

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
JAMES CITY, VIRGINIA, HELD ON THE 20TH DAY OF OCTOBER, NINETEEN HUNDRED  
NINETY-THREE, AT 5.00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM,  
101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

263

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  
Frank M. Morton, III, County Attorney

Ms. Knudson made a motion to convene into executive session pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider the acquisition to publicly held property.

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

Ms. Knudson reconvened the Board into open session for a work session, and made a motion to approve the executive session resolution, at 5:15 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: October 20, 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.

**B. WORK SESSION**

1. Bond Referendum, Parks and Recreation

Mr. Anthony Conyers, Jr., Community Services Manager, introduced Mr. Needham Cheely, III, who gave an overview of the three areas of the Capital Improvement Program: Phase II of the James City/Williamsburg Recreation Center, Acquisition of Parcels for the District Park and Phase I Development of the District Park.

Ms. Knudson recessed the Board for dinner at 6:05 p.m.

Ms. Knudson reconvened the Board into open session at 7:01 p.m.

**C. PRESENTATION**

1. Hampton Roads Public Transportation Alliance

Mr. Robert Hershberger, substituting for Mr. Y. B. Williams, briefly described the efforts of the Alliance to enhance the needs of public transportation in the region.

**D. MINUTES - October 4, 1993**

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

Ms. Knudson 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).

**E. HIGHWAY MATTERS**

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation, reported on two upcoming projects; bike trails along Centerville Road from Route 60 to Longhill Road and construction of bridge over railroad tracks on Route 199 at Route 60.

Mr. Sisk asked about left-turn warning at Farmer's Market on Strawberry Plains Road.

Mr. Elliott responded that a review of sight distance in all directions did not warrant a turning vehicle sign at that location.

Mr. DePue questioned whether both sides of Centerville Road would be upgraded for the bike trails.

Mr. Elliott responded in the affirmative.

Mr. Taylor asked for explanation of the traffic signal on Croaker Road at the railroad tracks.

Mr. Elliott responded that the traffic signal would be used to control traffic while repair work was being done.

**F. CONSENT CALENDAR**

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

Ms. Knudson made a motion to approve the Consent Calendar.

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

1. National Unfunded Mandates Day, October 27, 1993

**RESOLUTION**

**NATIONAL UNFUNDED MANDATES DAY**

WHEREAS, unfunded mandates on local governments have increased significantly in recent years, imposing harsh pressures on local budgets, often requiring increases in local taxes and fees, and/or reduced local services for residents; and

WHEREAS, Federal and State mandates require cities, counties, and towns to perform duties without consideration of local circumstances or capacity and to redirect their priorities to meet Federal and State objectives rather than community objectives; and

WHEREAS, Federal and State mandates too often are inflexible, one-size-fits-all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective; and

WHEREAS, the Virginia Municipal League and the Virginia Association of Counties are working with localities and organizations across the nation to begin a public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates beginning with a National Unfunded Mandates Day on October 27, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, endorses the efforts of the Virginia Municipal League and the Virginia Association of Counties and their national counterparts, and supports working with the national groups to fully inform our citizens about the impact of Federal and State mandates on our governments and the pocketbooks of our citizens.

2. Dedication of Streets in Season's Trace, Section 12; Ware Creek Manor, Phases 1 and 2; and Bradshaw Ordinary, Sections 1 and 2

RESOLUTIONDEDICATION OF STREETS IN SEASON'S TRACE, SECTION 12

WHEREAS, the following roads in Season's Trace, Section 12 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Season's Trace, Section 12 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following roads in Season's Trace, Section 12, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Season's Trace Road, 60-foot Right-of-Way  
From: Route 1541 (Mattaponi Trail)  
To: Teal Way  
Distance: 610 feet (0.12 mile)
2. Teal Way, 50-foot Right-of-Way  
From: Season's Trace Road  
To: End of Cul-de-sac  
Distance: 986 feet (0.19 mile)
3. Pintail Trace, 50-foot Right-of-Way  
From: Teal Way  
To: End of Cul-de-sac  
Distance: 898 feet (0.17 mile)
4. Puffin Lane, 50-foot Right-of-Way  
From: Pintail Trace  
To: End of Cul-de-sac  
Distance: 359 feet (0.07 mile)

The unencumbered rights-of-way of 50 and 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Season's Trace, Section 11, recorded in Plat Book 42, Page 52, dated May 1, 1986; and Season's Trace, Section 12, recorded in Plat Book 46, Page 28, dated September 25, 1987.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

RESOLUTION

DEDICATION OF STREETS IN WARE CREEK MANOR, PHASES 1 AND 2

WHEREAS, the following roads in Ware Creek Manor, Phases 1 and 2 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Ware Creek Manor, Phases 1 and 2 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following roads in Ware Creek Manor, Phases 1 and 2, Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Marmont Lane, 50-foot Right-of-Way  
From: Route 1575 (Massena Drive)  
To: End of Cul-de-sac  
Distance: 2,160 feet (0.41 mile)
2. Ney Court, 50-foot Right-of-Way  
From: Marmont Lane  
To: End of Cul-de-sac  
Distance: 345 feet (0.07 mile)

The unencumbered rights-of-way of 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Ware Creek Manor, Phase 1, recorded in Plat Book 48, Page 93, dated June 16, 1988; and Ware Creek Manor, Phase 2, recorded in Plat Book 52, Pages 23 and 24, dated May 16, 1990.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

RESOLUTIONDEDICATION OF STREETS IN BRADSHAW ORDINARY, SECTIONS 1 AND 2

WHEREAS, the following roads in Bradshaw Ordinary, Sections 1 and 2 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Bradshaw Ordinary, Sections 1 and 2 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following roads in Bradshaw Ordinary, Sections 1 and 2, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Bradshaw Drive, 50-foot Right-of-Way  
From: Route 615 (Ironbound Road)  
To: End of T-turnaround  
Distance: 2,051 feet (0.39 mile)
2. Brannon Lane, 40-foot Right-of-Way  
From: Bradshaw Drive  
To: End of T-turnaround  
Distance: 145 feet (0.03 mile)
3. Kathleen Way, 40-foot Right-of-Way  
From: Bradshaw Drive  
To: End of T-turnaround  
Distance: 164 feet (0.03 mile)
4. Ernest Lane  
From: Bradshaw Drive  
To: End of T-turnaround  
Distance: 177 feet (0.03 mile)
5. Knott Place  
From: Bradshaw Drive  
To: End of T-turnaround  
Distance: 193 feet (0.04 mile)

The unencumbered rights-of-way of 40 and 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Bradshaw Ordinary, Section 1, recorded in Plat Book 53, Pages 24, 25, and 26, dated November 14, 1990; and Bradshaw Ordinary, Section 2, recorded in Plat Book 56, Page 79, dated December 22, 1992.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

3. Mooretown Road Neighborhood Improvement Project Community Development Block Grant Agreement

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

### AUTHORIZATION TO SIGN COMMUNITY DEVELOPMENT BLOCK GRANT

#### AGREEMENT AND POSITION RECLASSIFICATION

WHEREAS, the James City County Board of Supervisors authorized by Resolution on March 1, 1993, the submission to the Virginia Department of Housing and Community Development (DHCD) of an application for a \$1,250,000 Community Development Block Grant (CDBG) to fund the Mooretown Road Neighborhood Improvement Project; and

WHEREAS, James City County has been notified of the award of the CDBG and has undertaken all actions required by DHCD prior to entering into an agreement to receive the CDBG funds; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant Agreement with the Virginia Department of Housing and Community Development.

BE IT FURTHER RESOLVED that authorized positions in the Office of Housing and Community Development as indicated in the FY 1994 Budget be amended to reclassify a Housing Technician position to a Community Development Specialist.

4. Mooretown Road Neighborhood Improvement Project Local Business and Employment Plan and Fair Housing Certification

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

### LOCAL BUSINESS AND EMPLOYMENT PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1.25 million for the Mooretown Road Neighborhood Improvement Project; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible, and further requires that recipients of Community Development Block Grant funds must adopt and act in accordance with a written Local Business and Employment Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopt the attached Local Business and Employment Plan.

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

### FAIR HOUSING CERTIFICATION

WHEREAS, James City County has been offered and intends to accept Federal funds authorized under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant Funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

5. Mooretown Road Neighborhood Improvement Project Housing Rehabilitation Program Guidelines and Residential Anti-Displacement and Relocation Plan

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

### ADOPTION OF CDBG AND REVOLVING REHABILITATION LOAN FUND PROGRAM

### GUIDELINES AND RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality, which utilizes Community Development Block Grant Funds for housing rehabilitation, replacement housing, and relocation assistance, have Program Guidelines adopted by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Housing Rehabilitation Program Guidelines and Residential Anti-Displacement and Relocation Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance financed with Community Development Block Grant Funds.



BE IT FURTHER RESOLVED, that the Housing Rehabilitation Program Guidelines also govern the provision of housing rehabilitation assistance financed with funds from the Revolving Rehabilitation Loan Fund.

6. Mooretown Road Neighborhood Improvement Project Section 504 Self-Assessment and Policy Plan

R E S O L U T I O N

MOORETOWN ROAD NEIGHBORHOOD IMPROVEMENT PROJECT

SECTION 504 SELF-ASSESSMENT AND POLICY PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1.25 million by the Virginia Department of Housing and Community Development; and

WHEREAS, as a Community Development Block recipient, James City County is required to assure compliance with Section 504 of the Rehabilitation Act of 1973, as amended which prohibits discrimination against handicapped persons.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the Mooretown Road Neighborhood Improvement Project Section 504 Self-Assessment and Policy Plan and authorizes submission of this document to the Virginia Department of Housing and Community Development.

7. Indoor Plumbing/Rehabilitation Program - Budget Increase

R E S O L U T I O N

AMENDMENT OF THE APPROPRIATION OF FUNDS FOR THE

INDOOR PLUMBING/REHABILITATION PROGRAM

WHEREAS, the Virginia Department of Housing and Community Development has designated James City County as a local administrative agency for the Indoor Plumbing/Rehabilitation Program; and

WHEREAS, Indoor Plumbing/Rehabilitation Program funds are available to James City County in excess of the amount of appropriated Indoor Plumbing Rehabilitation Funds in the FY 94 Community Development Fund Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the appropriated funds for the Office of Housing and Community Development be amended as follows:

Revenues

Indoor Plumbing/Rehabilitation Funds	<u>\$200,000</u>
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Expenditure

Indoor Plumbing/Rehabilitation Grants	\$190,000
Administration	<u>10,000</u>

Total	<u>\$200,000</u>
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8. Allocation for Computer Wiring and Associated ExpensesR E S O L U T I O NAPPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Department of Social Services has provided funding for wiring and other expenses associated with the insulation of State computers; and

WHEREAS, no local matching funds are required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenues:

Revenues from the Commonwealth	<u>\$4,932</u>
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Expenditures:

Furniture and Equipment	<u>\$4,932</u>
Total	<u>\$4,932</u>

9. Changes to Chapters 2 and 5 of the Personnel Policies and Procedures Manual

R E S O L U T I O N

CHANGES TO THE EMPLOYMENT CHAPTER OF THE PERSONNEL POLICIES  
AND PROCEDURES MANUAL

WHEREAS, the County wishes to ensure that candidates offered employment and employees in designated job classes are able to safely and satisfactorily perform the required physical aspects of their job duties; and

WHEREAS, the County wishes to comply with local, State, and Federal regulations; and

WHEREAS, the County is committed to a drug-free workplace.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revisions to Chapter 2 of the Personnel Policies and Procedures Manual.

Effective Date: January 1, 1994.

R E S O L U T I O N

ADOPTION OF A FAMILY AND MEDICAL LEAVE POLICY

WHEREAS, the County wishes to assist employees in balancing the needs of their jobs and families; and

WHEREAS, the County wishes to comply with the Family and Medical Leave Act of 1993.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revisions to Chapter 5 of the Personnel Policies and Procedures Manual.

**G. BOARD CONSIDERATION****1. Case Nos. SUP-2-93 and SUP-3-93, Williamsburg Crossing Master Plan Amendment and Outdoor Center of Amusement**

At the October 4, 1993, Board of Supervisors' meeting, Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Calvin Davis applied on behalf of University Square Associates for a special use permit for an outdoor center of amusement and to amend the binding master plan for three acres to be redesignated from reserved to commercial to allow the area to function as part of the outdoor center of amusement. He stated that the project was on 32.3 acres zoned B-1, General Business, located southwest of the intersection of Routes 5 and 199, further identified as Parcel (1-1) on James City County Real Estate Tax Map No. (48-1).

Mr. Sowers stated these cases were deferred at the October 4, 1993, Board of Supervisors meeting and described revisions that had been completed after discussion with Board members and the applicant.

Staff recommended approval of Case Nos. SUP-2-93 and SUP-3-93 with conditions listed in the resolutions. The Planning Commission recommended denial by a 5-3 vote.

Mr. Alvin Anderson, Esq., was available for questions.

Board discussion followed regarding Condition 10 in Case No. SUP-2-93, position of nets near existing tree line and Winston Terrace subdivision, visibility of nets from Route 199, and responsibilities of Development Review Committee.

Mr. Edwards suggested that the Development Review Committee consult with Winston Terrace residents when the Williamsburg Crossing Amusement Center requests are processed.

Mr. DePue made a motion to approve Case Nos. SUP-2-93 and SUP-3-93.

Mr. Edwards made a motion to replace the new language in Condition 10 of Case No. SUP-2-93 with prior language of "Land Bay 11 shall only be used for open space associated with an outdoor center of amusement. No impervious surface or buildings shall be permitted."

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

Individual Board members commented on concerns and reasons for support of the special use permits. Mr. DePue stated that he had no conflict of interest in these cases, according to Commonwealth Attorney's opinion.

On a roll call, the vote was: AYE: Taylor, DePue, Sisk (3). NAY: Edwards, Knudson (2).

R E S O L U T I O N

CASE NO. SUP-2-93. WILLIAMSBURG CROSSING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to amend the binding master plan for the Williamsburg Crossing Shopping Center. The proposed amendment would redesignate approximately 7.6 acres of land which is currently shown as reserved to a designation which would allow an outdoor center of amusement and/or any commercial use generally permitted in the B-1, General Business District. The property is identified as a part of Parcel (1-1) on James City County Real Estate Tax Map No. (40-1); and

WHEREAS, the James City County Board of Supervisors acknowledges that the approval of this Special Use Permit does not impact the litigation currently pending in the Circuit Court for the City of Williamsburg and County of James City between University Square Associates and the County; and

WHEREAS, the James City County Board of Supervisors acknowledges that University Square Associates is not waiving any rights asserted in the pending litigation and that the County is not recognizing the validity of any rights asserted by University Square Associates in such litigation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-2-93 as described herein with the following conditions:

1. No more than 535,665 square feet total of commercial and/or office square footage, including existing development, and 198 multifamily residential units, shall be constructed on the site.
2. A minimum 65-foot buffer shall be provided along the southern and western boundaries of the site. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Development Review Committee. Utilities and drainage structures may be placed within the buffer if approved by the Development Review Committee. This buffer may be reduced to a width of 50 feet if enhanced landscaping approved by the Development Review Committee is provided. Such enhanced landscaping shall be far in excess of what is required by the Zoning Ordinance and shall effectively screen the adjacent property.
3. A minimum 50-foot greenbelt, free of structures and paving, shall be provided along the future right-of-way of Route 199 as shown on Sheet 3 of the Virginia Department of Transportation's plan entitled "Commonwealth of Virginia, Plan and Profile of Proposed State Highway, James City County and York County, (Route 199), From: 0.092 mi south of Route 60 EBB, To: Interstate Route I-64" and hand dated May 26, 1992, a copy of which is kept on file at the James City County Planning Division and shall contain enhanced landscaping as

approved by the Development Review Committee, with the minimum landscaping in accordance with the standards contained in the Zoning Ordinance.

4. A right-turn lane, acceptable to the Virginia Department of Transportation, shall be provided on southbound Strawberry Plains Road (Route 616) at its intersection with Route 5 and Route 199. This turn lane shall be installed prior to final site plan approval for any project on the site which causes the total trip generation of the Williamsburg Crossing Shopping Center (including out parcels, office development, residential development, an outdoor center of amusement and/or existing development) to go beyond the trip generation equivalent of 211,177 square feet of shopping center development (L.U. Code 820).
5. No Certificate of Occupancy shall be issued for any portion of the project which causes the total trip generation of the Williamsburg Crossing Shopping Center (including out parcels, office development, residential development, an outdoor center of amusement and/or existing development) to go beyond the trip generation equivalent of 477,390 square feet of commercial development of shopping center development (L.U. Code 820) until the construction of the future Route 199/Route 5 intersection has commenced.
6. The following road improvements identified by the applicant's traffic impact analysis shall be made to the Route 5/Kings Way intersection prior to issuance of any Certificate of Occupancy for any development after the relocation of the main entrance to Kings Way or earlier if requested by the Virginia Department of Transportation:

Northbound Kings Way shall have the following configuration:

- 1 through/left-turn lane
- 1 right-turn lane

Southbound Kings Way (Ferneliff Drive) shall have the following configuration:

- 1 lane (current configuration)

Eastbound Route 5 shall have the following configuration:

- 1 left-turn lane
- 1 through lane
- 1 through/right-turn lane

Westbound Route 5 shall have the following configuration:

- 1 left-turn lane
- 1 through/right-turn lane

Improvements which become the developer's responsibility shall be built to dimensions and specifications as determined by VDOT at development plan submittal. VDOT may, at the time of development plan review, substitute the above improvements with equivalent improvements or not require certain improvements if deemed unnecessary. The applicant shall be responsible for any other road improvements related to the development, if determined necessary by VDOT.

7. Signalization of Kings Way and Route 5 shall be provided by the applicant when signal warrants require signalization. Additionally, the applicant shall construct a dedicated right-turn lane on westbound Route 5 at the time of signalization. The turn lane shall be approved by VDOT and built to their standards.
8. Lighting on the site shall be of the sodium vapor type and shall be consistent in nature and illumination characteristics with the lighting currently utilized in the Williamsburg Crossing Shopping Center. If an outdoor center of amusement is constructed, only high pressure sodium lighting shall be permitted consistent with conditions of Case No. SUP-3-93.
9. A pedestrian access shall be provided to the vacant R-1 zoned parcel located to the west of the site. The location of such access shall be approved by the Development Review Committee.
10. Land Bay 11 shall only be used for open space associated with an outdoor center of amusement. No impervious surface or buildings shall be permitted. Poles, netting, and fencing shall be permitted if these facilities are part of an outdoor center of amusement.

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

### CASE NO. SUP-3-93. WILLIAMSBURG CROSSING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow the development of an outdoor center of amusement on 46.7 acres. The property is zoned B-1, General Business District. The property is identified as a part of Parcel (1-1) on James City County Real Estate Tax Map No. (48-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-3-93 as described herein with the following conditions:

1. All active sports areas, including the driving range, "par 3" golf course, and miniature golf course shall not be illuminated. Lighting may be provided around buildings and in parking areas for safety and security purposes if approved by the Development Review Committee.
2. The uses permitted within the project shall be limited to one or more of the following: a driving range, miniature golf, golf-related practice areas and/or an 18-hole "par 3" golf course and any related facilities. The driving range shall be generally located as shown on the attached conceptual plan prepared by Langley and McDonald and dated July 1993.
3. Berms, a minimum of 6 feet in height, shall be placed around the boundaries of the outdoor center of amusement where that facility abuts the Peppertree Condominiums and the Winston Terrace Subdivision where the Development

Review Committee determines that the exiting tree line and proposed landscaping is not adequate to buffer these areas from the impacts of the driving range. The berms shall be landscaped at a minimum in accordance with the provisions of the minimum planting standards set forth in the Zoning Ordinance and placement and landscaping of such berms shall be approved by the Development Review Committee.

4. This special use permit shall remain in effect for a period of 36 months from the date of issuance. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
5. Netting and support poles shall be located no closer than 50 feet from any property line unless otherwise approved by the Development Review Committee. Nets and poles shall not exceed 50 feet in height. If, upon submittal of the report referenced in Condition No. 8, it is determined by the Development Review Committee that for safety reasons the nets need to be raised, they may be raised an additional 10 feet. No lights, flags, signs, public address systems or other similar items shall be permitted on the poles and/or netting. The final height of the poles and design and color of the netting system are to be approved by the Development Review Committee.
6. The site shall be limited to one American flag and one State of Virginia flag.
7. A landscaping plan for the entire site shall be approved by the Development Review Committee as part of site plan approval. Outside of the driving range and play areas of the "par 3" golf course, existing trees shall be preserved to the maximum extent possible.
8. A report that details the occurrence of golf balls going on to other properties shall be submitted to the Development Review Committee annually from the date of issuance of the Certificate of Occupancy. The report shall detail any occurrence described above and shall include date of incident; approximate time of incident; where the ball was hit from, if known; any damage as a result of the incident, and any other pertinent information. The Development Review Committee may require the raising of the safety nets, installation of additional nets or other barriers, modification of site layout, or other measures to address any safety problem.
9. Any tree which has a diameter of 30 inches or more (measured at a point six inches above the ground) and is located within 150 feet from the future right-of-way of Route 199 as shown on Sheet 3 of the Virginia Department of Transportation's plan entitled "Commonwealth of Virginia, Plan and Profile of Proposed State Highway, James City County and York County, (Route 199), From: 0.092 mi south of Route 60 EBL, To: Interstate Route I-64" and hand dated May 26, 1992, a copy of which is kept on file at the James City County Planning Division, shall be preserved except where information addressing the feasibility and impacts of tree preservation is submitted during the development review process and deviations are approved by the Planning Director. Deviations shall be granted where the trees to be preserved would significantly adversely effect public safety and operations and maintenance of the uses and where their location significantly conflicts with reasonable site development options.



10. The design, appearance, and color of all structures, buildings, miniature golf features, landscaping and landscaping structures shall be reviewed and approved by the Development Review Committee. The site shall not contain any internally illuminated signs or statues. It shall also not contain any decorative features except for landscaping, associated landscaping structures, and building ornamentation which are approved by the Development Review Committee. The design, appearance, ornamentation, and color of all structures, miniature golf features, and buildings shall be consistent with the existing shopping center main building, and should use natural tone colors and natural landscaping, generally indigenous to the area. Enhanced landscaping shall be provided internally to the development which is in addition to the greenbelt area.
11. An irrigation plan for the driving range, "par 3" golf course, and any other areas requiring irrigation shall be submitted for approval by the Director of Code Compliance. Public water shall not be used for irrigation purposes. Groundwater from the existing well on the site may be used for irrigation. If groundwater is used for irrigation purposes for the outdoor center of amusement, the owner of the outdoor center of amusement shall provide mitigation of any material and adverse well draw down impacts attributable to pumping of the existing on-site well or such other well as may be installed by the owner. The Manager of the James City Service Authority shall review all claims, determine if well pumping on the site is the cause of any material and adverse impact determined to exist, and determine the most appropriate form of mitigation necessary. The owner shall implement the prescribed mitigation measures within 30 days of such determination, or shall cease all groundwater pumping until such measures are implemented. The Manager of the James City Service Authority shall have the authority to require the owner to prepare for his approval, water withdrawal models to determine the impacts of the irrigation well(s) and assist in the determination of claims and mitigation measures.

#### **H. PUBLIC COMMENT**

Mr. Ed Riley, 611 Tam-O-Shanter, spoke of overpopulation of deer in the Kingsmill subdivision in an update about Lyme's disease.

#### **I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. David B. Norman, County Administrator, recommended an executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County Boards and/or Commissions.

#### **J. BOARD REQUESTS AND DIRECTIVES**

Ms. Knudson announced that James City County had received a Virginia Municipal League Achievement Award for its Self-Sufficiency Program and congratulated staff on its successful efforts.

Mr. DePue asked about status of review of sidewalks required when paving the parking lot at York River Baptist Church on Croaker Road.

Mr. John T. P. Horne, Manager of Development Management, stated that staff was waiting for a response from the church governing body.

Mr. DePue asked the status of review of special use permit requirements for office buildings.

Mr. Horne stated the report would be brought to the Board when action was determined on pending legal situation.

Ms. Knudson recessed the Board for a James City Service Authority Board of Directors' meeting at 8:07 p.m.

Ms. Knudson reconvened the Board into open session at 8:10 p.m. for a work session.

2. WORK SESSION - Cash Proffers, Development Management

Mr. John T. P. Horne presented a memorandum covering what systematic cash proffers are; how other jurisdictions in Virginia are using cash proffers; explained current collection of cash proffers in the County; identified potential impacts of cash proffers if implemented; explained necessary staff coordination to create the cash proffer system; and, asked for a recommendation on whether to proceed.

The Board authorized Mr. Horne to proceed in developing a cash proffer system for future Board consideration.

Ms. Knudson made a motion to convene into an executive session as recommended by the County Administrator, at 8:45 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 9:08 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: October 20, 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 appoint Gene Farley and Louise Garrett to the Agricultural and Forestal Districts Advisory Committee to serve at the pleasure of the Board; to appoint Alain Outlaw and Susan Godson to the Historical Commission, respectively for a 3-year term, terms expiring August 31, 1996; and to appoint Don Allen, Ray Betzner, Andy Bradshaw, Linda Burgess-Getts, Virginia Carey, Tory Gussman, Bill Voliva and Robert Watson to the Citizen Referendum Committee.

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

Discussion by the Board of referendum public information issues ensued.

Mr. Sisk 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 9:32 p.m.



David B. Norman  
Clerk to the Board

## LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The County of James City designates as its Local Business and Employment Project Area the boundaries of James City County.
2. The County of James City, its contractors, and designated third parties shall in utilizing Community Improvement Grant funds utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for work and for procurement of materials, equipment or services of the Mooretown Road Neighborhood Improvement Project, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the Project Area are:
  - (a) The County of James City shall ascertain what work and procurements are likely to take place through the Community Improvement Grant Funds.
  - (b) The County of James City shall ascertain through various and appropriate sources including advertisement in The Daily Press, Newport News, Virginia, the business concerns within the Project Area which are likely to provide materials, equipment and services which will be utilized in the activities funded through the Community Improvement Grant.
  - (c) The identified business concerns shall be apprised of opportunities to submit bids, quotes or proposals for work or procurement contracts which utilize CIG funds.
  - (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CIGs.
4. In the utilization of trainees or employees for activities funded through CIG's the County of James City its contractors and designate third parties shall take the following steps to utilize lower income persons residing in the Project Area.
  - (a) The County of James City in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be utilized during the project funded by CIGs.
  - (b) The County of James City shall advertise the availability of such positions in the Daily Press, Newport News, Virginia, along with the information on how to apply.
  - (c) The County of James City, its contractors, and designated

third parties shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.

- (d) To the greatest extent feasible, the County of James City, its contractors and designated third parties shall utilize lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIGs.
5. In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, the County of James City shall keep, and require to be kept by contractors and designated third parties, listing of all persons employed and all procurements made through the implementation of activities funded by CIGs. Such listing shall be completed and shall be verified by site visits and interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

James City County  
Housing Rehabilitation Program Guidelines

I. Introduction

Upon adoption by the James City County Board of Supervisors the housing rehabilitation program guidelines contained in this document shall apply to all rehabilitation assistance provided from the Mooretown Road Neighborhood Improvement Project Community Development Block Grant (CDBG). The target area of the Mooretown Road Neighborhood Improvement Project is identified as the neighborhood bound by the CSX railroad to the south, Mooretown Road to the north, the Williams Circle subdivision to the west and the Raintree subdivision to the east.

Furthermore, with the exception of sections of the guidelines which specifically mention the Mooretown Road Neighborhood Improvement CDBG Project, these guidelines shall apply to rehabilitation assistance provided from the Revolving Rehabilitation Loan Fund.

The Rehabilitation Loan and Grant Program, funded through the 1993 Mooretown Road Neighborhood CDBG from the Virginia Department of Housing and Community Development (VDHCD), shall be available to owner-occupants and landlords of homes located in the Mooretown Road CDBG Project area. Program beneficiaries shall be limited to low and moderate income households as defined by the U.S. Department of Housing and Urban Development (HUD). The various grant and loan programs described under section II - Grant and Loan Policies - are designed to assure that the program will not deny benefits to low income households due to insufficient income.

Applications shall be processed on a first-come, first-served basis with priority given to applicant's living in homes without indoor plumbing. However due to the inaccessibility of certain homes the CDBG Housing Rehab Board shall designate homes unsuitable for rehab until the road improvements provide suitable access. The date of the preliminary application shall be used to determine sequence of assistance. If it is determined that the applicant or property do not meet eligibility criteria, the applicant shall be informed in writing prior to suspending or terminating processing.

II. Grant and Loan Policies

Eligible properties include any occupied residential structure, including manufactured homes, whose owner qualifies for assistance. Persons occupying the dwelling must have lived in the dwelling for a minimum of 180 days prior to the date of application for assistance. Residential structures in the Mooretown Road Neighborhood Improvement Project must have been in the project area for a minimum of 180 days prior to the date of application for assistance. Additionally, the dwelling must be determined to be structurally and financially feasible to be rehabilitated to meet

federal housing quality standards. For the exclusive use of CDBG funds, an occupiable structure will be defined as a dwelling that meets building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less. An unoccupiable structure or a structure infeasible to rehabilitate is a dwelling that does not meet local building codes and cannot be rehabilitated to meet code for \$25,000 or less.

Furthermore, CDBG regulations specify that the number of persons occupying the dwelling may not exceed HUD occupancy standards once the rehabilitation has been completed.

Housing rehabilitation assistance shall be provided as follows:

1. Grants shall be provided to eligible low income households with incomes below 50% of the area median as defined by HUD, for rehabilitation expenses up to \$15,000. Applicants must occupy the dwelling and own or have a substantial ownership interest in the dwelling. To qualify for a grant applicants' financial assets may not exceed \$10,000. Financial assets include cash on hand, savings, stocks, bonds, life insurance policies with cash values in excess of \$10,000, real estate excluding residence, and any other investments.

Repayment of all or a portion of the grant shall be required if the rehabilitated property is sold within five years. The amount of the required repayment shall be reduced by 20% each year on the anniversary of the grantees acceptance of the grant commitment. This requirement shall be secured by a personal note for grants less than \$10,000 and by a deed of trust note for grants of \$10,000 or more.

2. Installment Loans shall be provided to low and moderate income households with incomes below 80% of the area median as defined by HUD. If affordable, installment loans shall be made to households with incomes below 50% for rehabilitation expenses which exceed the amount of grant for which they qualify. Total projected housing expenses including the proposed rehab installment loan shall not exceed 30% of income and total projected long term debt shall generally not exceed 40% of income. CDBG financed installment loans shall have an interest rate of 3% and a maximum term of 20 years. Installment loans shall be secured by a note and deed of trust. There will be no penalty for pre-payment of the installment loan.

Landlords of properties occupied by low and moderate income households may be provided installment loans. The eligibility and underwriting criteria for rental properties set forth in the Virginia Housing Partnership Fund Local Housing Rehabilitation Loan Program guidelines will be utilized. Additionally, the following requirements must be met:

1. Low and moderate income households must continue to

occupy the rental property upon completion of rehab for a minimum of 5 years or for the term of the loan, whichever is longer.

2. The rent charged to low and moderate income households may not be increased after completion of rehab for a minimum of 5 years or for the term of the loan, whichever is longer. Exceptions would be made due to actual increased costs to the owner directly attributable to the rehab work.
3. Rent and utility expenses can not exceed 30% of the household's gross income.

3. Deferred Payment Loans shall be available to low and moderate income owner occupants for rehabilitation expenses which exceed the amount of grant and/or installment loan funds for which they qualify. Repayment of all of the deferred payment loan shall be required if the rehabilitated property is sold within fifteen years. No interest shall be charged on a deferred payment loan. A note and deed of trust shall secure deferred payment loans.

The maximum combined amount of CDBG financed assistance which may be provided to an applicant shall not exceed \$25,000. The maximum combined amount of CDBG financed assistance which may be provided to rehabilitate a mobile home shall not exceed \$8,000. Exceptions to these limits include: public water and sewer connections, well and septic improvements, and bedroom additions when needed to meet HUD occupancy standards. Other than these exceptions, prior written authorization must be obtained from VDHCD of an amount in excess of \$25,000 for all other housing types.

Grant and loan assistance as defined above may be provided to finance construction of a dwelling to replace a dwelling determined to be infeasible to rehabilitate. Such assistance shall be provided in accordance with CDBG Substantial Reconstruction regulations.

Grant and loan assistance as defined above may also be provided to households living in substandard housing which is infeasible to rehabilitate and not qualified to be replaced on site due to health, building and/or zoning requirements. Eligible activities include but are not necessarily limited to: lot purchase and site improvements; and property acquisition and rehabilitation. All permanent relocation will be done in compliance with VDHCD and federal requirements.

CDBG grant and loan rehabilitation assistance may be combined with rehabilitation grants and loans provided from other funding sources including but not limited to the Virginia Housing Partnership Fund, the County Rehabilitation Revolving Loan Fund, and the Farmers Home



### Administration.

As part of the eligibility requirements, an applicant must consent to training as provided by the County Office of the Virginia Cooperative Extension Agency. The Extension/Home Economist will provide group or individualized education in energy conservation measure, general maintenance and repair, housekeeping, and financial counseling when necessary.

Fee simple ownership by occupants is an objective of the Mooretown project to support the neighborhood revitalization. Therefore CDBG housing rehab funds may be used to accomplish this objective to include payment of legal, survey and property acquisition expenses.

For the Mooretown Road Neighborhood Improvement Project the Housing Rehab Board may waive or amend any local grant and loan requirement contained herein provided all federal and state requirements are met. The County Administrator has such authority for all other programs. Such waiver or amendment shall be justified due to special or hardship conditions and must be determined to be consistent with the policy of fair and equal treatment of all applicants.

Eligible expenses incurred prior to closing of an applicant's grant and/or loan such as title search fees, verification fees and permit fees not to exceed \$1,000 may be paid by CDBG funds and will not be added to the grant or loan amount.

Program income received through the Mooretown Road Neighborhood Improvement Project will be used in accordance with VDHCD requirements.

### III. Housing and Property Maintenance Conditions

Removal of any accumulation of garbage, trash, litter, refuse or other waste material, abandoned vehicles and dilapidated structures shall be required as a condition of receipt of housing rehabilitation assistance. CDBG interim assistance and clearance funds may be used to the degree that the applicant's household members are physically or financially unable to accomplish the required property clean up.

The County will suspend or defer processing of an application for housing rehab assistance if it is determined by OHCD staff, Extension Service staff, Social Service staff or another reliable source that one or both of the following circumstances exists within the household of the applicant:

1. History of consistently late housing expense payments, or non-payment of same. Utility and mortgage payments will be verified. If it is determined that utilities have been cut-off 2 or more times or have been cut-off for

more than 60 days or the utility company refuses to provide service due to delinquent payments or mortgage payments have been more than 2 or more consecutive months delinquent in the previous 12 month period, the application for rehab assistance will be deferred.

2. Unsanitary conditions of the home and property which endanger the health and safety of children and other household members, and/or indicate an inability to adequately maintain the property after it is rehabilitated.

The OHCD will refer the applicant for education and other services necessary to improve the situation prior to resumption of processing an application.

The applicant(s) will be notified in writing of the decision to suspend processing or delay approval and the reasons for the suspension or delay of approval. This notification should list specific actions which must be taken by the applicant prior to resumption of processing of the rehabilitation assistance application.

#### IV. Eligible and Required Property Improvements

All homes financed through the Mooretown Road CDBG must meet Section 8 Housing Quality Standards and VDHCD's Supplemental Rehabilitation Standards after rehabilitation is completed. Therefore, any improvements which are necessary in order for a property to meet these standards are eligible property improvements. Additionally, the following types of improvements and repairs will be included:

1. Improvements required to meet Virginia Weatherization Assistance Program Installation Standards including insulation, window and door caulking and/or weather stripping, and storm windows or insulated replacement windows as needed.
2. Window Screens and Screen Doors.
3. Smoke Detectors.
4. Repair or replacement of one storage shed with prior VDHCD approval.
5. Repair of porches or landings or new landings not to exceed 50 square feet.
6. Closets.
7. Range Hoods.
8. Air conditioning may be added when needed for health reasons as confirmed by a health physician or if a replacement heating system includes air conditioning as a standard feature. The replacement unit with air

conditioning must be bid as a bid alternate.

9. The cost of wood stoves may be considered an eligible expense, to replace faulty, existing stoves currently used as a supplemental heat source.
10. Rehabilitation work considered by the Rehabilitation Specialist as necessary to correct incipient violations will be included as part of the rehabilitation costs.
11. Acquisition of property for a replacement dwelling or to meet setback and minimum lot size requirements of the County's zoning ordinance for rehab beneficiaries.

#### Ineligible Rehabilitation Expenses

Cosmetic repairs as well as materials, equipment or fixtures which exceed the cost of such items included in the Master Specifications.

If a change order is required and the applicant's approved grant/loan funds are insufficient to cover the increase, additional funds of up to \$2,000 may be allocated to the project and immediately forgiven upon approval of the Community Services Manager. A change order that results in a decrease in the applicant's approved grant/loan funds will also be immediately forgiven.

#### V. Mooretown CDBG Housing Rehab Board

A Mooretown CDBG housing rehab board comprised of the County Administrator or his/her designee, Community Services Manager, Housing and Community Development Administrator, the CDBG project manager, the project area's elected official or his/her designee and a non-beneficiary neighborhood representative shall be appointed by the James City County Board of Supervisors. The Board shall approve the rehab program's contractor bidder's list and applications for assistance and award of bids after eligibility determination by OHCD staff. Approval shall be granted by a simple majority of the rehab board members. The Board will meet at least quarterly to review project progress and program expenditures. The CDBG project manager will be responsible for maintaining Board records and taking Board minutes. Board members will also serve to resolve complaints or disputes as described in Section X. Dispute Resolution.

#### VI. Inspection, Work Write-up and Bid Procedures

The Rehabilitation Specialist shall meet with the homeowner to determine the deficiencies and work to be done. The Rehabilitation Specialist shall then prepare a work write-up and itemized cost estimate. The work write-up shall be reviewed and signed by the homeowner.

Three contractors taken consecutively from the Housing Rehab Board's approved list of pre-qualified contractors will be invited to bid. If a contractor fails to bid more than two consecutive times that contractor will be removed from the bidder's list and must re-apply to the Housing Rehab Board to be reinstated.

The bids shall be opened at a prescribed time announced when the bid package is distributed. The bids shall be reviewed and the lowest responsive bidder shall be awarded the contract. Acceptable bids will normally not exceed cost estimates by 10%.

The Rehab Specialist reserves the right to limit the number of projects in progress to any contractor.

#### VII. Approval and Commitment of Loans and Grants

OHCD staff shall prepare and provide to the Rehab Board members the Rehab Commitment Agreement, Applicant Summary and Work write-up for review. Questions, comments or suggestions of Rehab Board Members shall be addressed by OHCD staff. The Commitment Agreement and security instrument shall set forth the terms and conditions of the grant and/or loan. The Commitment Agreement may include such conditions as recommended by the Office of Housing and Community Development deemed necessary to assure that the rehabilitated property will be adequately maintained. The Commitment Agreement shall be signed by the County Administrator and the OHCD Administrator.

#### VIII. Rehabilitation Contract

The rehabilitation contract shall be between the Contractor and the Homeowner and shall be prepared by the Rehabilitation Specialist. The rehabilitation contract explains contractor and owner responsibilities, payment and bonding procedures, work changes, arbitration procedures, and applicable federal regulations. The Commitment Agreement described in Section VII shall set forth the terms and conditions of the grant and/or loan between the owner and James City County.

#### Retainage

- . Five percent (5%) retainage will be withheld from all Contractor payments. This retainage will be held by James City County Office of Housing and Community Development (OHCD) for at least 60 days following completion of the work. At that time, an inspection shall be performed by the Rehabilitation Specialist to determine if any discrepancies or violations must be corrected. If there are no problems, the retainage shall be returned. If problems are found, the Contractor shall be notified and the retainage shall be held until the problem has been corrected.

#### Contractor Responsibilities

The Contractor Shall:

Obtain and pay for all permits and licenses necessary for the completion and execution of the work to be performed.

Not perform any work prior to removal of accumulated of garbage, litter refuse or other waste material, abandoned vehicles and dilapidated structures.

Carry during the life of the contract comprehensive liability insurance coverage of a minimum of \$500,000.

Be advised that change orders greater than \$1,000 must be granted prior approval by VDHCD for rehab projects in the Mooretown Road Neighborhood Improvement Project.

Perform all work in a workmanlike manner according to standard construction industry practices and shall leave the work in a finished condition as determined by acceptable building standards and by James City County Office of Housing and Community Development or its designee.

Be totally responsible for any and all work performed by subcontractors, including materials they use.

Permit the U.S. Government, State Government, James City County Office of Housing and Community Development or their designees to inspect all work.

Keep the premises broom clean and orderly during the course of the work, and remove all debris at the completion of the work.

Perform all work in conformance with applicable local codes and requirements, whether or not covered by the Work Write-up, Master Specifications, and or drawings.

Provide Registers of Assigned Employees, Registers of Contractors Subcontractors and Suppliers prior to receipt of Notice to Proceed and monthly thereafter until rehab project is complete.

Not assign the agreement without written consent of the owner and approval by James City County Office of Housing and Community Development.

Guarantee the work performed for a period of one year from the date of final acceptance of all work required by the agreement. Furthermore, furnish the owner in care of the James City County Office of Housing and Community Development, with all manufacturer's and supplier's written guarantees and warranties covering materials and equipment furnished under the contract.

Owner's Responsibilities

The Owner Shall:

Remove accumulated garbage, litter refuse or other waste material, abandoned vehicles and dilapidated structures before any rehab work is performed.

Not permit any changes or additions to the agreement, work write-up, or plans without written approval of the Contractor and the Rehabilitation Specialist. If extra work is approved, a change order shall be signed by the owner, contractor, OHCD Administrator, Rehabilitation Specialist prior to work being performed. Side deals between the owner and the contractor are not permitted.

Cooperate with the Contractor to facilitate the performance of the work, including removal and replacement of rugs, coverings and furniture as necessary.

Permit the Contractor to use, at no cost, existing utilities such as light, heat, power and water necessary to carry out and complete the work.

#### IX. Inspections and Payments to the Contractor

The Contractor may request partial payments for work items completed. The number of allowed partial payment requests shall be specified in the rehabilitation contract and should generally not exceed two partial payments. The payment shall be for the cost of the work item as indicated in the itemized bid figures included in the contract, minus 5% retainage.

The Contractor must submit a pay request directly to the Rehabilitation Specialist on a form provided by OHCD. The Rehabilitation Specialist will then inspect the work. The homeowner, upon presentation of the pay request, shall sign the request to signify approval or provide a written list of discrepancies. After a signature by the homeowner and the Rehabilitation Specialist a check request would be prepared and signed by the Program Administrator. A check to the contractor would then be drawn from the homeowner's grant/loan account.

In addition to partial payment inspection, the Rehabilitation Specialist shall make periodic inspections of work in progress. Upon completion of the work the Contractor shall submit a final pay request and invoice. A final inspection will be made by the Rehabilitation Specialist. A punch list shall be prepared which will list any items which require correction prior to final acceptance by the owner and the Rehabilitation Specialist. After all punch list deficiencies are corrected, a check request shall be prepared and final payment made, except for retainage, as noted in Section VIII.

#### X. Dispute Resolution

A person whose application is denied or suspended shall be encouraged to contact the housing technician who handled his/her application and/or the Director of the Office of Housing and Community Development if that person has questions regarding the denial or suspension. The letter of denial shall also state that the applicant may appeal the decision of the Office of Housing and Community Development. To appeal, the applicant must within 30 days of receipt of written notification of the adverse decision send a written appeal request to the Community Services Manager. An applicant requesting an appeal will be given the option of having the neighborhood representative of the Housing Rehab Board hear the appeal along with the Community Services Manager. The Community Services Manager shall render a written decision on the appeal within 10 days. The Housing Rehab Board will be kept informed of any appeals and receive copies of all related written correspondence, and if necessary serve as the final appeal.

A person who receives assistance and who has a dispute with a contractor will be encouraged to enlist the assistance of the Housing Rehabilitation Specialist to resolve any problem. Should the dispute remain unresolved either the homeowner or the contractor may invoke the arbitration clause included in the Construction Contract.

#### XI. Temporary Relocation, Moving and Storage Expense

If the County staff determines that the extent of the rehabilitation work warrants temporary relocation of the client's household and/or belongings the client will be expected to make arrangements for such temporary relocation without CDBG assistance. Grant or loan funds may be provided to pay temporary relocation expenses if the applicant demonstrates that the added expense would cause the applicant's housing expenses to exceed 35% of household income.

#### XII. Applicable Laws, Ordinances, and Regulations

Notwithstanding the provisions of the Program Design, all Federal, State, and Local laws and ordinances, and regulations, shall strictly apply to this project. Any portion of this Program Design found to be inconsistent or incompatible with applicable laws, ordinances, or regulations shall be deemed to be severed from the Program Design without effect to the remaining provisions. The Board may amend the Program Design as necessary and appropriate to ensure compatibility and compliance with all applicable laws, ordinances, and regulations. This section shall apply also to all contractual obligations stemming from the Virginia Community Development Block Grant agreement between James City County and the Commonwealth of Virginia.

## Residential Anti-Displacement and Relocation Assistance Plan

James City County accepts the responsibility to replace all occupied and vacant occupiable low and moderate dwellings demolished or converted to a use other than as low and moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as Amended.

James City County also will provide relocation assistance to all displaced persons as defined in the Housing and Community Development Act of 1974, as Amended, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as Amended.

At least 30 days prior to obligating or expending Community Development Block Grant funds that will directly result in demolition or conversion, James City County will make public and advise the Virginia Department of Housing and Community Development (VDHCD) that it is undertaking such an activity and will submit to the VDHCD, in writing, information that specifically identifies:

- (1) a description of the proposed assisted activity;
- (2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- (3) a time schedule for the commencement and completion of the demolition or conversion;
- (4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- (5) the source of funding and a time schedule for the provision of replacement dwelling units;
- (6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 5 years from the date of initial occupancy; and
- (7) information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

James City County's 1993 project includes the following activities:



- (1) Rehabilitation of 19 houses to Section 8 Housing Quality Standards
- (2) Substantial reconstruction of 1 house
- (3) Voluntary relocation of 4 households
- (4) Installation of 4,690 L.F. of new street reconstruction; reconstruction of 3,168 L.F. of Mooretown Road; and 3,168 L.F. of sidewalk
- (5) Installation of 13 street lights
- (6) Acquisition and development of 1.4 acre park
- (7) Installation of 22 water and /or sewer residential connections
- (8) Demolition of 7 structures
- (9) Removal of all debris, weeds and inoperable vehicles

Voluntary relocation assistance may be provided to low and moderate income households living in substandard homes which are infeasible to rehabilitate or to replace on site. Low and moderate income households eligible for such assistance include those living in substandard dwellings that can not be rehabilitated or replaced on site due to health, building and/or zoning requirements and those persons living in overcrowded conditions in a home whose owner has applied for housing rehabilitation assistance. An eligible applicant may be assisted in the purchase of a replacement dwelling as outlined in the Housing Rehab Program Guidelines.

Comprehensive advisory services will be provided to applicants eligible to receive voluntary relocation assistance under the project's Housing Rehab Program Guidelines.

The rehabilitation and relocation programs will serve to benefit the low and moderate income applicants and will not prompt involuntary displacement. The voluntary nature of the relocation activity ensures that displacement will be minimized. As planned, the project calls for the purchase of right-of-way but it is not anticipated that relocation or displacement will occur as a result of that activity. James City County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less. An unoccupiable structure is a dwelling that does not meet local building codes and cannot be rehabilitated to meet code for \$25,000 or less.

Section 2.7   Employment Tests and Examinations

- A.   Required - The County Administrator may require, but is not limited to, utilization of one or more of the following tools in the pre-employment or post-employment process: oral interviews; evaluation of experience and training; reference and background checks; polygraph tests; written examinations; agility tests; performance tests; psychological tests and medical examinations. Applicants, if required to undergo skills testings, will normally be tested by the Personnel Department staff, although occasional outside expertise may be utilized in test selection and administration. Tests used shall be predictive of success in the job under consideration.
- B.   Refusal - Any applicant refusing to undergo any required tests or examinations shall be eliminated from further consideration; in such a situation, the applicant shall be deemed to have withdrawn the employment application.

Section 2.7.1   Physical Examinations

- A.   Purpose - Physical examinations are provided by James City County and the James City Service Authority to: ensure that candidates offered employment and employees in designated job classes are able to safely and satisfactorily perform the required physical aspects of the duties of the position for which they have been selected; comply with local, State, and Federal regulations; ensure a safe work environment for employees and the public; and, reduce the prospect of future work-related injury or illness.
- B.   Post-Offer Physicals - Physical examinations shall be required for all individuals offered employment for designated Public Safety and Operations positions prior to beginning work.
- C.   Post-Employment Physicals - Designated Public Safety and Operations positions shall be required to have physical examinations after the initial post-offer physical, in accordance with the established Physical Exam Schedule, which can be found in the Administrative Regulations.
- D.   Definitions - For purposes of this section Public Safety positions include sworn Police positions, uniformed Fire positions, and Emergency Medical Services positions. Operations positions include those requiring a Commercial Driver's License, the use of a respirator, or any other positions identified as physically demanding. These positions are identified in the Compensation Plan, Appendix A, of this Manual.
- E.   Content - The content of physical examinations may vary by position.

- F. Cost - The County shall pay the cost of required post-offer and post-employment physical examinations.

#### Section 2.8    References

All applicants for employment with the County are required to provide at least three work/personal references. It shall be the responsibility of the department manager where the vacancy exists to verify these references prior to employment of an applicant.

#### Section 2.9    Hiring of Relatives

- A. Restricted - No member of a family shall directly or indirectly supervise another member of the same family. A selection of a relative of a department manager or of a higher County official shall be reviewed and approved by the County Administrator prior to appointment. A relative of a member of the Board of Supervisors shall not be hired by the County in any capacity.
- B. Family - Relative or member of a family is defined for the purposes of this section as spouse, parent, spouses's parent, son, daughter, brother, sister, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparents, grandchildren, step-children, guardian and step-parents.

#### Section 2.10    Orientation for New Employees

- A. Policy - It is the County policy to provide information to help all new employees learn more about the County and what is expected from them as employees of James City County.
- B. Personnel Department Responsibility - Employees in permanent and limited term positions shall meet with a Personnel Department representative to insure that all formal paperwork related to employment is complete. The employee shall be given an Employee Handbook along with other pertinent data about employment with James City County.
- C. Department Manager Responsibility - The department manager shall require the supervisor of a new employee to explain job responsibilities, duties and working conditions and to provide general information regarding County facilities and organization.
- D. Employee Responsibility - It shall be the responsibility of the employee to read the Employee Handbook and to become familiar with its content, as well as all other County policies, procedures, and regulations.

### Section 2.11 Probationary Period

- A. Objective - The probationary period is a trial period designed to give both the newly hired or promoted employee and the County an opportunity to determine whether the correct employment decision has been made.
- B. Duration - Employees appointed or promoted to permanent or limited term positions shall serve a probationary period of six (6) months. Persons appointed to sworn positions in the Police and Fire Departments and to Dispatcher positions shall serve a probationary period of twelve (12) months. The Department Manager, with the concurrence of the Personnel Manager, may extend a probationary period for up to six additional months if it is deemed necessary to evaluate the employment decision.
- C. Termination - Employees serving probationary periods may be discharged or demoted at the will of the County Administrator, without cause or hearing.

### Section 2.12 Drug Free Work Place Policy

- A. Purpose - James City County is committed to the promotion of the health, safety and welfare of its employees and the public by striving to establish a workplace free from the negative effects of substance abuse.
- B. Applicability - This Policy shall be applicable to all James City County employees. The departments of Police, Fire and Transit may, with the approval of the Personnel Manager, have a departmental Substance Abuse policy specific to employees of that department.
- C. Policy - Employees shall not possess, sell, distribute, manufacture, be under the influence of or use illegal drugs or alcohol on or in the workplace.

As a condition of employment, each employee agrees to and shall abide by the terms of this policy and agrees to notify his or her supervisor if convicted of any criminal drug statute for a violation occurring in the workplace within five (5) days after such conviction.

If an employee is convicted under a criminal drug law for violations occurring in the workplace, the County will notify the applicable contracting federal agency of this fact within 10 days of receiving notice of the conviction from the employee.

#### D. Definitions

- 1. Alcohol - Any product as defined in "The Alcoholic Beverage Control Act", Section 4-2 of the Code of Virginia, as amended.

2. Illegal Drug - Any controlled substance found in Section 54.1-3401 and Schedules I through VI of Sections 54.1-3446 through 3456 or the Code of Virginia, as amended, and Section 202 of the Controlled Substance Act (21 U.S.C. 812) and, for purposes of this Policy, marijuana. Such substances included, but are not limited to heroin, cocaine, morphine, PCP, methadone, barbiturates, amphetamines, methaqualone, and steroids.
  3. Workplace - Any County owned or leased property or the site where official duties are being performed, including County vehicles.
- E. Enforcement - The County is dedicated to assuring fair and equitable application of this Policy. An employee who violates this policy shall be subject to disciplinary actions, up to and including discharge, consistent with established procedures as outlined in Chapter 7, "Standards of Conduct", of the Personnel Policies and Procedures Manual.
- F. Education and Prevention - To deter drug and alcohol abuse, James City County shall provide educational opportunities about the dangers of drug abuse. In addition, any employee who has a drug or alcohol-related problem is encouraged, for his or her own benefit as well as the benefit of fellow employees and the public, to voluntarily seek treatment through the County's Employee Assistance Program (EAP) or through a treatment program or facility of his or her own choice.

A copy of this policy shall be given to all employees of the County and to all newly hired County employees at the New Employee Orientation. (Effective 9-23-91)

#### Section 2.12.1 Drug and Alcohol Testing

- A. Purpose - James City County, in accordance with the Drug-Free Workplace Act, is committed to providing a workplace free from the negative effects of substance abuse. As part of this effort, drug and alcohol screening will be conducted as a component of the post-offer physical examination.
- B. Applicability - This policy applies to candidates offered employment in positions which are required to have post-offer physical examinations. These positions are identified in the Compensation Plan, Appendix A.
- C. Policy - James City County prohibits the use of illegal drugs and alcohol on the job or in the workplace and prohibits the hiring of employees showing evidence of the use of illegal drugs, alcohol, or illegally used prescription drugs.

- D. Definitions - For the purposes of this policy, the following definitions are provided:
1. Alcohol Cutoff Level - A predetermined level of alcohol in the system that reflects impairment or intoxication. A positive screen for alcohol would measure at or above that level.
  2. Alcohol Screening - A process by which breath and blood are measured for evidence of alcohol influence.
  3. Drug Cutoff Level - The Department of Health and Human Services provides specific cutoff levels of drug presence that are to be used before a screening can be considered to yield a positive result.
  4. Drug Screening/Testing - A process by which urine is tested in a certified laboratory setting for the presence and level of illegal drugs.
  5. Evidence - A screening result exceeding the established cutoff level for the presence of illegal drugs or alcohol.
  6. Illegal Drug - Any substance which is not legally obtained, prescription drugs used for unprescribed purposes, or prescription drugs not legally obtained.
  7. Medical Review Officer - A physician, under contract with the County, who reviews the results of a drug or alcohol screening and reports unsatisfactory results to the Human Resource Manager.
  8. Prescription Drug - Any medication prescribed by a licensed physician and filled by a licensed pharmacist. This type of drug is given to a specific person for a specific medical purpose. Any use of this drug by another person or for an unprescribed purpose constitutes illegal use.
  9. Satisfactory Result - Any screening that shows no evidence of an illegal drug or alcohol.
  10. Unsatisfactory Result - Any screening that shows evidence of an illegal drug or alcohol.
  11. Workplace - Any County-owned or leased property, including County vehicles, or the site where official duties are being performed.

- E. Drugs to be Screened - The drugs to be screened are those defined by Schedules I and II of the Federal Controlled Substances Act [21 U.S.C. 812].

Schedule I consists of drugs that have no currently acceptable medical use in the U.S., that lack accepted standards for safe use under medical supervision, and for which there is a high potential for abuse.

Schedule II consists of drugs with a high potential for abuse where medical use is permitted with severe restrictions, and where abuse may lead to severe psychological or physical dependence.

The drugs to be screened are the following:

1. Opiates and its Derivatives - e.g. heroin, codeine, morphine.
2. Hallucinogens - e.g. marijuana, LSD, peyote, phencyclidine (PCP).
3. Stimulants - e.g. amphetamines, methamphetamine.
4. Depressants - e.g. methaqualone, barbiturates.
5. Coca Leaf Derivatives - e.g. cocaine and "crack."

- F. Drug and Alcohol Screening Procedures - The procedures for drug and alcohol screening as a component of the James City County Physical Examination Program are based upon guidelines advocated by the Federal Department of Health and Human Services. All substance screening will be conducted only by laboratories certified by the Department of Health and Human Services, as strict guidelines for custody and cutoff levels are followed.

All procedures are designed to protect employee privacy while assuring fair and consistent treatment of all samples. Further details as available in the Administrative Regulations.

- G. Refusal to Consent to Screening - If a candidate offered employment refuses to consent to drug and/or alcohol screening, the matter will be treated as if the candidate was screened and the result was unsatisfactory.
- H. Unsatisfactory Results - Positive confirmed results of the drug or alcohol screen disqualify a candidate from an offered position. The candidate will be notified in writing by the Human Resource Manager of the test results and the disqualification from employment.
- I. Reporting of Results - The Medical Review Officer will report positive confirmed results to the Human Resource Manager.

- J. Maintenance of Records - All records pertaining to candidates who test positive will be held in the strictest standards of confidentiality.

Information will only be released through a signed consent form due to the confidential nature of these documents. Records will be released without a signed consent form only if the release is compelled by law.

#### Section 2.13 Performance Evaluations

Each employee's job performance shall be reviewed and evaluated every six months on a form provided by the Personnel Department. The evaluation shall be signed by the employee and become a part of the employee's personnel file.

#### Section 2.14 Employment Date

- A. Defined - The employment date is the date on which an employee was initially employed in a permanent or limited term position, provided there has been no break in service. The employment date for an employee who begins employment in a temporary position and is subsequently selected for a permanent or limited term position, is the date on which the employee was initially employed as a temporary employee, provided there has been no break in service.
- B. Purpose - The employment date is the effective date to determine length of service with the County for computing seniority, leave accrual, and service recognition.

#### Section 2.15 Reemployment

Any former employee of the County may reapply for employment. If selected, such employee shall be treated the same as if initially employed with the County.

#### Section 2.16 Reinstatement

A former employee may be reinstated to the employee's former position if that position has not been filled and not more than one year has passed since separation from employment. If such reinstatement occurs, a condition of the reinstatement shall be the reimbursement of all terminal leave payments. A reinstated employee shall retain the original employment date. All VSRS and health insurance benefits may be restored as permitted by those programs.

#### Section 2.17 Transfer

A transfer is a lateral move of an employee from one position to another position in the same salary grade, or a change in the assignment of a position from one department to another. Transfers shall be authorized by the Personnel Manager.



Examples of leave accrual rates are outlined below:

Monthly Annual Leave Accrual Rate in Hours

<u>Category of Employee</u>	<u>Annual Authorized Hours</u>	<u>Years of Service</u>		
		<u>0-5</u>	<u>5-15</u>	<u>Over 15</u>
Professional, Technical, Office	1950	7.5	11.25	15
Maintenance, Trades, Dispatch	2080	8.0	12.0	16
Law Enforcement	2117	8.0	12.0	16
Fire, ELMS	2916	12.0	18.0	24
	(Revised 8-28-90)			

Exceptions to the annual authorized hours for individual positions may be made by the County Administrator.

- B. Maximum Accrual Limited - An employee may accrue up to the amount of leave that can be earned in a two-year period. The employee's leave balance must be within the allowed maximum on July 1st of each year or the excess shall be forfeited.
- C. Purpose of Leave - Annual leave may be used by an employee to provide paid absences for vacation and other personal purposes including sickness, or for absences in excess of hours available from other types of leave.
- D. Minimum Increment of Leave - Annual leave shall be accrued in increments no smaller than 15 minutes, and taken in increments no smaller than 30 minutes.
- E. Availability of Leave - An employee shall accrue annual leave before it is used.
- F. Leave Requests - Employees shall request annual 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. However, 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. The employee may be required to provide written certification from a physician or health care provider which includes the information outlined in Section 5.3D below. It is the department manager's responsibility to manage the leave schedules within the department.

- D. Extended Leave - When it becomes evident an employee shall be unable to be at work for a period of time exceeding five (5) consecutive working days, or when requested by the department manager, the employee shall furnish the department manager with a written statement from a physician or health care provider. This statement shall include:
  - 1. the nature of the employee's condition;
  - 2. the expected date on which the employee will be able to return and perform normal work duties (in cases where applicable); and
  - 3. the approximate anticipated date of medical release by the physician.
- E. Minimum Increment of Leave - Sick leave shall be accrued in increments no smaller than 15 minutes, and taken in increments no smaller than 30 minutes.
- F. Availability of Leave - An employee shall accrue sick leave before it may be used.
- G. Submittal of Leave Form - Upon his or her return to work after a sick leave absence, an employee shall complete the appropriate leave form and submit it to the department manager for processing.
- H. Sick Leave Bank - Employees may voluntarily elect to pool accrued sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be administered by employees, supported by employees, and shall cease to exist should there be insufficient employee interest.

#### Section 5.4 Terminal Leave Payments

- A. Annual Leave - Upon separation from County service, employees shall receive the monetary equivalent of their accrued annual leave up to the annual maximum accrual. If two week's notice of resignation is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum.
- B. Sick Leave - Upon separation from County service, unless discharged for disciplinary reasons, employees with more than two years of service shall be compensated for their accrued sick leave at the rate of one day's pay for every four days of accrued sick leave, or \$1,000, whichever is less. If two week's notice of resignation is not given by an employee all terminal sick leave payments shall be forfeited.

- 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.

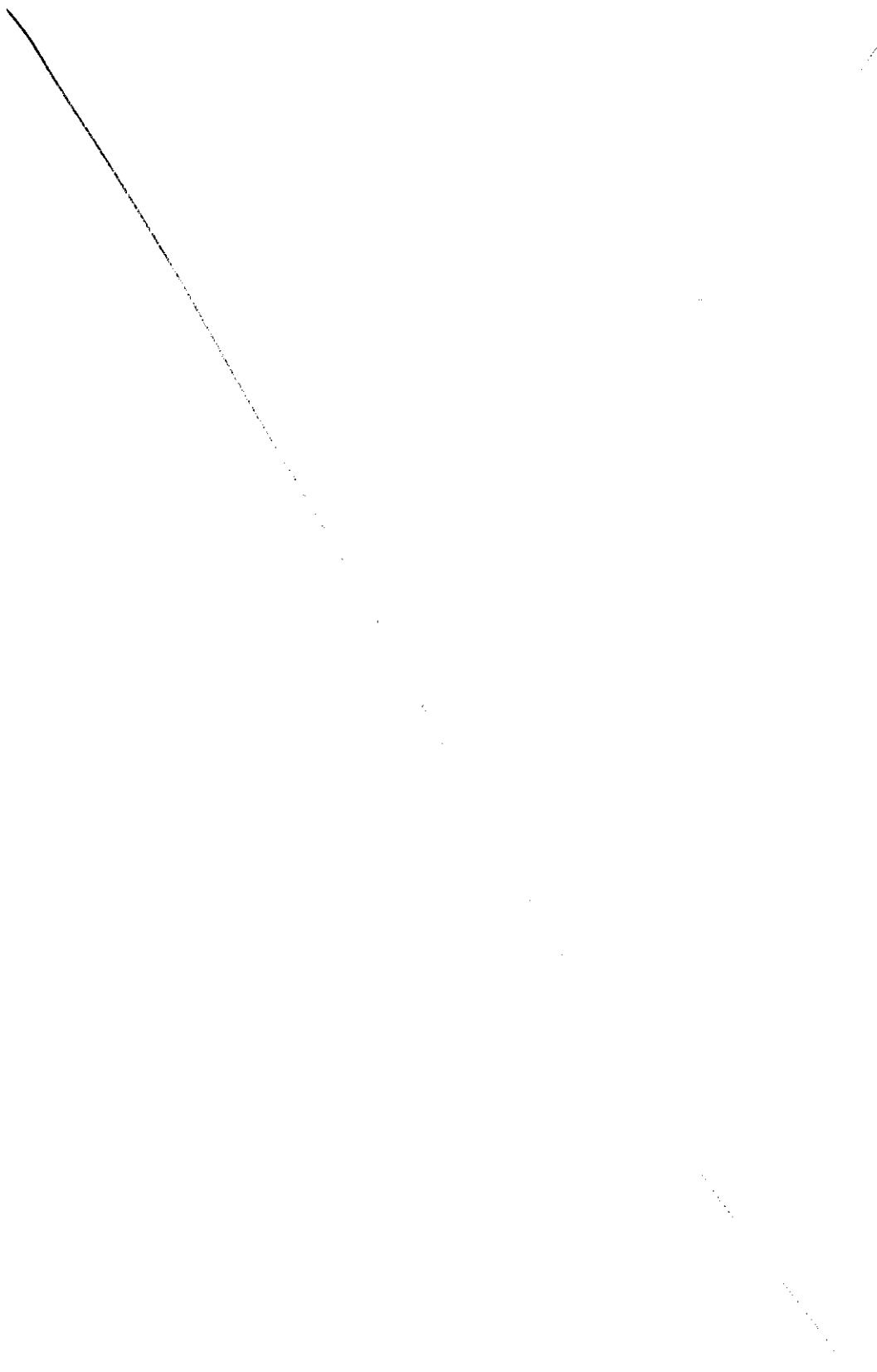
For purposes of this policy, a week is defined as the annual authorized hours of the employee's position divided by 52.

- 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.

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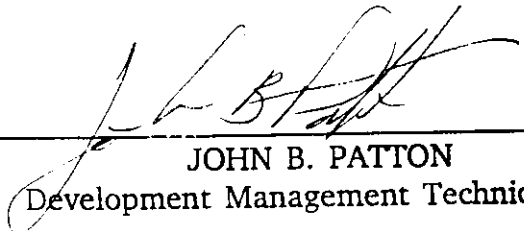
## MEMORANDUM

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**Date:** October 21, 1994  
**To:** Brenda Grow, Records Management  
**From:** John Patton, Development Management Technician  
**Subject:** Correction to records for SUP-2-93 & SUP-3-93

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Due to a clerical error the resolution for the above two Special Use Permits incorrectly identified Tax Map (49-1) as pertaining to these permits. The correct Tax Map is (48-1). Please file SUP-2-93 and SUP-3-93 under Tax Map (48-1) Parcel (1-1) and correct all references to these SUPs accordingly.

  
\_\_\_\_\_  
JOHN B. PATTON  
Development Management Technician

cc Mary Frances Rieger  
Mari Lou Smith