end of the work day so that the necessary report forms may be prepared.

**EXPOSURE
REPORTING
PROCEDURES:**

Upon notification of an employee exposure, the supervisor shall prepare an Exposure Report form (Appendix C) in addition to an Employee First Report of Injury Form and a Supervisor's Injury Review Form for submission to the Human Resource Department.

If the injured person is transported to the hospital by ambulance, the supervisor shall advise the EMS crew that a county employee was exposed to the blood or body fluids of this patient. This should result in the hospital staff drawing from the patient the necessary blood work for testing. A copy of the Exposure Report form should be taken to the Emergency Care Center at Williamsburg Community Hospital prior

to the patient's discharge. If the infectivity status of the source individual is unknown, the individual's blood will be tested as soon as feasible after consent is obtained. If the source individual's blood is available, and the individual's consent is not required by law, the blood shall be tested and the results documented. The exposed employee will be informed of the results of the source individual's testing.

The exposed employee's blood shall be collected as soon as feasible after consent is obtained, and tested for baseline HBV and HIV serological status. If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as possible.

A copy of the Exposure Report Form shall be forwarded by the supervisor to the EMS Division (220-0242) of the Fire Department so a follow-up can be initiated.

POST-EXPOSURE EVALUATION:

Upon receipt of an Exposure Report involving a nonpublic safety employee of James City County, the EMS Division shall contact the Infection Control Office at Williamsburg Community Hospital for recommended follow-up tests/treatment for the exposed employee.

The EMS Division representative will contact the employee or his immediate supervisor and advise of recommended procedures, if any. Any recommended follow-up tests/treatments are considered medically confidential and will be handled accordingly as a Workers' Compensation issue. The exposed employee will be offered medical evaluation and counseling through the County's Workers' Compensation program for any illnesses resulting from the exposure which is identified through testing. If not previously vaccinated, this shall be offered to the employee at no cost. The costs of exposure-related treatment only will be covered. The Workers' Compensation Policy is Section 5.5 of the Personnel Policies and Procedures Manual.

The following information shall be provided by the supervisor to the healthcare professional evaluating an employee after an exposure:

- a copy of VOSH 1910.1030 bloodborne pathogens standard;
- a description of the exposed employee's duties as they relate to the exposure incident;
- the documentation (Attachment C; Exposure Report) of the route(s) of exposure and circumstances under which exposure occurred;
- results of the source individual's blood testing, if available;
- all available medical records relevant to the appropriate treatment of the employee including vaccination status. The supervisor shall contact the Human Resource Department to inquire about the availability of such records; and

POST-EXPOSURE EVALUATION FOLLOW-UP:

The Human Resource Department shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of receiving the completed evaluation. The written opinion shall be limited to the following information:

- the employee has been informed of the results of the evaluation; and
- the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

INFORMATION AND TRAINING:

Each employee identified in Appendix A, James City County Compensation Plan, as a Category I or II level position with potential for an occupational exposure, shall receive training within 90 days of the effective date of this standard, upon initial assignment to tasks where an occupational exposure may take place, and at least annually thereafter. Additional training will be provided when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. This additional training may be limited to addressing the new exposures created.

Initial training will be presented by a knowledgeable trainer(s) in the subject matter with opportunity for questions and answers by the employees. This training will include, but is not limited to the following: contents of this exposure control plan, general discussion on bloodborne diseases and their transmission, proper use of personal protective equipment, response to emergencies involving blood or bodily fluids, hepatitis-B vaccine, preparation of Exposure Report forms, how to handle exposure incidents, the post-exposure evaluation and follow-up program. The Human Resource Department is responsible for arranging and/or conducting this training. Attachment E is the Training Outline for this policy.

RECORDKEEPING: Training: A record of training (Attachment F) shall be maintained by the Human Resource Department for 3 years from the date on which the training occurs. The following information shall be included:

- date of the training sessions;
- contents or a summary of the training sessions;
- names and qualifications of trainer(s); and
- names and job titles of all persons attending.

Exposure: An "Exposure History Record" shall be established and maintained for each employee with an exposure incident. This record shall be maintained by the Human Resource Department for the duration of employment plus 30 years in accordance with VOSH/OSHA 29 CFR 1910.20. This record shall include the following:

- name and social security number of the employee;
- a copy of the employee's hepatitis-B vaccination status with dates of hepatitis-B vaccinations and any medical records relative to the employee's ability to receive vaccination as provided by the employee's personal physician;
- a copy of examination results, medical testing, and any follow-up procedures;
- a copy of the healthcare professional's written opinion; and
- a copy of the information provided to the healthcare professional who evaluates the employee for suitability to receive hepatitis-B vaccination prophylactically and/or after an exposure incident.

This record will be kept confidential. The contents will not be disclosed or reported to any person within or outside the workplace without the employee's express written consent, except as required by law or regulation. Employee "Exposure History Records" required under VOSH 1910.1030 shall be provided upon request for examination and copying to the subject employee and to the Commissioner of the Virginia Department of Labor and Industry in accordance with VOSH/OSHA 29 CFR 1910.20.

Effective 8/16/93

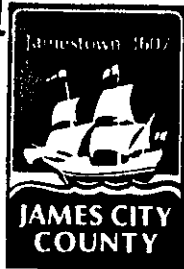


Attachment A
BLOODBORNE PATHOGEN
EXPOSURE CONTROL PLAN
Housekeeping Procedures



1. All County/Authority occupied spaces will be maintained in an appropriate manner at all times. To ensure compliance with the Bloodborne Pathogens Exposure Control Plan, each County/Authority occupied building will designate separate, locked areas, as needed, for:
 - Equipment decontamination and disinfection.
 - Storage of infection control personal protective equipment (PPE).
 - Storage of biohazard waste.
2. Under no circumstances will kitchens, bathrooms or lounge areas be used for decontamination or storage of infectious waste.
3. Designated areas for decontamination of equipment will be marked with biohazard signs and will be equipped:
 - proper lighting and adequate ventilation;
 - appropriate containers for disposal of biohazard waste;
 - facilities for safe storage, use, and disposal of cleansing and disinfecting solutions;
 - appropriate personal protective equipment (PPE) for the use of disinfecting solutions;
 - material safety data sheets (MSDS) for cleansing and disinfecting solutions. All personnel using these solutions will be familiar with the MSDS and will use the recommended PPE;
 - contaminated equipment, and surface areas shall be decontaminated using an approved disinfectant solution or diluted solution of bleach and water (1:10), rinsed and air dried. Proper PPE will be utilized when using these solutions; and
 - proper hand washing will be performed after each PPE use.
4. Personal Protective Equipment (PPE)
 - PPE supplies shall be chosen to provide barrier protection against all body fluids.
 - Disposable gloves shall be constructed of latex rather than plastic. While both types provide equal protection, latex is more durable.

5. Infectious waste storage areas shall be marked with biohazard signs and shall be maintained as follows:
 - contaminated sharps shall be stored in closed, puncture-resistant containers (sharps boxes) with appropriate biohazard markings and color coding;
 - other contaminated materials shall be stored in leakproof bag with appropriate biohazard markings and color coding;
 - if outside contamination of a disposal is a possibility, a second bag with identical markings shall be placed over the first;
 - reusable bins and containers used to store biohazard waste shall be inspected, cleaned, and disinfected weekly, and immediately if outside contamination is present; and
 - disposal of all biohazard waste shall be in accordance with EPA and local regulations and shall be performed by an approved licensed contractor designated by the Facilities Management Division.
6. Under no circumstances shall contaminated work uniforms be washed at employees homes. Disposable gloves shall be worn when handling potentially contaminated linen.
7. Kitchens:
 - All kitchens constructed after adoption of this plan will be equipped with double sinks constructed of nonporous materials.
 - Food preparation areas, countertops, and cutting boards constructed after adoption of this plan will be constructed of nonporous materials.
 - Under no circumstances will any kitchen facility be used for the purpose of cleaning, sterilizing, disinfecting, storing, or disposal of any infectious material or waste.
 - Thermometers will be kept in all refrigerators and freezers. Refrigerators will maintain a temperature of 38°F or below, and freezers will maintain a temperature of 0°F or below.



Attachment B
BLOODBORNE PATHOGENS
EXPOSURE CONTROL PLAN
Vaccine Declination (Mandatory)



I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, *at no charge to myself*. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have an occupational exposure to blood or other potentially infectious materials and want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series *at no charge to me*.

Signature

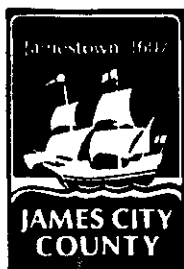
Printed Name

Position

Social Security Number

Witness

Date



Attachment C
BLOODBORNE PATHOGENS
EXPOSURE CONTROL PLAN
Exposure Report



Employee Name: _____ Social Security #: _____-_____-_____

Address: _____

Phone Numbers: Home-(____)____-____ Work-(____)____-____ Ext. #: _____

Date of Birth: ____-____-____ ; Marital Status: _____ ; Number of Dependent Children: _____

Date of Exposure: _____ Time of Exposure: _____ (a.m.)(p.m.)

Source of Exposure: Individual () (*complete below*); Other (): _____

What were you exposed to?: Blood (); Tears (); Feces (); Sweat (); Urine (); Saliva ();
 Sputum (); Vomitus (); Other () _____

How were you exposed?: Needle stick (); Splash (); Other (): _____

What part(s) of your body was exposed? (*Be specific*) _____

Describe how exposure occurred. (*Be specific*) _____

Were you wearing personal protective equipment (gloves, masks, etc.)? Yes () No (); If no, why not? _____

Did you seek/receive medical attention? Yes () No ();
 Date/Time: _____ Where: _____ Physician: _____

Work Area Supervisor notified? Yes () No ();
 Date/Time: _____ Supervisor Name: _____

EMS Division (220-0242) of Fire Department notified? Yes () No ()
 Representative Name: _____ Date/Time: _____

Workmen's Compensation forms completed? Yes () No () Date: _____

Source of Exposure (Individual): _____ Sex: M () F () Age: _____

Address:

Suspected/Confirmed Disease:

Medical Facility Transported to:

Transported by EMS Unit: Yes () No ()

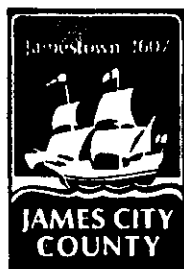
EMS Incident #: R-_____ EMS Unit #: M-_____; Operator:_____ Medic in Charge:_____

Additional information/Comments:

Employee' Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

Original to Supervisor with copies to WCH Infection Control and EMS Division for follow-up recommendations.



**Attachment D
BLOODBORNE PATHOGENS
EXPOSURE CONTROL PLAN
Health Care Professional's Opinion
for Post Exposure Evaluation and Follow-Up**



- _____ Employee has been informed of the results of the post exposure evaluation.
- _____ Employee has been informed about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

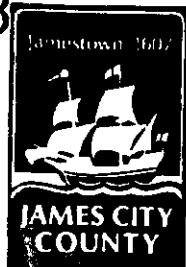
Health Care Professional

Date

Employee Signature

Date

Please return to: James City County
Human Resource Department
P.O. Box 8784
101-A Mounts Bay Road
Williamsburg, VA 23187-8784
(804) 253-6680



Attachment E
BLOODBORNE PATHOGENS
EXPOSURE CONTROL PLAN
Training Outline



- I. Introduction
- II. Objectives
 - A. Explain OSHA regulations, the impact on James City County/JCSA.
 - B. Epidemiology & symptoms of bloodborne diseases
 - C. Universal precautions
 - D. Hepatitis B Vaccine
 - E. Exposure incident reporting procedures
- III. OSHA Regulations/Impact on County Operations
 - A. Purpose for an Exposure Control Plan
 - B. Availability of Exposure Control Plan for review
 - C. Categories of employees who might be at risk
 - D. County vs. Employee responsibilities
 - E. Fire/EMS Assistance
- IV. Epidemiology & Symptoms of Bloodborne Diseases
 - A. Hepatitis B
 - B. AIDS
 - C. Other
- V. Universal Precautions
 - A. Purpose
 - B. Definition

VI. Hepatitis B Vaccine

- A. Safety
- B. Method of administration
- C. Benefits of Vaccination
- D. Cost

VII. Exposure Control Plan for James City County/JCSA

- A. Purpose
- B. Scope of coverage
- C. Highlights of plan
 - 1. Personal protective equipment
 - a. disposable gloves
 - b. "pocket mask" with one-way valve
 - c. Alcare foaming alcohol handwash
 - d. other: (towlettes, etc.)
 - 2. Post exposure evaluation and follow-up
 - a. Report form (completed by employee)
 - 1) copy to immediate supervisor
 - 2) copy to ECC staff at hospital
 - b. Notify EMS Division of Fire Dept. (220-0242)
 - 3. Clothing/vehicle decontamination

VIII. Recordkeeping & Training Requirements

- A. Confidentiality
- B. Vaccinations record
- C. Results of medical tests & follow-up requirements (maintained by Human Resources Department for duration of employment plus 30 years)
- D. Training records (3 years)

IX. Question & Answer Period

Attachment F
BLOODBORNE PATHOGENS
EXPOSURE CONTROL PLAN
Training Documentation Form



Training Date: _____ Location: _____
Trainer(s): _____
Trainer(s) Qualifications: _____

Summary of Content: _____

TRAINING ROSTER:[illegible]

Upon completion of this training session, forward to Human Resource Department.