

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF AUGUST, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Chairman, Berkeley District

Sanford B. Wanner, County Administrator
Leo P. Rogers, Acting County Attorney

B. MOMENT OF SILENCE

Mr. Goodson requested the Board and citizens observe a moment of silence

C. PLEDGE OF ALLEGIANCE

Amanda Fields, a tenth-grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Virginia Department of Transportation Drainage Program

Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), provided the Board with an overview of the Drainage Schedule and Drainage Watchlist developed by the Williamsburg Residency of VDOT to track and monitor drainage concerns in the County and to provide citizens and the Board with updates on areas of concerns.

Mr. McGlennon commented on the benefit of the program for VDOT to be able to provide citizens with feedback and information on their concerns.

E. HIGHWAY MATTERS

Mr. Goodson commented that VDOT crews are in the Roberts District, Grove area, and citizens provide positive feedback on their work.

Mr. Goodson commented that 1-64 signage for Brewery traffic was delayed and requested an update.

31. Mr. Hicks stated that it is in the VDOT District's hands and a final report will be provided by August 31.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on property assessments and recommended the Board enact a cap on assessments as they are and when a sale occurs, adjust accordingly or index the system; inquired if the sale of a new home on Indian Circle will impact the assessments of older homes on Indian Circle; commented that the Michigan Supreme Court has **ruled** that the State and local governments may not take property from a private owner and give it to another private owner for economic development purposes.

G. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the Consent Calendar, including the amended minutes.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (5). NAY: (0).

1. Minutes - July 27, 2004. Regular Meeting
2. Revisions to Chapter 7. Standards of Conduct of the James City County Personnel Policies and Procedures Manual

RESOLUTION

REVISIONS TO CHAPTER 7. STANDARDS OF CONDUCT OF THE JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the U.S. Department of Labor has revised the Fair Labor Standards Act (FLSA) regulations; and

WHEREAS, the revisions take effect August 23, 2004; and

WHEREAS, the Standards of Conduct policy must be revised to **conform** with these changes and to be easier to understand and to use.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the attached revisions to the personnel policies and procedures are adopted effective August 23, 2004.

H. PUBLIC HEARINGS

Mr. Goodson recognized Mr. Joe McCleary, member of the Planning Commission, in the audience.

1. Case No. AFD-1-93. Williamsbure Farms Withdrawal

Mr. Matthew Arcieri, Planner, stated that Vernon Geddy, III, has applied on behalf of the Williamsburg Winery, Ltd., to withdraw approximately 75 acres from the Williamsburg Farms Agricultural Forestal District (AFD) zoned R-8, Rural Residential, at 5800 Wessex Hundred Road and further identified as Parcel Nos. (1-10B), (1-10), and (1-12) on James City County Real Estate Tax Map No. (48-4). The withdrawn acres will be combined with land not in the AFD to create four single-family lots and open space.

Staff found the proposed withdrawal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on July 6, 2004, the AFD Committee recommended approval of the 75-acre withdrawal by a vote of 7-0.

At its meeting on July 12, 2004, the Planning Commission recommended approval by a vote of 6-0.

Staff found the withdrawal would leave 219.3 acres in the Williamsburg Farms AFD, which still meets the minimum acreage requirement for AFDs. The proposal satisfied all three criteria for withdrawal and staff recommended approval.

Mr. Goodson inquired what the procedure would be for a by-right subdivision.

Mr. Arcieri stated that such proposals would be presented to the Planning Commission.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, requested the Board's approval of the proposal.

Mr. Bradshaw inquired if the applicant has decided to place any restrictions on the open space.

Mr. Geddy stated that the land would continue to be cultivated for land-use cultivation taxation.

Mr. Bradshaw inquired if it would be a legal obligation to keep it cultivated.

Mr. Geddy stated that at this time no restriction is placed on the property; however, to qualify for the taxation benefit, it would have to be cultivated. As part of another case, the Board may hear there would be a requirement but that case is not before the Board tonight.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the Ordinance.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (5). NAY: (0).

2. Case No. SUP-18-04. Precious Moments Playhouse. Inc. - SUP Amendment

Ms. Karen Drake, Senior Planner, stated that Ms. Evangelina Crump, Child Care Center Administrator, has applied for a Special Use Permit (SUP) amendment to expand the number of children

allowed to enroll at Precious Moments Playhouse, **Inc.**, from 15 to 30 and to extend operating hours from 7 a.m. to **6** p.m. The Precious Moment Playhouse Inc., is located at 103 Indigo Terrace on .51 acres zoned R-2, General Residential, and further identified as Parcel No. (2-02) on James City County Real Estate Tax Map No. (38-4).

Staff found that the proposal, with new conditions, will become more conforming to current standards and policies and recommended approval of the application.

Mr. **Goodson** opened the Public Hearing.

1. Ms. Evangelina Crump, applicant, was available to answer questions from the Board.

Mr. Bradshaw inquired what type of food preparation is part of the day care center.

Ms. **Crump** stated that morning and afternoon pre-packaged snacks are provided; parents provide packed lunches; and a food service is being contracted to bring prepared food onto site.

Mr. Bradshaw stated that the applicant seems to be complying with the condition regarding food preparation and suggested that perhaps further clarification with the phrase "on-site" could be provided in the conditions.

Mr. Rogers stated that although that would provide further clarification, it is not necessary.

As no one else wished to speak to this matter, Mr. **Goodson** closed the Public Hearing.

Mr. **McGlennon** made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5). NAY: (0).

RESOLUTION

CASE NO. SUP-18-04. PRECIOUS MOMENTS PLAYHOUSE. INC. - SUP AMENDMENT

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, Ms. Evangelina Cmp has applied to amend the special use permit allowing for a child day-care center to be operated at 103 Indigo Terrace; and

WHEREAS, the property is located on land zoned R-2, General Residential, and can be further identified as Parcel No. (2-2) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, the Planning Commission, following its Public Hearing on July 12, 2004, voted 6-0 to recommend approval of this application.

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. 18-04 as described herein with the following conditions that replace the existing conditions of SUP-4-80:

1. No more than 30 children other than the owner's children shall be present at the child day-care facility.
2. Hours of operation shall be limited from 7 a.m. to 6 p.m., Monday through Friday.
3. This special use permit shall be valid for a period of 36 months from the date of approval during which the child day-care owner shall be responsible for obtaining and maintaining all necessary County and State permits to operate the center.
4. Within six months of the date of issuance of **this** special use permit and prior to operating with an increased enrollment of 30 children, the owner shall obtain a new certificate of occupancy from James City County Code Compliance validating that Precious Moments Playhouse, Inc., can operate with a maximum of 30 children.
5. Within six months of the date of issuance of **this** special use permit, the owner shall have a water conservation plan approved by the James City Service Authority.
6. No additional **signage** shall be permitted, which relates to **the** use of **the** property as a child day care center.
7. No additional exterior lighting shall be permitted which relates to the use of the property as a child day care center.
8. No commercial food preparation or **laundry services** shall be provided as part of the operation of the child day-care center.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-19-04. Williamsburg Winery - Gabriel Archer Tavern SUP Renewal

Mr. Matthew Arcieri, Planner, stated that Vernon Geddy, III, has applied on behalf of Williamsburg Farms, Inc., to renew the SUP to permit the continued operation of a restaurant, Gabriel Archer Tavern, at the Williamsburg Winery at 5800 Wessex **Hundred** Road on 35.08 acres zoned R-8, Rural Residential, and further identified as Parcel No. (1-10B) on James City County Real Estate Tax Map No. (48-4).

Staff found the applicant has completed a majority of the previous SUP conditions and continues to make a good-faith effort to satisfy the previous conditions. The additional time should allow the applicant to complete building inspections, connect the waterline, and pay necessary fees and bills.

Staff also found the proposal to be acceptable from a land-use perspective.

At its meeting on July 12, 2004, the Planning Commission recommended approval of the SUP by a vote of 5-1.

Staff recommended approval of the SUP with conditions.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, stated that the preparation of a site plan took longer than expected and requested the Board approve the extension of the permit.

The Board stated appreciation for the update on the project and assurance that another extension would not be requested for this proposal.

The Board indicated that another extension would not be considered unless all conditions were met.

Mr. Geddy assured the Board that the applicant does not anticipate bringing this forward for another extension.

Mr. **McCleary** stated that the Planning Commission would not recommend another extension of this proposal to the Board if the applicant made such a request.

As no one else wished to speak to this matter, Mr. **Goodson** closed the Public Hearing.

Mr. Harrison inquired what fiscal impact the County would experience if this operation was shut down.

Mr. Wanner stated that the County would lose meal tax revenues; however, the greater impact would be on the applicant's credibility as a businessman.

Mr. Brown made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5). NAY: (0).

RESOLUTION

CASE NO. SUP-19-04. WILLIAMSBURG WINERY -

GABRIEL ARCHER TAVERN SUP RENEWAL

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, restaurants are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 12, 2004, recommended approval of Case No. SUP-19-04 by a 5-1 vote to permit the continued operation of the Gabriel Archer Tavern, consisting of approximately 2,500 square feet, including indoor and outdoor dining areas located on the first floor of a two-story structure near the **Williamsburg** Winery; and

WHEREAS, the property is located at 5800 Wessex Hundred Road and further identified as Parcel No. (1-10B) on James City County Real Estate Tax Map No. (48-4).

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. 19-04 as described herein with the following conditions:

1. Prior to December 31, 2004, all of the following conditions shall be met for Gabriel Archer's Tavern, ("the Tavern"):
 - a. The Tavern shall have acquired all necessary building and **accessory** permits to bring the Tavern into compliance with **the Virginia** Uniform Statewide Building Code, with all final inspections completed and approved;
 - b. The Tavern shall have connected to the James City Service Authority (JCSA) public water system, paid all connection fees for water service, and a plat with easements dedicated to the JCSA must be submitted and recorded prior to waterlines being accepted by the JCSA;
 - c. The Tavern shall have all sewer **service** bills paid up to date.
2. The Tavern shall have no more than 72 seats; expansion of the Tavern shall require an amendment to this SUP and an approved site plan.
3. No outdoor amplified music or loud speakers in connection with the operation of the Tavern shall be audible outside the boundaries of the property.
4. The Tavern shall only operate between 10 a.m. and 9 p.m.
5. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-20-04. AJC Woodworks. Inc. - SUP Amendment

Ms. Sarah Weisiger, Planner, stated that Tony Casanave applied to amend two conditions and alter the layout plan of SUP-11-03 for the construction of a woodworking shop behind an existing dwelling and garage on 1.52 acres at 8305 **Richmond Road**, zoned **A-1, General** Agricultural, and further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (12-4).

Staff found the proposal, with conditions, to be compatible with the main use of the property and generally consistent with the surrounding property and the Comprehensive Plan.

Staff believes any impacts on nearby historic and residential properties will be mitigated with the proposed amended conditions to the structure's height limit and to side yard landscaping.

At its meeting on July 12, 2004, the Planning Commission recommended approval of the proposal by a vote of 7-0.

Staff recommended the Board approve the resolution.

Mr. Goodson opened the Public Hearing.

1. Mr. Tony Casanave, applicant, inquired if the permit had a time limit.

The Board and staff assured the applicant that a time limit condition is not part of the permit.

As no one else wished to speak to this matter, Mr. **Goodson** closed the Public Hearing.

Mr. **McGlennon** made a motion to adopt the resolution and commended the applicant for the positive change in use of construction material for the proposal.

Mr. Bradshaw commented that the drainage concerns have been answered.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5).
NAY: (0).

RESOLUTION

CASE NO. SUP-20-04. AJC WOODWORKS, INC. -

SUP AMENDMENT

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** (SUP) process; and

WHEREAS, Mr. Tony Casanave has applied for a SUP amendment to allow for the construction of a woodworking shop to be approximately 8,000 square feet including a basement **garage/storage** area; and

WHEREAS, the previously approved SUP was approved for a building for use as a woodworking shop to be located behind an existing house and garage at 8305 Richmond Road; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Planning Commission, following its Public Hearing on July 12, 2004, voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-20-04 as described herein with the following conditions:

1. The property shall be developed generally in accordance with the Master Plan titled: "AJC Woodworks, Inc., 8305 **Richmond Road**," dated June 29, 2004, with minor changes approved by the Development Review Committee.
2. **This** SUP is for the use as a woodworking shop for the manufacture of wood products. The property shall not be used as a retail store or shop.
3. A site plan shall be submitted to and approved by the Planning Director.

4. Along the property line to the north and parallel to the area of the proposed workshop and parking area, enhanced landscaping, consisting of evergreen **shrubs** to be planted eight feet on center, shall be provided along the edge between the disturbed area and the undisturbed wooded buffer as shown on the Master Plan. Along the property line to the south and parallel to the area of the proposed workshop and proposed parking area, landscaping shall provide transitional screening and shall be planted in accordance with the General Area Landscape Standards Section 24-94 of the Zoning Ordinance. Additional landscaping shall be required in the area of the existing driveway to sufficiently buffer views of the workshop from Hickory Neck Church. The landscaping plan shall be submitted with the site plan and shall be approved by the Planning Director.
5. Only one entrance shall be allowed **onto Route 60**. The property shall have a commercial entrance that is designed to accommodate a shoulder bike lane as approved by the Planning Director.
6. Hours of operation, including the operation of power tools, truck deliveries and pickups, shall be limited to **7:30 a.m. to 7:00 p.m.**, Monday through Saturday.
7. All walls and doors shall have insulation for noise reduction. Plans and specifications shall be approved by the Planning Director prior to issuance of a building permit. Workshop doors and windows shall be closed while power tools are in operation.
8. One freestanding sign shall be permitted on site. The sign shall be limited to no larger than **16 square feet** with a maximum height of 7 feet. The sign may only be externally illuminated by ground-mounted lights concealed by landscaping. The sign shall be approved by Planning Director.
9. The height of the proposed building shall not exceed 20 feet above natural grade. The building materials and colors of the structure shall be **compatible** with those of the **existing structures**. **The colors and building materials for the structure shall be submitted to and approved by the Planning Director prior to final site plan approval**
10. **The existing residence shall continue to be used primarily as a single-family dwelling but may contain an accessory office for the working shop. Any exterior modifications to the dwelling shall be approved by the Planning Director.**
11. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. ZO-02-04. Zoning Ordinance Amendment -Manufacturing of Stone in M-1 and M-2

Ms. Christy H. Parrish, Senior Zoning Officer, presented an amendment to the Zoning Ordinance to permit the manufacture of previously prepared stone products in the **M-1, Limited Business/Industrial District**, and **M-2, General Industrial District**.

Staff found the amendment provides consistency and flexibility within industrial zoning districts and would not negatively affect or impact any surrounding properties.

At its meeting on July 12, 2004, the Planning Commission recommended approval of the amendment by a vote of **6-0**.

Staff recommended approval of the ordinance amendment.

The Board complimented **staff** on its initiative and proactive approach in this matter.

Mr. **Goodson** opened the Public Hearing.

1. Mr. **Ed Oyer**, 139 Indian Circle, inquired if a cement plant could be a by-right use of the property with the proposed amendment.

Mr. Rogers stated that the proposal will change what is permitted by special use permits regarding certain activity in the preparation of stone products.

As no one else wished to speak to this matter, Mr. **Goodson** closed the Public Hearing.

Mr. Bradshaw clarified that the proposed amendment simply adds stone as a prepared product that can be assembled in these zones.

Mr. Brown made a motion to adopt the Ordinance as amended.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5). NAY: (0).

I. BOARD CONSIDERATION

1. Appointment of the County Attorney

Mr. **Goodson** stated that Leo P. Rogers, Jr., has proven his effectiveness and is deserving of the appointment of County Attorney, effective September 1, 2004.

Mr. Bradshaw made a motion to adopt the resolution appointing Leo P. Rogers, Jr., as the County Attorney effective September 1, 2004.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5). NAY: (0).

RESOLUTION

APPOINTMENT OF COUNTY ATTORNEY

WHEREAS, the Board of Supervisors has established the office of the County Attorney pursuant to Virginia Code Section 15.2-1542; and

WHEREAS, effective September 1, 2004, the position of County Attorney will be vacant; and

WHEREAS, Leo P. Rogers, Jr. has served as Assistant County Attorney from March 17, 1990, to July 17, 1994, and as Deputy County Attorney from July 17, 1994, to June 22,2004, and as Acting County Attorney since June 22,2004; and

WHEREAS, the Board of Supervisors unanimously supports the appointment of Leo P. Rogers, Jr., who has proven both his effectiveness and his commitment to the community; and

WHEREAS, details regarding salary and benefits are contained in an employment agreement signed by Mr. Rogers and the Board Chairman dated August 10,2004.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Leo P. Rogers, Jr. is hereby appointed to the position of County Attorney for James City County effective September 1,2004.

Mr. Rogers thanked the Board for its vote of confidence and to Mr. Wanner for his support. He expressed his gratitude to Frank Morton for working with him over the past 14 years to bring him to this point in his career.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on an article in the *Wall Street Journal* regarding eminent domain.

Mr. Brown inquired if Mr. Oyer was aware of a local application of the comments concerning eminent domains.

Mr. Oyer stated that there is a case in the region but not in the County or in the City of Williamsburg and his comments regarding this issue are to be considered a public service announcement.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Board does not need to convene into Closed Session to consider the reappointment of the Police Chief to the Colonial Community Criminal Justice Board.

Mr. **McGlennon** made a motion to reappoint the Police Chief to the Colonial Community Criminal Justice Board, term to expire on August 31,2005.

Mr. Wanner reminded the citizens that the County Fair, to be held at Upper County Park, will be held on August 13 and 14.

Mr. Wanner recommended at the conclusion of the Board's meeting, it adjourn until 7 p.m. on September 14,2004.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw invited citizens to attend and participate in the County Fair to be held August 13-14 at Upper County Park.

Mr. Bradshaw made a few remarks regarding the passing of Theodore Allen on July 28 and commented on the charming character of Mr. Allen.


Mr. **McGlennon** stated that Ms. Natalie Fort, in the audience, is finishing her **Lafayette** High School Advanced Placement American Government class pre-assignment this evening.

M. ADJOURNMENT

Mr. Harrison made a motion to adjourn until 7 **p.m.** on September 14, 2004.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, **McGlennon**, **Goodson** (5).
NAY: (0).

At 7:59 p.m., Mr. **Goodson** adjourned the Board until 7 p.m. on September 14, 2004.


Sanford B. Wanner
Clerk to the Board

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CHAPTER 7

Standards of Conduct

Section 7.1 Objective

Section 7.2 Applicable Regulations

Section 7.3 Management Responsibility

Section 7.4 Coverage of Personnel

Section 7.5 Disciplinary Measures

Section 7.6 Categories of Inappropriate Conduct

CHAPTER 7

STANDARDS OF CONDUCT

Section 7.1 Objective

Regulations to govern the conduct of employees are necessary for the orderly operation of the County. Such regulations are to the benefit of and protect the rights and safety of all employees.

The County recognizes its continuing responsibility to develop and administer the necessary employment regulations and disciplinary measures in a fair and consistent manner. The County requires all employees to **conform** with these regulations and to otherwise conduct themselves in a responsible and professional manner.

Section 7.2 Applicable Regulations

Employees shall not conduct themselves in a manner which violates the public trust, discredits the County or its employees, or hinders the effective performance of the County's governmental or proprietary functions. The regulations referred to in this chapter and the conduct listed herein are not intended to be all inclusive for inappropriate conduct. Inappropriate conduct shall be disciplined consistent with the provisions of this chapter.

Section 7.3 Management Responsibility

Department ~~heads~~ *managers* shall be responsible for administering timely and consistent disciplinary measures for inappropriate conduct pursuant to the procedures set forth in this chapter. If the appropriateness of specific conduct is in question, the department ~~heads~~ *managers* shall consult with the ~~Director of Personnel~~ *Human Resource Manager* to determine if the conduct is inappropriate and the proper disciplinary measure to be administered.

Section 7.4 Coverage of Personnel

All ~~permanent and limited term~~ County employees; *in permanent- or limited-term, exempt or non-exempt positions*, including employees of a constitutional officer who has agreed to include the employees under the County's compensation plan and personnel policies, shall be subject to the disciplinary procedures in this chapter. Temporary and probationary employees may be discharged at the will of the County Administrator, without cause or hearing.

Section 7.5 Disciplinary Measures

- A. Application - Department ~~heads~~ *managers* and ~~S~~supervisors shall apply disciplinary measures fairly and uniformly. It is the County's policy that discipline be a progressive process and disciplinary measures of less severity than discharge be taken to correct inappropriate conduct before

proceedings for discharge are initiated. However, discharge shall be appropriate for first violations of extreme misconduct. No employee has a right or guarantee to any progressive disciplinary measure.

B. Classification of Disciplinary Measures - Disciplinary measures include:

1. Verbal reprimands.
2. Written reprimands.
3. Suspensions.
4. Reductions in grade.
5. Demotions.
6. Discharge.

C. Definition of Disciplinary Measures.

1. Verbal Reprimand: A verbal communication directed to an employee for the purpose of making a final statement regarding inappropriate conduct. Any verbal reprimand shall be documented on Discipline Form A (see Appendix B) within two days of the reprimand and forwarded to the Human Resource Manager who shall place the document in the employee's personnel file.
2. Written Reprimand: A written communication directed to an employee for the purpose of making a final statement regarding inappropriate conduct. Any written reprimand shall be documented on Discipline Form B (see Appendix B) within two days of the reprimand and forwarded to the Human Resource Manager who shall place the document in the employee's personnel file. A copy of the written reprimand shall be delivered to the employee.
3. Suspension: A temporary separation of *one or more full work days* from employment for the purpose of reprimanding an employee for inappropriate conduct. A *"work day"* is defined as *the number of hours the employee is authorized to work in a 24-hour period*. A suspension may be with or without pay. An initial suspension shall not exceed ten ~~working~~ days. A second suspension within any twelve-month period shall not exceed twenty ~~working~~ days. Any suspension without pay for *work* days equivalent to more than one ~~full~~ work day shall result in the loss of the accumulation of sick leave and annual leave for that pay period.

4. Reduction in Grade Salary: The adjustment of an employee's wages to a lower ~~step of the~~ salary ~~grade~~ *grade in the salary range* to which he is assigned on the County pay plan for the purpose of reprimanding the employee for inappropriate conduct.
5. Demotion: Demotion in this chapter shall always mean disciplinary demotion. A disciplinary demotion is the assignment of an employee to a lower classified position for the purpose of reprimanding the employee for inappropriate conduct. Demotion shall not be used as a disciplinary measure if the employee cannot qualify for the lower position, or if such demotion would require the displacement of another employee. A demotion shall be accompanied by a reduction in ~~grade range~~ and salary.
6. Discharge: A dismissal from employment for the purpose of reprimanding an employee for inappropriate behavior. An **employee** who is discharged forfeits **all accumulated** sick leave.

D. Procedure

1. Normal procedure.

- a. It shall be the responsibility of the department ~~heads~~ *manager* to document any inappropriate conduct thought to justify a suspension, reduction in ~~grade range~~, demotion, or dismissal on Discipline Form C (see Appendix B) and to deliver it to the Human Resource Manager.
- b. The Human Resource Manager shall conduct an investigation within five working days and document the findings on Discipline Form C.
- c. If the Human Resource Manager determines that a lesser disciplinary measure is appropriate, he shall direct the department ~~heads~~ *manager* to take appropriate action.
- d. If the Human Resource Manager determines that the disciplinary measure is warranted, he shall notify the employee of the proposed disciplinary measure in writing to avail him an opportunity to respond to the proposed disciplinary measure.
- e. A hearing shall be requested in writing by an employee within two ~~working~~ days after receipt of such written notice or the right to a hearing shall be waived.

- f.* The Human Resource Manager shall meet with the employee within two ~~working~~ days after receipt of a timely written request for a hearing.
- g.* If the Human Resource Manager maintains that the disciplinary measure is warranted, he shall complete Discipline Form C to document his recommendation and deliver it to the County Administrator within two ~~working~~ days.
- h.* The County Administrator shall review Discipline Form C, and any other information he deems relevant, and impose the appropriate disciplinary measure within two ~~working~~ days of the receipt of Discipline Form C.
- i.* A written notice of the disciplinary measure shall be delivered to the employee.
- j.* The Human Resource Manager shall place a copy of the notice in the employee's personnel file.

2. Immediate Suspensions:

- a.* If a department ~~had~~ *manager* determines that an employee's inappropriate behavior poses an immediate threat to the safety or discipline of other employees, he shall immediately suspend such an employee.
- b.* No such suspension shall be imposed by a department ~~head~~ *manager* for more than three ~~working~~ days. If such action is taken, the department ~~had~~ *manager* shall on that day prepare Discipline Form C (see Appendix B) and deliver it to the Human Resource Manager. If the conduct occurs after official work hours, it shall be delivered the next official work day.
- c.* If the Human Resource Manager concurs in the action taken, he shall process the disciplinary measure in the same manner as provided above.
- d.* If the Human Resource Manager determines an immediate suspension is not warranted, he shall notify the employee in writing to return to work subject to the decision of the County Administrator as to the appropriate disciplinary measure.

- e. If the Human Resource Manager determines it is necessary to extend an employee's immediate suspension pending the County Administrator's action, he shall notify the employee in writing of such extension.
- f. No such suspension shall exceed ten ~~working~~ days.

3. Written Notices:

- a. All disciplinary notices to an employee shall be ~~hand-~~delivered to such an employee or delivered by certified mail to the employee's last known address ~~as~~ reflected in the records of the Human Resource Department.
- b. It shall be the responsibility of all employees to notify the Human Resource Department promptly of any address change and the return receipt or the return of the notice letter shall satisfy any requirement of notification to the employee.

4. Employee Request.

- a. All written requests by an employee for a hearing, as provided in this Chapter, shall be hand-delivered to the Human Resource Department or the department ~~head~~ manager.
- b. All written requests delivered to a department ~~head~~ manager shall that day be delivered to the Human Resource Department.

5. Department ~~Head~~ Manager Absent. Whenever it is provided that any action is to be taken by a department ~~head~~ manager, and the department ~~head~~ manager is absent, such action shall be taken by the person exercising the department ~~head's~~ manager's authority during that period of absence.

6. County Administrator Absent. Whenever the County Administrator is absent, unless he otherwise designates, the Assistant County Administrator shall take any disciplinary measure required of the County Administrator in this Chapter.

7. Human Resource Manager Absent. Whenever it is provided that any action is to be taken by the Human Resource Manager, and the Human Resource Manager is absent, such action shall be taken by

the person exercising the Human Resource Manager's authority during that period of absence.

8. Discipline of Human Resource Department Employee. Whenever any disciplinary measure is initiated toward an employee of the Human Resource Department, the Assistant County Administrator shall exercise the duties of the Human Resource Manager in regard to that disciplinary measure.

E. Pending Criminal Charges.

1. Normal procedure.

- a. An employee shall report to the Human Resource Manager if he is charged with a felony or other criminal offense within one work day of the offense.
- b. If an employee is charged with a felony or other criminal offense of such nature that the employee's continued performance of County duties:
 - (a) ~~p~~poses an immediate threat to the discipline or effective performance of other employees, or
 - (b) ~~h~~Has an immediate adverse effect on the reputation of the County, or
 - (c) ~~i~~mpairs the effective performance of any County function,

the Human Resource Manager shall investigate such matter, document the information on Discipline Form D (see Appendix B), and deliver it to the County Administrator within two ~~working~~ days.

- c. If the County Administrator determines a suspension is warranted, he shall notify the employee in writing of the proposed suspension and avail him of an opportunity to respond to the proposed action at a hearing.
- d. The hearing shall be requested in writing by the employee within two ~~work~~ days after receipt of such written notice or the right to a hearing shall be deemed waived.

- e. The County Administrator shall meet with the employee within two ~~working~~ days after receiving the written request for a hearing.
 - f. The County Administrator may suspend such employee for all or any part of the time criminal proceedings are pending.
2. Immediate suspension. With the consent of the County Administrator, the Human Resource Manager may order an immediate suspension, when appropriate, pending his investigation and the determination of the County Administrator.

Section 7.6 Categories of Inappropriate Conduct

Typical inappropriate conduct has been listed in three categories to assist in administering disciplinary measures in a fair and consistent manner. Each category of conduct has a suggested corresponding measure. However, mitigating or aggravating circumstances may require a different disciplinary measure than suggested. Each disciplinary measure shall take into consideration the circumstances surrounding the misconduct, the employee's work history, and the impact of the misconduct on the effective operation of the County.

Category 1 Conduct

Category 1 includes inappropriate conduct, which in the initial instance is not severe in nature, but which requires corrective action to maintain a proper work environment. Category 1 offenses include, but are not limited to:

- A. Poor housekeeping which creates or contributes to **inefficient**, unsanitary, or unsafe work conditions.
- B. Careless workmanship which evidences unsatisfactory job performance.
- C. Careless or negligent maintenance, handling, or use of County property.
- D. Excessive absences or tardiness.
- E. Unjustified absence from the work station or department without a supervisor's permission.
- F. Stopping work before the specified end of a working day or starting work after the specified beginning of the work day.
- G. Horseplay, pranks, or non-work related activity during working hours.

- H. Posting or removal of notices, signs, or other writing in any form on any non-employee bulletin boards on County property without permission of the department ~~head~~ manager.
- I. Unauthorized solicitation of employees or others during working hours on County property.
- J. Unauthorized distribution of literature or any other material during working hours or on County property.
- K. Abusive or obscene language.
- L. Conviction of a traffic moving violation while operating a County vehicle.

Appropriate disciplinary measure for Category 1 Conduct occurring in any 12 month period:

First offense - verbal warning

Second offense - written warning

Third offense - suspension, reduction in grade, **and/or** demotion

Fourth offense - discharge

Category 2 Conduct

Category 2 Conduct includes inappropriate conduct severely disruptive to the proper operation of the County. Category **2** offenses include, but are not limited to:

- A. Refusal to follow a supervisor's instructions or perform assigned work.
- B. Violation of safety **rules**.
- C. Testing positive for alcohol at a level between .02 and **.039**.
- D. Failure to report to work without proper notice to supervisor.
- E. Unauthorized use of County vehicles or equipment or unauthorized removal of such from an employee's work station.
- F. Use of sick leave for any purposes other than as outlined in Section 5.4.E.2.a.

- G. Threatening, or interfering with the work of fellow employees or supervisors.
- H. Acceptance of gifts or gratuities from any person, company, or corporation, or any other act that constitutes a conflict of interest as defined in the Comprehensive Conflict of Interest Act, Code of Virginia, 1950, as amended.
- I. Failure to report known work-related illegal activity of any employee.
- J. Unauthorized non-County employment or activity which interferes with the performance of an employee's assigned duties and responsibilities.
- K. Fighting on County property or during the working day.
- L. Failure of a public safety employee designated in Section 2.9.1.B. to refrain from the use of tobacco products on or off duty.

Appropriate disciplinary measure for Category 2 conduct occurring in any 12 month period:

First offense - suspension, reduction in grade, **and/or** demotion

Second offense - discharge

Category 3 Conduct

Category 3 Conduct includes inappropriate conduct unacceptable to the proper operation of the County. Category 3 offenses include, but are not limited to:

- A. Use of alcohol or **unlawful** use or possession of controlled substances on County property during working hours.
- B. Testing positive for alcohol at a level of .04 or greater, or testing positive for drugs as defined in the County's Substance Abuse Policy, Chapter ~~23~~, Section 2.12.
- C. Testing between .02 and .039 on an alcohol return-to-duty test, or on any subsequent alcohol follow-up testing.
- D. Failure to report to work without proper notice to supervision for three consecutive work days.

- E. Falsification of County records, including, but not limited to vouchers, time records, leave records, insurance claims, or the application for employment.
- F. Three or more garnishments involving more than one indebtedness during any 12 month period.
- G. Gambling on County property or during working hours.
- H. Theft or unauthorized removal of County property or employee property.
- I. Unauthorized possession of firearms or other weapons on County property or during working hours.
- J. Participation in **any** kind of work slowdown, sit down, or similar concerted interference with County operations.
- K. Unauthorized use of County documents, records, or confidential information.
- L. Job-related lying, stealing, or cheating,
- M. Any criminal conviction for an act occurring on or off the job which is related to job performance, or is of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the County's duties to the public or other employees, or which adversely affects the reputation of the County, or is conduct unbecoming of an employee.
- N. Failure to report to the Director of Human Resource being charged with a felony or other criminal offense within one work day of the offense.

The appropriate disciplinary measure for any Category 3 Conduct is discharge.

APPENDIX B

DISCIPLINARY FORMS

- A. Verbal Reprimand**
- B. Written Reprimand**
- C. Disciplinary Action**
- D. Pending Criminal Charges**

DISCIPLINARY FORM A
VERBAL REPRIMAND

Employee Name _____

Position Title _____

Department _____

Immediate Supervisor Name _____

Date Violation of Standard of Conduct Occurred _____

Description of Violation: _____

Date Discussed with Employee: _____

Signature of Supervisor _____ Date _____

Reviewed by Human Resource Manager

Signature _____ Date _____

DISCIPLINARY FORM B
WRITTEN REPRIMAND

Employee Name _____

Position Title _____

Department _____

Immediate **Supervisor** Name _____

Date Violation of Standard of Conduct Occurred _____

Description of Violation: _____

Date Discussed with Employee: _____

Signature of Supervisor _____ Date _____

Employee Statement: (Please Check One)

_____ I agree with my Supervisor's statement

_____ I disagree with my Supervisor's statement for the **reason(s)** given below: _____

Employee Signature _____ Date _____

Reviewed by Human Resource Manager

Signature _____ Date _____

Disciplinary Measure Recommended by Human Resource Manager: _____

Date Employee Notified of Right to Hearing _____

Hearing Waived _____

Date of Hearing _____

_____ Recommendation of Disciplinary Measure Stands

_____ Recommendation Changed to _____ for the following reason(s): _____

Signature of Human Resource Manager _____ Date _____

Date Reviewed by County Administrator _____

Disciplinary Measure to be Taken: _____

Signature of County Administrator _____ Date _____

DISCIPLINARY FORM D

Name of Employee _____

Position Title _____

Department _____

Offense Charged _____

Date of Offense _____

Place of Offense _____

Status of Case _____

Recommendation of Immediate Suspension Yes _____ No _____

Approved by County Administrator Yes _____ No _____ N/A _____

Findings of Investigation by the Human Resource Manager: _____

Recommendation of Human Resource Manager: _____

Signature of Human Resource Manager _____ Date _____

Proposed Action by County Administrator: _____

Comments: _____

Signature of County Administrator _____ Date _____

Date of Hearing _____

Hearing Waived _____

Action Taken by County Administrator: _____

Signature of County Administrator _____ **Date** _____

AppendixB_discforms.doc

AUG 10 2004

ORDINANCE NO. 190A-5BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAWILLIAMSBURG FARMS WITHDRAWALAGRICULTURAL AND FORESTAL DISTRICT (AFD-1-93)

WHEREAS, a request to withdraw 75 acres owned by Williamsburg Farms, Inc., and The Williamsburg Winery, Ltd., from AFD-1-93, generally identified as "Williamsburg Farms and Williamsburg Winery Area Being Withdrawn from AFD" prepared by Patrick Duffeler, dated June 2004, and further identified as a part of Parcels Nos. (1-10), (1-10B) and (1-12) on James City County Real Estate Tax Map No. (48-4) from the 294.3-acre Williamsburg Farms Agricultural and Forestal District has been filed with the James City County Board of Supervisors; and

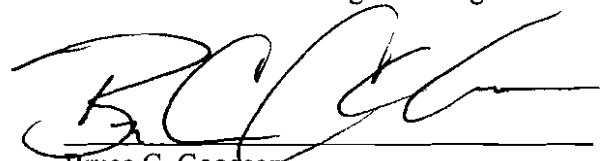
WHEREAS, the Agricultural and Forestal District Advisory Committee at its June 6, 2004, meeting unanimously voted 7-0 to recommend approval of the 75-acre Williamsburg Farms withdrawal; and

WHEREAS, according to Section 15.2-4314, Code of Virginia, a Public Hearing was advertised and held by the Planning Commission at its July 12, 2004, meeting, and voted 7-0 to recommend approval of the Williamsburg Farms withdrawal; and

WHEREAS, according to Section 15.2-4214, Code of Virginia, a Public Hearing was advertised and held by the Board of Supervisors of James City County, Virginia; and

WHEREAS, the Board finds that the withdrawal request meets the criteria set forth in the Board of Supervisors' Withdrawal Policy for Agricultural and Forestal District Parcels Within the Primary Service Area, dated September 24, 1996.

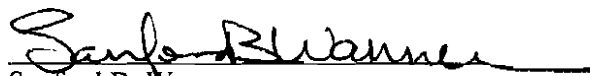
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby removes that 75 acres owned by Williamsburg Farms, Inc., and The Williamsburg Winery, Ltd., as referenced herein from the 294.3-acre Williamsburg Farms Agricultural and Forestal District.



Bruce C. Goodson
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

ATTEST:


Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2004.

afd-1-93ord.res

AUG 10 2004

ORDINANCE NO. 31A-214BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24 ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1, SECTION 24-411, PERMITTED USES; BY AMENDING DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 24-436, PERMITTED USES; AND SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning is hereby amended and reordained by amending Section 24-411, **Permitted** uses; Section 24-436, Permitted uses; and Section 24-437, Uses permitted by special use permit only.

Division 11, Limited Business/Industrial District, M-1

Sec. 24-411. Permitted uses.

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair, and yam, *and stone*.

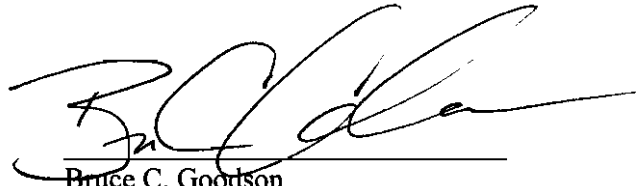
Division 12. General Industrial District, M-2

Sec. 24-436. Permitted uses.

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, **wax**, leather, cellophane, canvas, felt, fur, **horn**, hair, *and* yam, *and stone*.


Sec. 24-437. Uses permitted **by** special use permit **only**.

Manufacture of cement, lime, gypsum, bricks and *non-previously prepared* stone products (*i.e., stone and rock used for general erosion control and road construction*).



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	AYE
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2004

M1-M2stoneprod.ord