

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
County Government Center Board Room
June 27, 2000
7:00 P.M.

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K. CLOSED SESSION

1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344 (A)(1) of the Code of Virginia
 - a. Colonial Services Board
 - b. Social Services Advisory Board
 - c. Regional Issues Committee

AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF APRIL, 2000, AT 7:40 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, gave a summary of the General Fund Revenue.

Discussion of the budget followed. During that discussion, the Board requested a comparative item be included in future budget reviews that gives the amount of revenue received that is not affected by a transfer to State.

Mr. Nervitt made a motion to approve the rate increase of the Room Tax.

The straw vote failed 1-4.

Mr. Nervitt made a motion to increase the E-911 Tax.

The straw vote failed 2-3.

Mr. Nervitt made a motion to keep the Room Tax at four percent.

The straw vote passed 5-0

Mr. Nervitt made a motion to let the General Fund assume and eliminate the Transportation Improvement District's responsibility for the Virginia Department of Transportation's (VDOT) portion of the debt by \$125,000 per year.

The straw vote failed 2-3.

Mr. Goodson made a motion to extend the time frame for the Transportation Improvement District tax payback.

The straw vote failed 1-4.

Mr. McGlennon made a motion to restore funding of the one-cent commitment to Greenspace.

The straw vote passed 5-0.

The Board took a brief recess at 6:00 p.m.

Mr. Nervitt called the Board back in session at 6:05 p.m.

Fire Chief Richard Miller gave a brief overview of the necessity of funding the rehabilitation of a fire ladder truck and the purchase of an additional truck in this budget.

Mr. Goodson made a motion to split the funding for the fire equipment into two years allocations rather than a lump sum allocation in this budget.

The straw vote passed 4-1.

School Budget Work Session

The Board expressed support of a six-percent increase in compensation to classroom teachers.

Mr. Nervitt suggested the Board approve the initial budget presented by the School Board with a condition that the Board encourages the School Board to allocate money to the teacher pay raise and to withhold a million dollars. The money would be withheld until after the School Board met with the Board in a joint retreat to discuss the allocation of that money.

The Board discussed funding options available to the School Board as well as other opportunities for the Board of Supervisors to meet the needs of the Schools' budget.

The Board discussed shifting \$611,000 of Capital costs from this year to next to aid in balancing the Budget.

Mr. Nervitt made a motion to reconsider the E-911 tax straw vote in order to restore revenue and allow the Board to fund some of the School Board's budget request.

The straw vote passed 5-0.

Mr. Wanner suggested the Board consider a resolution to give the School Board the Board of Supervisors' sense of budget allocations.

The Board agreed to consider the new fire ladder truck as a first priority should any unanticipated revenue come in during this budget year.

Mr. McGlemon requested a two-minute recess to speak with the County Administrator.

Mr. Nervitt called for a two-minute recess of the Board at 7:02 p.m.

Mr. Nervitt called the meeting back into order at 7:04 p.m.

Mr. McGlemon made a motion to ask the School Board and City Council to select members to meet with the Board to begin the process of discussing the opportunities of cost savings.

The straw vote passed 5-0.

Mr. Nervitt made a motion to consider withholding a million dollars within the School Budget. The money would be withheld until after the School met with the Board in a joint retreat to discuss the allocation of that money.

Mr. Wanner suggested two resolutions be presented to the Board. The first resolution would be the traditional allocation of money to the School Budget. The second resolution for consideration would incorporate the option to withhold one million dollars for the School Budget.

The straw vote passed 3-2.

Mr. Harrison made a motion to adjourn until the next regularly scheduled meeting April 25, 2000, at 7:29 p.m.

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

The Board adjourned at 11:30 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF APRIL, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Miss Leah Grobluskey led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Philip Forgit, 110 Deerwood Drive, thanked the Board for finding the money to fully fund the School Board budget; expressed his desire to see the School Board and Board of Supervisors work together to create a plan to serve the students and citizens; and encouraged the Board to continue to support the schools.

2. Mr. Ed Oyer, 139 Indian Circle, read several articles from the Daily Press from 1989 to present concerning downsizing and the room tax; stated the need for a natural buffer and sound barrier along the Route 60 East realignment; County vehicles being driven home each night should be considered as income; and the need for spending and tax cuts.

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), was available for questions and gave the new mailing address for the Williamsburg VDOT office.

Mr. Goodson requested VDOT research if sound barriers along the Route 60 East realignment are feasible.

Mr. McGlennon inquired about the purpose of the new reflectors on Jamestown Road that are ½-inch globe reflectors.

Mr. Elliott stated the new reflectors aid in keeping traffic in the travel lanes and off the shoulders.

Mr. Nervitt requested VDOT consider the residents of Jamestown 1607 and the existing drainage problem when developing and building the bikeway along Jamestown Road.

E. CONSENT CALENDAR

Mr. Nervitt requested Item Number 5, FY 2001 Strategic Management Plan (deferred from April 25, 2000) and Item Number 7, Award of Bid – District Park Sports Complex Restroom/Concession Buildings be removed for further discussion. Mr. Nervitt asked the Board members if they wished to remove an item from the consent calendar.

Mr. Goodson made a motion to approve the remaining items on the Consent Calendar.

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

1. Minutes of March 29, 2000, Work Session and Minutes of April 11, 2000, Regular Meeting
2. Budget Amendment – Emergency Medical Services

RESOLUTION

BUDGET AMENDMENT – EMERGENCY MEDICAL SERVICES

WHEREAS, James City County has been granted awards totaling \$56,695 by the Virginia Office of Emergency Medical Services for traffic preemption equipment and EMS equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby amends the FY 2000 Operating Budget and appropriates said money as follows:

Revenue:

Department of Health;	
Office of Emergency Medical Services	<u>\$56,695</u>

Expenditures:

EMS -001-072-0420	<u>\$56,695</u>
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3. Hurricane Floyd Reimbursements

RESOLUTION

HURRICANE FLOYD REIMBURSEMENTS

WHEREAS, the Board of Supervisors of James City County has incurred costs associated with Hurricane Floyd that are eligible for reimbursement under the County’s insurance policy, and Federal and State aid programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following budget and appropriation amendments to account for, and share, insurance recoveries and the Federal and State cost reimbursements:

General Fund:

Revenues:

Insurance Recovery	\$ 293,039
Federal Hurricane Aid	126,935
State Hurricane Aid	<u>29,449</u>
	<u>\$ 449,423</u>

Expenditures:

James City Service Authority	\$ 314,100
Contribution to Capital	60,200
Refuse Disposal	28,895
Fire Department	16,053
Police Department	11,697
WJCC Schools	10,575
Community Services	4,335
Facilities Management	2,189
WAMAC	449
Regional Jail	<u>930</u>
	<u>\$ 449,423</u>

Capital Budget:

Revenues:

From the General Fund	<u>\$ 60,200</u>
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Expenditures:

District Park	<u>\$ 60,200</u>
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4. Wexford Health Sources, Inc., Agreement

RESOLUTION

AMBULANCE SERVICE AGREEMENT

WHEREAS, James City County provides mutual aid ambulance service to Henrico County Regional Jail in New Kent County; and

WHEREAS, an agreement for ambulance service was negotiated with the health care provider for the Henrico County Regional Jail; and

WHEREAS, this agreement for service will cover the cost to provide such ambulance services.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman of the Board of Supervisors to execute the necessary agreement with Wexford Health Services, Inc.

6. Relocating CASA

RESOLUTION

RELOCATING CASA

WHEREAS, the Board of Supervisors of James City County has, with the City of Williamsburg, authorized office space for the Court Appointed Special Advocate (CASA) program in the basement of the existing courthouse; and

WHEREAS, the other offices of the courthouse will be relocated to the new courthouse on Monticello Avenue and the existing courthouse closed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following budget and appropriation amendments to allow CASA to rent appropriate office space in order to relocate:

<u>General Fund:</u>	
<u>Revenue:</u>	
_____ Operating Contingency	<u>\$2,000</u>
<u>Expenditure:</u>	
Contribution to CASA	<u>(\$2,000)</u>

5. FY 2001 Strategic Management Plan

The Board deferred this item until the next regularly scheduled Board meeting, May 9, 2000.

7. Award of Bid – District Park Sports Complex Restroom/Concession Buildings

Mr. Bernie Farmer, Capital Projects Administrator, stated that seven bids were received for two restroom/concession buildings and utilities. The Bid amount of \$922,521 by D. K. Nunnally Company, Inc. was the low bid and is consistent with the architect's estimates and within the approved budget. Several alternates were included in the bid package: a deduction of the cost of use of stamped/imprinted concrete and provides an alternative surfacing; and facilities in the building to allow use of a smaller water meter size which reduces the James City Service Authority tap fees. Both alternatives are desired and provide for a more cost effective facility.

The full contract amount would be \$920,121 after acceptance of Alternate 3 and rejecting Alternate 2. Staff recommends the Board adopt the resolution authorizing award of a bid to D. K. Nunnally Company, Inc., for the construction of two restroom/concession buildings in the amount of \$920,121.

The Board and staff discussed the square footage of the facilities and the completion dates for the facilities and utilities.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

AWARD OF BID

DISTRICT PARK SPORTS COMPLEX RESTROOM/CONCESSION BUILDINGS

WHEREAS, competitive bids were advertised for two District Park Sports Complex Restroom/Concession Buildings; and

WHEREAS, seven bids were received with the low bidder being D. K. Nunnally Company, Inc., with a bid of \$922,521, plus \$12,600 for Alternate 3, minus \$15,000 for Alternate 2; and

WHEREAS, adequate funds exist in the project budget for these buildings and site improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the District Park Sports Complex Restroom/Concession Buildings in the amount of \$920,121.

F. PUBLIC HEARINGS

1. Conveyance of Easement to Virginia Power – District Park Sports Complex

Mr. Morton stated the 15-foot utility easement will allow Virginia Power to install underground cable and associated equipment to provide electrical service to the Williamsburg Indoor Soccer Facility.

Mr. McGlennon asked if the electrical service would include lights for the other fields.

Mr. Farmer said the service would have the capacity to do so.

Mr. Nervitt opened the public hearing and as no one wished to speak, closed the public hearing.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

CONVEYANCE OF EASEMENT TO VIRGINIA POWER -

DISTRICT PARK SPORTS COMPLEX

WHEREAS, James City County owns 525.458± acres commonly known as the District Park Sports Complex (Warhill Tract) and designated as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Virginia Power requires a 15-foot utility easement in order to provide electrical service to the Williamsburg Indoor Soccer Facility located at the District Park Sports Complex; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a utility easement to Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Right-of-Way Agreement and such other documents necessary to convey a utility easement to Virginia Power.

2. Temporary Classroom Trailers. Case No. SUP-11-00. Clara Byrd Baker Elementary School; Case No. SUP-12-00. Toano Middle School; Case No. SUP-13-00. Jamestown High School; Case No. SUP-14-00. Lafayette High School.

Mr. Christopher Johnson, Planner, stated that Dr. William Leonard, has applied on behalf of the Williamsburg-James City County Public Schools for four special use permits to allow the placement of temporary classroom trailers at Jamestown High School, Lafayette High School, Clara Byrd Baker Elementary School, and Toano Middle School.

Clara Byrd Baker Elementary School, located at 3131 Ironbound Road and further identified as Parcel No. (1-58) on James City County Real Estate Tax Map No. (47-1), would have one single classroom trailer maintained for four years. The trailer will be used by individuals who come to the school and provide part-time services to the students.

Toano Middle School, located at 7817 Richmond Road and further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4), would have three double classroom trailers maintained for four years. The trailers will support the students anticipated by projected enrollment growths and additional teaching positions.

Jamestown High School, located at 3751 John Tyler Highway and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1), would have one double classroom trailer to accommodate teaching stations for two additional teachers.

Lafayette High School, 4460 Longhill Road and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3), would have two double classroom trailers to accommodate teaching stations for three additional teachers.

Staff recommends the Board of Supervisors approve each of these proposals with the condition the permit shall expire on July 1, 2004. The proposal is consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

Mr. Nervitt opened the public hearing.

1. Dr. William Leonard, on behalf of the Williamsburg-James City County Public Schools, requested one of the existing ten trailers at Clara Byrd Baker Elementary School remain for instructional staff. This will create a teaching station for the instructional staff member that is moving from class to class.

The Board, Dr. Leonard, and members of the School Board discussed a comprehensive plan for the trailers; the expected growth and cost of trailers vs. the costs of expanding the schools vs. the cost for a new high school; and the affect of the projected enrollment growth on the curriculum.

Mr. Nervitt closed the public hearing as no one else wished to speak.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-11-00. CLARA BYRD BAKER ELEMENTARY SCHOOL

CASE NO. SUP-12-00. TOANO MIDDLE SCHOOL

CASE NO. SUP-13-00. JAMESTOWN HIGH SCHOOL

CASE NO. SUP-14-00. LAFAYETTE HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of these special use permit applications have been met; and

WHEREAS, the owner of Clara Byrd Baker Elementary School has applied for a special use permit to allow one temporary classroom trailer on property owned and developed by the applicant located at 3131 Ironbound Road and further identified as Parcel No. (1-58) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, the owner of Toano Middle School has applied for a special use permit to extend the permit period for three temporary classroom trailers on property owned and developed by the applicant located at 7817 Richmond Road and further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the owner of Jamestown High School has applied for a special use permit to allow one temporary classroom trailer on property owned and developed by the applicant located at 3751 John Tyler Highway and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the owner of Lafayette High School has applied for a special use permit to allow two temporary classroom trailers on property owned and developed by the applicant located at 4460 Longhill Road and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of temporary classroom trailers as described above and on the attached site location maps with the following condition:

1. This permit shall be valid until July 1, 2004.

G. BOARD CONSIDERATION

1. FY 01-02 Budget and FY 01-05 Capital Improvement Program

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, presented the Board with two resolutions of appropriation for Board consideration based upon the consensus of the Board at its last budget work session. The first resolution appropriates the full 50,572,314 for School operations and debt service, while the second withholds \$1,000,000 of that amount in the County's nondepartmental contingency account.

The Board and staff held a discussion regarding the School Board budget, greenspace funding, and balancing future budgets.

Mr. Wanner presented a resolution to the Board for consideration. The resolution indicates to the School Board its strong support for improving teacher compensation.

Mr. Harrison stated he would abstain from voting on any County appropriation to outside agencies.

Mr. Goodson made a motion to adopt the resolution withholding \$1,000,000 and not including the Community Action Agency portion of the Budget to allow Mr. Harrison to vote on this motion.

On a roll call, the vote was: AYE: Harrison, Nervitt (2). NAY: McGlennon, Goodson, Kennedy (3).

Mr. Goodson made a motion to adopt the resolution appropriating the full \$50,572,314 for School operations and debt services, again not including the Community Action Agency portion of the Budget to allow Mr. Harrison to vote on this motion.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: Kennedy (1).

Mr. Goodson made a motion to adopt the Community Action Agency portion of the Budget.

On a roll call, the vote was: AYE: McGlennon, Goodson, Nervitt (3). NAY: Kennedy (1). ABSTAIN: Harrison (1).

Mr. Nervitt made a motion to adopt the resolution that indicates the Board's strong support for improving teacher compensation.

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

2. Ordinance Amendments/Fees

Ms. Swindell also presented for the Board's consideration two ordinance amendments to implement the FY 2001 budget.

The first ordinance amendment, Section 4-8, Building Permit Fees, increases the Building Permit Fee from \$0.09 to \$0.11 per square foot of finished floor area, and from \$0.08 to \$0.10 per square foot of unfinished floor area.

The second ordinance amendment, Section 20-25, Tax Imposed, increases the special tax for enhanced 911 emergency telephone service from \$1.20 per month to \$1.70 per month.

Mr. McGlennon made a motion to adopt the ordinance amendment to Section 4-8, Building Permit Fees.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: (0). ABSENT: Kennedy.

Mr. Goodson made a motion to adopt the ordinance amendment to Section 20-25, Tax Imposed.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: (0). ABSENT: Kennedy.

3. Reduced Street Widths Policy

Mr. Paul D. Holt, III, Senior Planner, stated the Virginia Department of Transportation (VDOT) dictates how wide subdivision street right-of-way, and pavement widths must be. The developer may request a reduction in the right-of-way and pavement widths for subdivision streets to VDOT with a written request from the governing body.

Staff recommends the Board adopt the policy for use in determining whether or not to request reduced right-of-way and pavement widths from VDOT. The performance standards listed will achieve the necessary objective of both the Fire and Police Departments.

Mr. McGlennon made a motion to adopt the reduced street widths policy.

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

4. Future of Eastern State Hospital Property

Mr. Wanner stated that a State initiative option to sell the Eastern State Hospital property is being considered to provide funding to support the restructuring of the delivery of mental health services.

The Eastern State property is a critical parcel in James City County and a shift in ownership to private ownership will require a revision to the Comprehensive Plan and probable changes to existing zoning.

Mr. Wanner recommended approval of the resolution that sets forth the Board's position regarding the possibility of the property becoming privately owned and indicates that the Board will consider such change in ownership to be a change in circumstance resulting in the likelihood of a rezoning to a category more consistent with nonpublic ownership.

Mr. McGlennon made a motion to adopt the resolution.

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

H. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, stated his desire to have the zoning and land use maps made available to the public during the update of the Comprehensive Plan. Mr. Everson stated that the zoning map should reflect the Comprehensive Plan.

2. Mr. Ed Oyer, 139 Indian Circle, recapped several articles and studies published from 1978 to present that indicate the decline of groundwater, threats to groundwater, and alternative treatments of groundwater.

3. Mr. Edward Clemons, 119 Tarleton Bivouac, spoke about affordable housing in the Roberts District and the mixed message the County is sending to the citizens in this area. The cost of housing is becoming too high and industry is moving in. Mr. Clemons stated the County needs to look at its priorities and consider the need for affordable housing.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner encouraged citizens to complete and turn in the Census forms.

Mr. Wanner suggested the Board go into a closed session pursuant to Section 2.1-344 (1) (1) to consider personnel matters(s), the appointment of individuals to County boards or commissions and Section 2.1-344 (A) (3) to consider acquisition/disposition of a parcel/parcels of property for public use.

J. BOARD REQUESTS AND DIRECTIVES – None

Mr. Nervitt declared a recess for a James City Service Authority Board of Directors' meeting at 9:17 p.m.

K. CLOSED SESSION

Mr. Nervitt reconvened the Board of Supervisors and made a motion to go into closed session as recommended by the County Administrator, at 9:25 p.m.

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

Mr. Nervitt reconvened the Board into open session at 10:08 p.m.

Mr. Harrison made a motion to approve the closed session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed 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 closed 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 closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions; and Section 2.1-344(A)(3) to consider acquisition/disposition of a parcel/parcels of property for public use.

Mr. Nervitt made a motion to appoint Mr. Goodson as the Board representative to the 2007 Celebration.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSTAIN: Goodson (1).

Mr. Nervitt made a motion to adjourn.

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

The Board adjourned at 10:10 p.m.

Sanford B. Wanner
Clerk to the Board

AT A JOINT MEETING OF THE JAMES CITY COUNTY BOARD OF SUPERVISORS, WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD, AND THE WILLIAMSBURG CITY COUNCIL, HELD ON THE 9TH DAY OF JUNE, 2000, AT 2:08 P.M. AT THE WILLIAMSBURG COMMUNITY BUILDING, NORTH BOUNDARY STREET, CITY OF WILLIAMSBURG, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District (arrived at 2:24 p.m.)
James G. Kennedy, Stonehouse District (arrived at 2:09 p.m.)
Sanford B. Wanner, County Administrator

Mayor Zeidler welcomed the Board of Supervisors and School Board to the joint meeting.

A presentation on effective communication was conducted by Ms. Michele Woods Jones.

The Board of Supervisors of James City County, the Williamsburg-James City County School Board, the Williamsburg City Council, and staff discussed the following items:

1. Standard of Quality (SOQs) and Impact on Local School Funding

Following discussion it was the consensus of the group to work together to provide information to the Joint Legislative Audit and Review Commission (JLARC) studying educational funding.

2. Proposal to Improve the Coordination of Public Services

Following discussion, it was the consensus of the group to form a six-member team of senior managers that would include the finance officers of the three bodies. The team is to identify ways to coordinate services, to analyze cost savings, to set standards, and to identify resources needed for the services. The team reports to the County Administrator, City Manager, and School Superintendent who will present the findings to their respective body. The three administrative officers are to study the list and report back to the group on which areas should be focused on first.

Mr. Nervitt made a motion to recess until Monday, June 12, 2000, at 7:00 p.m. for a joint meeting with the Industrial Development Authority.

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

The Board recessed at 5:28 p.m.

Sanford B. Wanner
Clerk to the Board

AT A JOINT MEETING OF THE JAMES CITY COUNTY BOARD OF SUPERVISORS AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF JUNE, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator

B. DISCUSSION ITEMS

The Board of Supervisors of James City County, the Industrial Development Authority (IDA) and staff discussed the following items:

1. New roles and relationships of the IDA
2. Role of IDA in County Economic Development
3. Annual appropriation from the James City County budget to the IDA for industrial development purposes
4. Enhancing the industrial revenue base of James City County
5. Retention of industrial entities
6. Consideration of a second shell building

Mr. Kennedy requested the IDA have a role in the update of the Comprehensive Plan.

Mr. Bartlett requested IDA members be appointed to regional groups that deal with industrial development.

Mr. Nervitt requested the IDA develop "white papers" on different economic development issues and set up the infrastructure for decision making. He also requested an IDA recommendation on big land use cases.

Mr. Nervitt requested information pertaining to the proposal of a second shell building to include where the building might be located, why a second shell building is needed, when the building would be needed and how the second shell building will be utilized.

Mr. Nervitt requested a Crossroads Project assessment by the IDA be presented to the Board. The assessment should include an initiative on affordable housing, the ratio of residential to industrial, a game plan for economic development that includes a look at niche marketing.

Mr. Goodson made a motion to adjourn until the next regularly scheduled meeting on June 13, 2000, at 7:00 p.m.

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

The Board adjourned at 8:14 p.m.

Sanford B. Wanner
Clerk to the Board

061200jt.min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF JUNE, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Glen Carter, an 8th grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Morgan D. Galbreath, III, 113 Deerwood Drive, read passages from a book entitled *The Miracle of Philadelphia* and the Book of James in the *Bible* emphasizing his interest in the Board beginning all its public meetings with an invocation in addition to the Pledge of Allegiance.
2. Mr. Don Kimball, 6151 South Mayfair Circle, supported Mr. Galbreath's position and requested that the Board hold an invocation at the beginning of its meetings.
3. Mr. Ed Oyer, 139 Indian Circle, presented information from the Comparative Expenditure Report published by the State; spoke to his concern for well owners who will not benefit from shared regional water sources; and Route 60 traffic.

D. PRESENTATION

1. Employee and Volunteer Outstanding Service Awards

Mr. Nervitt presented Outstanding Service Awards to the following: Volunteers – Audra Mills, David Arditi, Brandon Brown, Lee Cooley, Christopher Fried, Leah Grobluskey, Dominique Hundley, April Johnson, Annabelle Ombac, Kelvin Pressey, Jr., Termaine Ruttley, Vincent Zangardi, Lisa Cooley, Dottie Locker, Don Locker, Reba Friedrich, Courtney Smith, Ann Baker, Kathy Armstrong, Mary Hawthorne, Darin Swedenborg, Windy McIlvain, in absentia; Employees – Michael Culhane, Walter Elliott, Brian Staton, Allen McDowell; Employees and Volunteers – John Black, Charles Braman, Mel Bryant, Todd Driscoll, Brian Harriss, Cliff

Martin, Pat Martin, Darin Swedenborg, Robert Washington; Employees – Bernie Farmer, Rick Hanson, in absentia, Sue Mellen, in absentia, Allen Murphy, Mark Rogers, Jr., in absentia, Howard Anby, Bruce Capps, Garland Dalton, Chris Dawson, Carla Brittle, John Carnifax, Nancy Ellis, Phil Mease, and Larry Walker.

E. CONSENT CALENDAR

Mr. Nervitt inquired if any Board member wished to have an item pulled from the Consent Calendar.

Mr. Nervitt pulled Item No. 5, Award of Contract – Watershed Management Planning – Powhatan Creek and Yarmouth Creek

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

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

1. Minutes of May 23, 2000, Regular Meeting; May 24, 2000, Work Session; and May 24, 2000, Joint Work Session
2. Carry Forward funds – Marketing CD

RESOLUTION

CARRY FORWARD FUNDS - MARKETING CD

WHEREAS, Virginia Power traditionally provides customized community profiles, community videos, and other economic development marketing materials at little or no cost to the communities within its service region; and

WHEREAS, the present trend in marketing materials is toward the use of CD ROM products, which are more expensive than Virginia Power can support entirely on its own; and

WHEREAS, communities can contribute additional funds to augment Virginia Power's resources in order to achieve an enhanced and more effective product; and

WHEREAS, the Board of Supervisors has approved an operating expenditure of \$10,000 in FY 2000 for this economic development expense.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declare \$10,000 as a continuing appropriation from the FY 2000 operating budget of the Office of Economic Development to be carried forward to the FY 2001 operating budget for the purpose of pursuing production of a marketing CD-ROM.

3. Budget Amendment – Emergency Services

a. Virginia Department of Emergency Services Appropriation

RESOLUTION

BUDGET AMENDMENT – EMERGENCY SERVICES

WHEREAS, James City County has been granted \$17,117 by the Virginia Department of Emergency Services for Surry Nuclear Power Station emergency response.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2000 Operating Budget as follows:

Revenue:

Virginia Department of Emergency Services \$17,117

Expenditures:

Emergency Services - 001-073-0318 \$17,117

b. Rehabilitative Services Incentive Fund Grant Appropriation

RESOLUTION

BUDGET AMENDMENT – EMERGENCY MEDICAL SERVICES

WHEREAS, James City County has been granted \$9,668.75 by the Virginia Department of Rehabilitative Services for the purchase of residential emergency generators.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2000 Operating Budget as follows:

Revenue:

Department of Rehabilitative Services \$9,668.75

Expenditures:

Emergency Services - 001-073-0318 \$9,668.75

4. Addendum to the Intergovernmental Cooperative Agreement for Workforce Development Services

5. Award of Contract – Watershed Management Planning – Powhatan and Yarmouth Creeks

Mr. Wayland N. Bass, County Engineer, stated that a Request for Proposal was advertised and based on the proposals received, staff interviewed two firms and identified the Center for Watershed Protection as the most qualified firm. A contract in the amount of \$200,000 was negotiated with the preferred vendor.

Staff recommended adoption of resolution awarding the contract to The Center for Watershed Protection.

A brief discussion between the Board and staff followed concerning the expected outcome of the watershed management plans for the Powhatan Creek and Yarmouth Creek Watersheds.

Mr. Morton gave the Board a brief overview of the process for securing professional services as outlined in the Procurement Act.

Mr. Nervitt made a motion to adopt the resolution.

On a roll call, the vote was: AYE: McGlennon, Goodson, Kennedy, Nervitt (4). NAY: Harrison (1).

RESOLUTION

AWARD OF CONTRACT - WATERSHED MANAGEMENT PLANNING -

POWHATAN CREEK AND YARMOUTH CREEK

WHEREAS, proposals have been received for preparation of watershed management plans for the Powhatan Creek and Yarmouth Creek watersheds; and

WHEREAS, these two watershed management plans were recommended in the 1998 Stormwater Policy Framework and funds are available in the CIP Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator be authorized and directed to execute a contract with the Center for Watershed Protection in an amount not to exceed \$200,000 for the development of watershed management plans for Powhatan and Yarmouth Creeks.

F. PUBLIC HEARING

1. Ordinance Amendment, Chapter 2, Administration, Article III, Board of Supervisors' Salaries

Mr. Wanner stated that the ordinance incorporated a salary increase for the members of the Board of Supervisors and an additional increase for the Chairman and Vice Chairman.

The additional time requirements now imposed on each Board member merit additional compensation. Members of the Board of Supervisors last received a raise in 1984, when the salary was raised from \$1,800 to \$4,000 a year.

Staff recommended approval of the ordinance amendment and a motion to increase the Planning Commission members' pay to \$2,000 per year with the Planning Commission Chairman receiving an additional \$500.

Mr. Nervitt opened the public hearing.

1. Mr. Grant Olsen, Roberts District, complimented the Board members on their service to the citizens and supported the ordinance amendment.

2. Mr. Ed Oyer, 139 Indian Circle, expressed his support for the increase as a reflection of the increased duties and time commitment, but did not feel the increase would influence the number of citizens able to sit on the Board.

Mr. Nervitt closed the public hearing as no one else wished to speak.

A brief Board discussion followed.

Mr. Wanner advised the Board to make two motions: one concerning the ordinance amendment, and the second concerning the Planning Commission stipend.

Mr. Harrison made a motion to approve the ordinance amendment.

On a roll call, the vote was: AYE: Harrison, Goodson, Kennedy, Nervitt (4). NAY: McGlennon (1).

Mr. Harrison made a motion to increase the Planning Commission's salaries to \$2,000 per year with the Chairman receiving an additional \$500.

On a voice vote, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

Mr. Wanner introduced a resolution for a budget amendment to allow for the adopted increases in the Board and Planning Commission stipends.

Mr. Goodson made a motion to adopt the budget amendment.

On a voice vote, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

RESOLUTION

BUDGET AMENDMENT - FY 2001 - BOARD SALARIES

WHEREAS, the Board of Supervisors of James City County has approved a resolution that changes the salaries for members of the Board and for members of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following budget and appropriation amendments to the FY 2001 Budget to accommodate those changes:

General Fund:

Expenditures:

Board of Supervisors	\$18,700
Planning Department	<u>6,300</u>
Operating Contingency	<u>\$(25,000)</u>

G. PUBLIC COMMENT

1. Mr. M. O. Smith, 617 Treasure Island Road, spoke about the County's development, the Comp Plan, and apparent lack of planning that considers the future. Mr. Smith encouraged the County to consider steps to prepare for a depression and the future.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner presented the Board with a memorandum addressing the County library soil treatment for termites that was raised by a citizen at the May 23 Board meeting.

Mr. Wanner suggested the Board go into a closed session pursuant to Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions.

Mr. Wanner recommended that following the closed session the Board adjourn until the June 27, 2000, regularly scheduled Board of Supervisors meeting.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson commented on the recently held public meetings on the realignment of Route 60 East as well as citizens' concerns about the traffic signal at James River Elementary School and the additional realignment options presented by VDOT.

Mr. Goodson requested VDOT look at an option for Route 60 East relocation to use the 220-foot utility easement adjacent to the CSX railroad rather than displace citizens from their homes as well as a western option.

Mr. Harrison encouraged the Board to consider an invocation before its meetings in addition to the Pledge of Allegiance.

Mr. McGlennon invited citizens to a public meeting to be held June 15, Williamsburg Community Building, for input regarding the Route 199/Jamestown Road intersection.

Mr. Kennedy invited citizens to an open meeting on June 21, at the Croaker Road library for Stonehouse citizens to meet with Mr. Kennedy and provide input or ask questions.

Mr. Wanner suggested the Board take a brief recess before going into the closed session.

Mr. Nervitt recessed the Board at 8:37 p.m. The Board reconvened at 8:41 p.m.

J. CLOSED SESSION

Mr. Nervitt made a motion to go into closed session as recommended by the County Administrator, at 8:42 p.m.

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

Mr. Nervitt reconvened the Board into open session at 8:49 p.m., and made a motion to approve the closed session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed 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 closed 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 closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions.

Mr. Harrison made a motion to reappoint Robert J. Cowling to the Board of Adjustments and Appeals for a five-year term, term expiring on June 13, 2005; to reappoint Carl R. Pearson and Marsha Kinnamon to the Cable Television Advisory Committee for four-year terms, terms to expire on June 13, 2004; to reappoint Anthony Conyers, Jr. to the Williamsburg Area Medical Assistance Corporation (WAMAC) for a one-year term, term to expire on June 13, 2001; and appoint Betty Costa to the Williamsburg Arts Commission for a three-year term, term to expire on June 13, 2003.

Mr. Harrison made a motion to adjourn until June 27, 7:00 p.m.

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

The Board adjourned at 9:01 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: June 27, 2000
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, CLP, Director of Parks and Recreation
SUBJECT: July - Recreation and Parks Month

The National Recreation and Parks Association has designated July as Recreation and Parks Month. Events highlighting the benefits of parks and recreation will be scheduled throughout the month.

Staff recommends approval of the attached resolution. The Parks and Recreation Advisory Commission endorsed the resolution at their meeting on May 17, 2000.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gb
rec&parcs.mem

Attachment

RESOLUTION

JULY - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities enhance the physical health and mental well-being of individuals, work forces, and communities; and

WHEREAS, participation in recreation programs builds self-esteem and promotes positive and constructive behavior; and

WHEREAS, parks and open space are vital to the appearance and livability of communities, protect our air and water, and balance our ecosystem.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims July as Recreation and Parks Month and encourages all citizens of James City County to recognize that recreation and park services are essential to the quality of life.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

rec& parks.res

MEMORANDUM

DATE: June 27, 2000
 TO: The Board of Supervisors
 FROM: John E. McDonald, Manager of Financial and Management Services
 SUBJECT: Budget Amendment - Commissioner of the Revenue

The State Compensation Board has acted on FY 2001 Budget requests and has approved two new positions in the Treasurer's Office and one new position in the Commissioner's office. By approving these positions, the Compensation Board approves funding of 50 percent of the 1988 salary for these positions, the locality is expected to match the State funds.

For the Treasurer's Office, the Board of Supervisors had adopted a budget approving a new position contingent on Compensation Board approval. Since two positions were approved by the State, the Treasurer has identified an existing locally funded position as the second State position. This produces approximately \$9,500 in new funds from the Compensation Board, not yet appropriated.

For the Commissioner's Office, the Board had approved a new part-time position. With the Compensation Board approval of a new full-time employee, we'd like to ask the Board to amend its previously adopted staffing by eliminating the part-time position and creating a new full-time position. The new State funding provides more than half of the additional costs of a full-time position but still leaves the County short by \$8,125. The Commissioner has proposed a \$5,000 reduction in overtime to reduce that even further.

The Treasurer and Commissioner have discussed some shared responsibilities that would justify a transfer of part of the excess funding for the Treasurer to the Commissioner to fully fund the new full-time position. Staff has reviewed the joint proposal and, with the additional State funds, would agree that a full-time position is justified, more easily recruited and retained than a part-timer and presents an opportunity for continued partnering between these two offices.

The proposal would add up to the following increases in revenue and spending:

<u>Revenues:</u>	
From State - Treasurer	\$ 9,500
From State - Commissioner	<u>8,840</u>
	<u>\$18,340</u>
 <u>Expenditures:</u>	
Increase in Expenditures - Commissioner	\$11,965
Increase in Operating Contingency	<u>6,375</u>
	<u>\$18,340</u>

Budget Amendment - Commissioner of the Revenue

June 27, 2000

Page 2

Since this actually adds funds to the County's budget for general uses, and State funding is expected to continue for these positions, your approval of the attached resolution is recommended.

John E. McDonald

JEM/gb

commissioner.mem

Attachment

RESOLUTION

BUDGET AMENDMENT - COMMISSIONER OF THE REVENUE

WHEREAS, the Board of Supervisors of James City County has been advised that additional funds have been granted by the State Compensation Board to both the Treasurer and the Commissioner of the Revenue; and

WHEREAS, both offices have had additional full-time positions identified for Partial State funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following budget and appropriation amendments to the FY 2001 Budget to accommodate these changes:

that a part-time, permanent Deputy I/II position approved for the Office of the Commissioner of the Revenue in FY 2001 be eliminated, and a full-time Deputy I/II be approved instead, and that the following changes be made in revenues and expenditures in the FY 2001 Budget:

General Fund

Revenues:

From the Compensation Board - Treasurer	\$ 9,500
Commissioner of the Revenue	<u>8,840</u>
	<u>\$18,340</u>

Expenditures:

Commissioner of the Revenue	\$11,965
Operating Contingency	<u>6,375</u>
	<u>\$18,340</u>

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

commissioner.res

MEMORANDUM

DATE: June 27, 2000
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Improvements and Dedication of Cedar Drive from Riverside Drive to Turn Around Cypress Point Subdivision

Cedar Drive is the first street to the right off North Riverside Drive when driving into the Cyprus Point subdivision. Please see the attached map. This street has been on the dirt street funding schedule since 1998.

The attached resolution does the following things:

1. dedicates Cedar Drive to the Virginia Department of Transportation (VDOT) for maintenance;
2. requests VDOT to upgrade the street to its standards and pay half the cost; the VDOT estimate for all work is \$52,916; and
3. obligates the County to pay half the cost of upgrading Cedar Drive: \$26,458.

Staff recommends adoption. Funds are available in the Road Improvement CIP account.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/gb
cedar dr. mem

Attachments

RESOLUTION

IMPROVEMENTS AND DEDICATION OF CEDAR DRIVE FROM RIVERSIDE DRIVE

TO TURN AROUND CYPRESS POINT SUBDIVISION

WHEREAS, the street described below was established October 12, 1960 and currently serves at least three families per mile; and

WHEREAS, the Virginia Department of Transportation has deemed that James City County's current subdivision control ordinance meets all necessary requirements to qualify this County to recommend additions to the secondary system of State highways, pursuant to § 33.1-72.1, Code of Virginia; and

WHEREAS, the James City County Board of Supervisors recommends that Cedar Drive, from Riverside Drive to a turnaround, more particularly described below, be accepted as an addition to the Secondary System of State Highways; and

WHEREAS, after examining the ownership of all property abutting this street, neither the original developer, the developers, nor successive developers retain a speculative interest in property abutting Cedar Drive from Riverside Drive to the turnaround, the Board finds that speculative interest does not exist.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation improve and add to the Secondary System of State Highways, pursuant to § 33.1-72.1(C), Code of Virginia:

Name of Street:	Cedar Drive				
Length:	500 feet (0.10 mile)				
From:	State Route 715 (Riverside Drive)				
To:	0.10 Mile Northwest State 715 (Turnaround)				
Guaranteed Right-of-Way Width:	50 feet				
Recorded Date	Deed Book	Page	Plat Book	Page	
10/12/1960	76	484			
06/10/1987	357	619			

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that the Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to § 33.1-721(C), Code of Virginia.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commit to fund 50 percent of the actual street improvements costs which are estimated by the Virginia Department of Transportation to be \$52,916.

BE IT STILL FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation along with a check in the amount of \$26,458; certified copies of plats indicating street rights-of-way, turnaround right-of-way, place of recordation, and a detailed record of current lot ownership.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

cypresspt.res

MEMORANDUM

DATE: June 27, 2000
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Utility Participation Agreement - James City County/James City Service Authority

The James City Service Authority (JCSA) has identified the opportunity to improve fire flow and water service by increasing the size of a 3,600-linear foot waterline being constructed by the County within the District Park Sports Complex. The cost to increase the waterline size from 8 to 12 inches is \$39,812. The attached resolution will appropriate the JCSA funds, in the amount of \$39,812, to the District Park Capital Budget and authorize the County Administrator to execute the agreement with the JCSA.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/tlc
dstpkupa.mem

Attachment

RESOLUTION

UTILITY PARTICIPATION AGREEMENT -

JAMES CITY COUNTY/JAMES CITY SERVICE AUTHORITY

WHEREAS, the Board of Supervisors of James City County has been requested by the James City Service Authority (JCSA) to enter into a utility participation agreement; and

WHEREAS, that agreement will ask, in return for \$39,812, that the County up-size the 3,600 linear foot waterline now planned for the District Park Sports Complex from 8 inches to 12 inches.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to enter into a utility participation agreement with the JCSA to upgrade a planned 3,600 linear foot waterline from 8 inches to 12 inches at a cost of \$39,812 to be paid by the JCSA and that the FY 2001 Capital Budget be amended, and funds appropriated, as follows:

Capital Fund

Revenues:

From the JCSA	<u>\$39,812</u>
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Expenditures:

District Park Sports Complex Construction	<u>\$39,812</u>
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Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

MEMORANDUM

DATE: June 27, 2000
TO: The Board of Supervisors
FROM: Andrew H. Herrick, Assistant County Attorney
SUBJECT: Sale of Surplus Property at 127 Pasbehegh Drive

As part of the County's acquisition of the Sydnor waterworks last year, the County acquired several parcels, among them a 0.252-acre parcel at 127 Pasbehegh Drive in First Colony. Because the James City Service Authority (JCSA) will not need this facility to service the surrounding area, the County is looking to dismantle the existing waterworks and sell this and other surplus properties.

The Greater First Colony Area Civic Association, Inc., owners of the neighboring First Colony Park, has offered to pay \$3,500 for the property. Its offer exceeds Real Estate Assessment's estimated fair market value.

The Contract for Purchase includes provisions to prevent use of this property for residential purposes, and to require that the lot line between this property and the First Colony Park be extinguished. These provisions are intended to prevent the property from being used as a home site, and to encourage the consolidation of this property as part of the First Colony Park.

RECOMMENDATION:

I recommend that the Board authorize sale of the 0.252-acre parcel at 127 Pasbehegh Drive to the Greater First Colony Area Civic Association, Inc., for \$3,500.

Andrew H. Herrick

CONCUR:

Frank M. Morton, III

AHH/tlc
pasbehegh.mem

Attachment

RESOLUTION

SALE OF SURPLUS PROPERTY AT 127 PASBEHEGH DRIVE

WHEREAS, in 1999, James City County acquired a certain 0.252-acre parcel at 127 Pasbehegh Drive from Sydnor Pump and Well Company for use by the James City Service Authority (JCSA); and

WHEREAS, the JCSA no longer requires this property or facility for its operations; and

WHEREAS, the Greater First Colony Area Civic Association, Inc., owner of the neighboring First Colony Park, has offered to pay \$3,500 for this property; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey this property to the Greater First Colony Area Civic Association, Inc., its successors, or assigns for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the property at 127 Pasbehegh Drive to the Greater First Colony Area Civic Association, Inc., its successors, or assigns for \$3,500.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

pasbehegh.res

MEMORANDUM

DATE: June 27, 2000
TO: The Board of Supervisors
FROM: Andrew H. Herrick, Assistant County Attorney
SUBJECT: Sale of Surplus Property at 128 Duer Drive

As part of the County's acquisition of the Sydnor waterworks last year, the County acquired several parcels, among them a 0.23-acre parcel at 128 Duer Drive. Because the James City Service Authority (JCSA) will not need this facility to service the surrounding area, the County is looking to dismantle the existing waterworks and sell this and other surplus properties.

Lisa Leek, contract purchaser of an adjacent property, has offered to pay \$4,500 for the property. Her offer exceeds Real Estate Assessment's estimated fair market value.

The Contract for Purchase explicitly states, "This Property will not support a separate residence" and "This Property will support only accessory structures for 126 Duer Drive once the lot line is extinguished." These provisions should safeguard this property against additional residential development.

RECOMMENDATION:

I recommend that the Board authorize sale of the 0.23-acre parcel at 128 Duer Drive to Lisa Leek for \$4,500.

Andrew H. Herrick

CONCUR:

Frank M. Morton, III

AHH/tlc
duer.mem

Attachment

RESOLUTION

SALE OF SURPLUS PROPERTY AT 128 DUER DRIVE

WHEREAS, in 1999, James City County acquired a certain 0.23-acre parcel at 128 Duer Drive from Sydnor Pump and Well Company for use by the James City Service Authority (JCSA); and

WHEREAS, the JCSA no longer requires this property or facility for its operations; and

WHEREAS, Lisa Leek, contract purchaser of a neighboring property, has offered to pay \$4,500 for this property; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey this property to Lisa Leek, her successors, or assigns for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the property at 128 Duer Drive to Lisa Leek, her successors, or assigns for \$4,500.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

duer.res

MEMORANDUM

DATE: June 27, 2000

TO: The Board of Supervisors

FROM: Leo P. Rogers, Deputy County Attorney

SUBJECT: Ordinance to Amend Chapter 13, Motor Vehicles and Traffic, Article I, In General, Section 13-7, Adoption of A State Law; Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally

The attached Ordinance incorporates by reference into the James City County Code the amendments made by the 2000 General Assembly to the D.W.I. and traffic laws. Other Code revisions necessitated by General Assembly action will be coming to the Board in July and August for public hearings. The County police are charging traffic offenders under the County Code which must be amended to reflect the State's changes to the applicable D.W.I. and traffic laws. To continue this procedure, it is necessary that the Ordinance be amended.

I recommend a doption of the Ordinance.

Leo P. Rogers

CONCUR:

Frank M. Morton, III

LPR/tlc
00dwiordi.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 13-7, Adoption of state law; and Article II, Driving Automobiles, etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of state law, generally.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and in force on July 1, 1999 ~~2000~~, except those provisions and requirements the violation of which constitutes a felony and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable

within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.

State law reference - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

Article II. Driving Automobiles, Etc., While Intoxicated
or Under the Influence of any Drug

Sec. 13-28. Adoption of state law, generally.

Article 9 (section 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (section 18.2-266 et seq.) of chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, ~~1999~~ 2000, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

State law reference - Authority to adopt state law on the subject, Code of Va. § 46.2-1313.

This Ordinance shall become effective on July 1, 2000.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

00mtrveh.ord

MEMORANDUM

DATE: June 27, 2000
TO: The Board of Supervisors
FROM: Andrew H. Herrick, Assistant County Attorney
SUBJECT: Ordinance to Amend Chapter 20, Taxation, Article VII, Tax on Prepared Food and Beverages, Section 20-34, Definitions, and Section 20-47, Exemptions

James City County imposes a four percent tax on prepared food and beverages, sometimes known as a “meal tax.” As with any local tax, James City’s prepared food and beverage tax is strictly limited to what the General Assembly has authorized. The General Assembly recently amended the State authorizing legislation, requiring localities such as James City to revise their prepared food and beverage tax accordingly.

Specifically, House Bill 255 made three changes to Virginia Code § 58.1-3833:

1. The food and beverage tax levied on meals sold by grocery store delicatessens and convenience stores is no longer limited to prepared sandwiches and single meal platters.
2. No locality may levy a tax upon alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption.
3. The following items are deemed to be exceptions to the definition of “food” under the Federal Food Stamp Act, and are therefore taxable: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and non-factory sealed beverages.

The policy rationale for these amendments is beyond the scope of this memorandum. However, now that the General Assembly has acted, localities such as James City must make corresponding changes to local ordinances to keep them within State authorizing legislation.

The attached Ordinance would bring James City’s prepared food and beverage tax into compliance with the new State law. I recommend its approval by the Board.

Andrew H. Herrick

CONCUR:

Frank M. Morton, III

AHH/tlc
foodbevtax.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VII, TAX ON PREPARED FOOD AND BEVERAGES, SECTION 20-34, DEFINITIONS; AND SECTION 20-47, EXEMPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article VII, Tax on Prepared Food and Beverages, Section 20-34, Definitions; and Section 20-47, Exemptions.

Chapter 20. Taxation

Article VII. Tax on Prepared Food and Beverages

Sec. 20-34. Definitions.

The following words and phrases, when used in this article, shall have, for the purposes of this article, the following respective meanings except where the context clearly indicates a different meaning:

Beverage. Any alcoholic beverages as defined in section 4.1-100 of the Code of Virginia, 1950, as amended, and nonalcoholic beverages, any of which are served as part of a meal, excluding alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption.

Caterer. A person who furnishes food on the premises of another for compensation.

Commissioner of the revenue. The commissioner of the revenue of the county and any of his duly authorized deputies, assistants, employees or agents.

Food. Any and all edible refreshments or nourishment, liquid or otherwise, including alcoholic beverages and nonalcoholic beverages served with a meal, purchased in or from a restaurant or from a caterer, except snack foods.

Meal. Any food as herein defined, other than a beverage, sold for consumption on the premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper, or by some other name, and without regard to the manner, time, or place of service.

Person. Any individual, corporation, company, association, firm, partnership or any group of individuals acting as a unit.

Purchaser. Any person who purchases food in or from a restaurant or from a caterer.

Restaurant.

- (1) Any place where food is prepared for service to the public whether on or off the premises *including a delicatessen counter at a grocery store or convenience store selling prepared foods ready for human consumption;*
- (2) Any place where food is served to the public; or
- (3) Any place or operation which prepares or stores food for distribution to persons of the same business operations or of a related business operation for service to the public.

Examples include a dining room; grill; coffee shop; cafeteria; café; snack bar; lunch counter; lunchroom; short-order place; tavern; delicatessen; confectionery; bakery; eating house; eatery; drugstore; catering service; lunch wagon or truck; pushcart or other mobile facility that sells food; dining facility in a public or private club, resort, bar, or lounge; kitchen facility of a hospital or nursing home; and dining facility of a public or private school or college.

Seller. Any person who sells food in or from a restaurant or as a caterer.

Snack food. Chewing gum, candy, popcorn, peanuts and other nuts, and unopened prepackaged cookies, donuts, crackers, potato chips and other items of essentially the same nature and consumed for essentially the same purpose.

Treasurer. The treasurer of the county and any of his duly authorized deputies, assistants, employees or agents.

Sec. 20-47. Exemptions.

The following purchases of food shall not be subject to the tax under this article:

- (a) Food furnished by restaurants to employees as part of their compensation when no charge is made to the employee.
- (b) Food sold by nonprofit day care centers, public or private elementary or secondary schools or food sold by any college or university to its students or employees.

- (c) Food for use or consumption by the commonwealth, any political subdivision of the commonwealth or the United States.
- (d) Food furnished by a hospital, medical clinic, convalescent home, nursing home, home for the aged, infirm or handicapped or other extended care facility to patients or residents thereof.
- (e) Food furnished by a nonprofit charitable organization to elderly, infirm, handicapped or needy persons in their homes or at central locations.
- (f) Food sold by a nonprofit educational, charitable or benevolent organization on an occasional basis as a fund-raising activity or food sold by a church or religious body on an occasional basis.
- (g) Food furnished by boardinghouses that do not accommodate transients.
- (h) Food sold by cafeterias operated by industrial plants for employees only.
- (i) Food sold by nonprofit cafeterias in public schools, nursing homes and hospitals.
- (j) Food sold by churches, fraternal and social organizations and volunteer fire departments and reserve squads which hold occasional dinners and bazaars of one- or two-day duration, at which food prepared in the homes of members or in the kitchen of the organization is offered for sale to the public.

- (k) Food furnished by churches which serve meals for their members as a regular part of their religious observance.
- (l) Food sold through vending machines.
- (m) ~~Food sold by grocery stores and convenience stores except for prepared sandwiches, single-meal platters and prepared food ready for human consumption sold at a delicatessen counter.~~
Any food or food product purchased for home consumption as defined in the federal Food Stamp Act of 1977, 7 U.S.C. section 2012, or amended, except for salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and non-factory sealed beverages. This exemption does not include hot food or hot food products ready for immediate consumption.
- (n) Any other sale of food which is exempt from taxation under the Virginia Retail Sales and Use Tax Act, or administrative rules and regulation issued pursuant thereto.

State law reference - Code of Va., §58.1-3833.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

MEMORANDUM

DATE: June 27, 2000

TO: The Board of Supervisors

FROM: Richard Sebastian, Director of Real Estate
Leo P. Rogers, Deputy County Attorney

SUBJECT: Ordinance to Amend Chapter 20, Taxation, Article I, In General, Section 20-4.1, Abatement of Levies on Buildings Razed, Destroyed, or Damaged by Natural or Accidental Events

Attached for your consideration is a proposed Ordinance which amends the abatement of tax levies for buildings razed, destroyed, or damaged due to natural or accidental event. At the request of the County, the State Code was amended to allow the abatement of taxes if a building is rendered unfit for use or occupancy for 30 or more days during the year.

Previously, the State Code required that in order to be eligible for a tax abatement a building could not be repaired in the same calendar year. The old law inequitably treated taxpayers based on the month of the calendar year that their property was damaged. It also created a disincentive to repair damaged property in order to be eligible for an abatement. In addition, the old law was difficult for staff to administer because the County operates on a fiscal year and the abatement requirement was based on a calendar year. The changes made to the State Code and incorporated in the proposed Ordinance rectify these problems.

We recommend adoption of the attached Ordinance.

Richard Sebastian

Leo P. Rogers

CONCUR:

Frank M. Morton, III

RS/LPR/gb
levies.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-4.1, ABATEMENT OF LEVIES ON BUILDINGS RAZED, DESTROYED, OR DAMAGED BY NATURAL OR ACCIDENTAL EVENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-4.1, Abatement of levies on buildings razed, destroyed, or damaged by natural or accidental events.

Chapter 20. Taxation

Article I. In General

Sec. 20-4.1. Abatement of levies on buildings razed, destroyed, or damaged by natural or accidental events.

Buildings which are razed, destroyed, or damaged due to a natural or accidental event and through no fault of the owner shall receive an abatement for tax levies computed according to the ratio which the portion of the year the building was fit for use, occupancy, or enjoyment bears to the entire year. No such abatement shall occur unless:

1. The destruction or damage to such building decreases its value by \$500 or more;
2. The destruction or damage to such building ~~shall not be repaired during the same calendar year in which it occurred~~ *renders it unfit for use and occupancy for 30 or more days during the year*; and

3. The owner of such building makes application for the abatement within six months of the date on which the building was razed, destroyed, or damaged.

State law reference - Code of Va., §58.1-3222.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

bldglevy.ord

MEMORANDUM

DATE: June 27, 2000

TO: The Board of Supervisors

FROM: M. Ann Davis, Treasurer
Leo P. Rogers, Deputy County Attorney

SUBJECT: Ordinance to Amend Chapter 20, Taxation, Article I, In General, Section 20-7.2, Refund of Levies Erroneously Paid

Attached for your consideration is an Ordinance which revises the requirement to pay interest on refunds due to erroneous assessments. The changes to the Ordinance reflect recent revisions to the State Code and a recent opinion from the Attorney General. Effective July 1, 2000, State Code provides that no interest is due on refunds of \$10.00 or less or for refunds which result from the proration of taxes. A vast majority of the refunds issued by the Treasurer's Office are due to proration.

The other change to the Ordinance reflects that payment of interest commences no earlier than July 1, 1999. This is in response to a recent Attorney General's opinion that the State Code requirement for interest to be paid on refunds for erroneous assessments is not retroactive from the July 1, 1999, effective date. The Ordinance provides that the County shall pay interest beginning the month after payment was made but in no event prior to July 1, 1999.

We recommend adoption of the attached Ordinance.

M. Ann Davis

Leo P. Rogers

MAD/LPR/gb
refunds.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-7.2, REFUND OF LEVIES ERRONEOUSLY PAID.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article I, In General, Section 20-7.2, Refund of levies erroneously paid.

Chapter 20. Taxation

Article I. In General

Sec. 20-7.2. Refund of levies erroneously paid.

Pursuant to section 58.1-3990 of the Code of Virginia, 1950, as amended, the board of supervisors hereby provides for the refund of any local levies erroneously assessed on tangible personal property, machinery and tools, or merchant's capital, or a local license tax or real estate.

If upon application, the commissioner of the revenue is satisfied that he or his predecessor in office has erroneously assessed such applicant with any local levies as provided herein, he shall certify to the tax-collecting officer the amount erroneously assessed. If the levies have not been paid, the applicant shall be exonerated from so much thereof as is erroneous, and if such levies have been paid, the tax collecting officer or his successor in office shall refund to the applicant the amount erroneously paid, together with any penalties and interest paid thereon.

A refund of any payment made ~~on or after July 1, 1999~~, due to an erroneous assessment shall bear interest in the amount of ten percent per annum commencing the first day of the month following the month in which such

taxes are due or in which such taxes are paid, whichever is later, *but in no event prior to July 1, 1999*. For the purposes of this paragraph, an erroneous assessment shall mean an assessment that a taxpayer can demonstrate, by clear factual evidence, that he or she was not subject to such assessment for the year in question. ~~Correction of an assessment due to the sale, transfer or other disposition of property shall not be deemed to be an erroneous assessment. In addition, an assessment which is incorrect due to the action or inaction of a taxpayer shall not be deemed to be an erroneous assessment.~~ *No interest shall be paid if the refund is ten dollars or less or if the refund is the result of proration pursuant to section 58.1-351.6 of the Code of Virginia.*

No refund shall be made in any case when application therefor was made more than three years after the last day of the tax year for which such taxes were assessed; provided, that if any tax is declared to be unconstitutional by a court of competent jurisdiction, the board of supervisors shall grant a refund of such tax hereunder to all taxpayers for those years to which the court proceeding was applicable.

State law reference-Code of Va., §58.1-3916.

This ordinance shall become effective July 1, 2000.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

M E M O R A N D U M

DATE: June 27, 2000
 TO: The Board of Supervisors
 FROM: John T. P. Horne, Development Manager
 SUBJECT: Transfer of Surplus Ware Creek Properties (deferred from May 23, 2000)

In response to land use questions and issues about green space, additional residential development, and water consumption raised by the Board when this was considered last month, Development Management staff is providing land use comments and recommendations on the properties described in the memorandum from the County Attorney's Office.

Former Ware Creek Reservoir Properties

As the Board may recall, prior to the May 23 Board meeting, staff had proposed transferring these properties to the James City Service Authority (JCSA). In turn, the JCSA could resell these properties and recoup its expenses incurred in their original acquisition. These properties are as follows:

<u>Tax Map</u>	<u>Address</u>	<u>Acres</u>
12-2/3-26	106 Joanne Court	0.947
13-1/1-1	4001 Mt. Laurel Road	2.096
13-1/1-1E	4001-E Mt. Laurel Road	2.344
13-1/1-1F	4001-F Mt. Laurel Road	0.364
13-1/2-19	151 Louise Lane	2.590
13-3/2-1	3981 Rochambeau Drive	0.864
13-3/2-2	3985 Rochambeau Drive	1.293
13-3/2-3	3989 Rochambeau Drive	1.246
13-3/2-4	3993 Rochambeau Drive	0.685
13-3/2-5	3995 Joshua's Court	2.436
13-3/2-6	3999 Joshua's Court	2.614
13-3/2-7	4001 Joshua's Court	0.764
13-3/2-8	4003 Rochambeau Drive	0.532

The Board needs to resolve the issue of whether it wishes for any of these lots deemed buildable should be used for residential purposes.

The eight properties along Rochambeau Drive and Joshua's Court are part of the former Joshua's Glen subdivision. Joshua's Glen is a subdivision which was recorded in August of 1982 and subsequently purchased by the County as part of acquisitions for the Ware Creek project. It is located on the south side of Rochambeau Drive approximately one half mile east of the Sandhill subdivision. It includes eight lots on 10.746 acres and an internal unimproved street. The County holds no bond to improve the street which was intended to serve four of the lots. This subdivision is zoned A-1, General Agricultural, and is located outside the Primary Service Area.

Development Management staff has concerns about the possible sale of these lots for residential purposes. To begin with, there are no public utilities available to these lots. They were platted prior to the requirements for primary and alternate drain field on each property and we have doubts as to whether they can be accommodated

Proposed Sale of Ware Creek Surplus Properties

June 27, 2000

Page 2

on several of those lots given their relatively small size (see attachment). Secondly, if we were to apply current Chesapeake Bay requirements to these lots with respect to RPA restrictions and RPA buffers, at least two of these lots should not be built on. Lastly, there is the issue of whether these lots should be sold for residential use given that they lie outside the PSA and are less in area than the currently permitted three acre lot size. The County has the option of not doing so in consideration of these factors. If the Board agrees to sell this land, staff would recommend that the lots be combined into no more than two lots of approximately five acres each and that the platted street be vacated. In discussions with the Real Estate Assessments Office, we estimate that a potential sales price of the two lots would exceed the initial purchase price of this subdivision.

Of the other Ware Creek Reservoir properties, two are buildable lots (106 Joanne Court and 4001 Mt. Laurel Road) and the other three are not (4001 E and F Mt. Laurel Road and 151 Louise Lane). The property on Joanne Court is on an unimproved street. However, the street is scheduled for improvement as part of our Dirt Streets Program in 2001. In the meantime we believe the existing street provides reasonable access until the road is improved. Staff recommends that the unbuildable properties be left alone or combined with adjoining properties if sold.

The buildable lots mentioned (four including 106 Joanne Court, 4001 Mt. Laurel, and Joshua's Glen combined into two lots) would be served by private wells. The actual construction of these wells would be regulated by the Health Department and by JCSA regulations. The annual well water consumption estimated for each dwelling would amount to 80,000 gallons.

If the Board wishes to allow the buildable lots to be developed, then it needs to transfer them to the JCSA for future sale. We suggest that be accomplished as recommended herein. Staff does not anticipate that the Board would have any concerns with the transfer of the unbuildable lots with the proviso that they be combined with adjoining properties. Two resolutions have been included for your consideration. One provides for the transfer and subsequent sale of all these properties as recommended. The other provides for the transfer of the undevelopable properties only for sale to adjoining property owners. We recommend the former.

John T. P. Horne

JTPH/tlc

wc2_2.mem

Attachments

RESOLUTION

SALE OF SURPLUS WARE CREEK PROPERTIES

WHEREAS, in the mid-1980s, James City County acquired certain parcels around Ware Creek for construction of the proposed Ware Creek Reservoir; and

WHEREAS, the County no longer requires these properties or facilities for its operations; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should transfer certain properties to the James City Service Authority (the "Authority") for disposition as outlined herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to execute deeds and any other documents needed to convey the following properties to the James City Service Authority, and further requests that the Authority in turn convey the properties only to adjacent property owners for combination with their existing parcels:

<u>Tax Map</u>	<u>Address</u>	<u>Acres</u>
13-1/1-1E	4001-E Mt. Laurel Road	2.344
13-1/1-1F	4001-F Mt. Laurel Road	0.364
13-1/2-19	151 Louise Lane	2.590

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June, 2000.

warecrk2.res

RESOLUTION

SALE OF SURPLUS WARE CREEK PROPERTIES

WHEREAS, in the mid-1980s, James City County acquired certain parcels around Ware Creek for construction of the proposed Ware Creek Reservoir; and

WHEREAS, the County no longer requires these properties or facilities for its operations; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should transfer certain properties to the James City Service Authority (the "Authority") for disposition as outlined herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to execute deeds and any other documents needed to convey the following three properties to the James City Service Authority, and further requests that the Authority in turn convey the properties only to adjacent property owners for combination with their existing parcels:

<u>Tax Map</u>	<u>Address</u>	<u>Acres</u>
13-1/1-1E	4001-E Mt. Laurel Road	2.344
13-1/1-1F	4001-F Mt. Laurel Road	0.364
13-1/2-19	151 Louise Lane	2.590

The Board of Supervisors further directs that the following properties, known as the "Joshua's Glen Properties," be consolidated into no more than two lots of approximately five acres each, prior to being conveyed to the Authority:

<u>Tax Map</u>	<u>Address</u>	<u>Acres</u>
13-3/2-1	3981 Rochambeau Drive	0.864
13-3/2-2	3985 Rochambeau Drive	1.293
13-3/2-3	3989 Rochambeau Drive	1.246
13-3/2-4	3993 Rochambeau Drive	0.685
13-3/2-5	3995 Joshua's Court	2.436
13-3/2-6	3999 Joshua's Court	2.614
13-3/2-7	4001 Joshua's Court	0.764
13-3/2-8	4003 Rochambeau Drive	0.532

The Board of Supervisors further authorizes and directs Sanford B. Wanner, County Administrator, to execute deeds and any other documents needed to convey the aforementioned Joshua's Glen Properties following their consolidation to the Authority.

The Board of Supervisors further authorizes and directs Sanford B. Wanner, County Administrator, to execute deeds and any other documents needed to convey the following to the Authority:

Tax Map	Address	Acres
12-2/3-26	106 Joanne Court	0.947
13-1/1-1	4001 Mt. Laurel Road	2.096

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of June,
2000.

wareck3.res