

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 15TH DAY OF NOVEMBER, NINETEEN HUNDRED NINETY-THREE, AT 5:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
David L. Sisk, Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. 1994 Legislative Program

Mr. Frank M. Morton, III, County Attorney, explained the format of discussion for the proposed 1994 Legislative Program and introduced Senator Thomas K. Norment, Jr., and Delegate George W. Grayson, who were invited to participate in the discussion.

Mr. Morton indicated that Items 1-1 through 1-6 are to be introduced on behalf of the County; Items 2-1 through 2-11 are positions recommended for Board support; and, Items 3-1 through 3-18 are Virginia Municipal League proposals recommended for Board endorsement.

Discussion of the items by the Board, legislators, and staff followed.

Ms. Knudson recessed the Board for dinner at 6:10 p.m.

Ms. Knudson reconvened the Board into open session at 7:00 p.m.

C. PRESENTATION

1. James River Certified Development Corporation

Mr. Keith A. Taylor, Economic Development Director, introduced Mr. Frederick M. Minton, Executive Director of James River Certified Development Corporation, who presented a check to the County in the amount of \$1,820. He stated the check represented a 60 percent return on the County's FY 93-94 contribution to the Corporation.

2. Citizenship Appreciation Award, Police and Fire Departments

Ms. Knudson presented a plaque to Sgt. Lucette Carter, Kingsmill Police, in appreciation for responding to an emergency call to a residence and reviving the patient by cardiopulmonary resuscitation.

D. MINUTES - November 1, 1993

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

Ms. Knudson made a motion to approve the minutes as presented.

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

E. HIGHWAY MATTERS

Ms. Beverly Mozingo, Williamsburg Assistant Resident Engineer, Virginia Department of Transportation, reported that notice for discontinuance of Lake Powell Road Dam had been advertised and contracts have been awarded for improvement to Route 614.

Mr. Taylor asked for consideration of putting a hard surface on approximately one-tenth of a mile of Racefield Drive dirt road (Route 621) with maintenance allotment funds.

Mr. Taylor requested a study of the hazardous traffic situation in Toano between Toano Middle School and Forge Road.

Mr. DePue thanked Ms. Mozingo for the work on the beaver dams at Season's Trace.

Mr. DePue asked for a report on widening the pavement to accommodate through traffic around vehicles making left-turns from Longhill Road into the shopping center at Longhill and Olde Towne Roads.

F. CONSENT CALENDAR

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

Ms. Knudson asked that Item No. 1 be removed and made a motion to approve Item Nos. 2 and 3 on the Consent Calendar.

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

2. Dedication of Streets in Season's Trace, Section 12

RESOLUTION**DEDICATION OF STREETS IN SEASON'S TRACE, SECTION 12**

WHEREAS, the following roads in Season's Trace, Section 12 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street

Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Board of Supervisors guarantees and it does hereby so guarantee satisfactory performance of the streets in Season's Trace, Section 12 for a period of one year from the date of acceptance by the Virginia Department of Transportation.

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

3. FY 94 Transit Budget Amendment

R E S O L U T I O N

TRANSIT BUDGET AMENDMENT - FEDERAL AND STATE GRANT

WHEREAS, the Board of Supervisors has been requested to approve State and Federal matching grant revenues administered by the Virginia Department of Rail and Public Transportation to the James City County Transit Company to meet capital and operating needs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends its FY 94 budget to become as follows:

Transit Company:

Revenues:

Fund Balance	\$ 28,010
Federal	403,419
State	116,922
County	71,487
Other Localities/Fares	<u>115,000</u>
Total	<u>\$734,838</u>

Expenditures:

Personnel	\$285,449
Operating Expenses	189,389
Capital Outlay	<u>260,000</u>
Total	<u>\$734,838</u>

1. Dedication of Saddletown Road

Ms. Knudson announced the ribbon-cutting for Saddletown Road had been held Monday, November 15, 1993. She noted that the improvements were made under the County's Dirt Street program.

Mr. Taylor expressed the citizens' appreciation for completion of a very fine road.

Ms. Knudson made a motion to approve the resolution.

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

RESOLUTION

DEDICATION OF SADDLETOWN ROAD

WHEREAS, Saddletown Road, as described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised that Saddletown Road meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Virginia Department of Transportation to add Saddletown Road as described on the attached Additions Form SR-5(A) to the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED that the Board of Supervisors 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 of Supervisors guarantees and it does hereby so guarantee satisfactory performance of Saddletown Road for a period one year from the date of acceptance by the Virginia Department of Transportation.

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

G. BOARD CONSIDERATIONS

1. Proposed 1994 Legislative Program

Mr. Frank M. Morton, III, County Attorney, stated that the legislative program was presented to the Board in a work session held earlier, and the document will be revised with votes reflected as a result of that discussion.

Ms. Knudson made a motion to approve the resolution.

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

RESOLUTION

1994 LEGISLATIVE PROGRAM

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 1994 session of the General Assembly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that they hereby endorse the attached 1994 Legislative Program and urge its consideration and passage as appropriate.

2. James City County Proposed Bond Issues

Mr. John E. McDonald, Manager of Financial and Management Services, gave a brief description of the fiscal impact of three referendum projects: construction of a new high school, renovation of Lafayette High School, and the addition and renovation to Norge Elementary School; the James City County Library Building; and, the expansion and renovation of the Recreation Center and acquisition of land for the District Park.

Ms. Knudson recognized persons in the audience who desired to comment on the bond issues.

1. Mr. Clay Henson, President, Williamsburg-James City Education Association, expressed support for full funding of the School Board's request.

2. Mr. Kenneth Sharp, 203 Robertson Street, Williamsburg Youth League, supported the Parks and Recreation request and expressed a need for more baseball fields.

3. Mr. Albert Woodward, 105 Northpoint, spoke in support of the School, Library, and portions of the Parks and Recreation referenda.

4. Mr. Gilbert Bartlett, 211 Southpoint, spoke in favor of fully funding the School Division request, and emphasized that a quality school system is of great importance in attracting economic development to the County.

5. Mr. Harold Baker, 103-H Lake Powell Road, spoke in favor of the Parks and Recreation referendum request for expansion of the Recreation Center and development of a District Park, stating both would benefit the entire community.

6. Ms. Mary P. Minor, 5813 Hawthorne Lane, spoke in support of all referenda, and felt the funding would be well spent for facilities needed because of community growth.

7. Ms. Jeanne Zeidler, 108 Governor Berkeley Road, spoke in favor of the 3 referenda, and asked that the Board support the referendum resolution adopted by the School Board.

8. Mr. Joseph Mastaler, 104 South Cove Road, expressed Parks and Recreation Commission support for County Administration's recommendation for the Parks and Recreation referendum.

9. Mr. Robert Pinto, 128 Cooley Road, asked the Board to fully fund and support the Parks and Recreation bond issue.

10. Mr. Edwin Oyer, 139 Indian Circle, commented that the County could support only one high school; use a plan designed for a school built elsewhere; have split sessions for maximum use of buses and equipment; and, convert Lafayette High School to a regional technical center.

11. Mr. Richard Butler, Director of Coaching, Williamsburg Soccer Club spoke in favor of the Parks and Recreation referendum, as playing fields are needed to draw tournaments to this area, which, in turn, would provide tax revenue for the County.

12. Ms. Elise Emanuel, 110 Willow Drive, spoke in favor of the school bond referendum as children are an investment for the future.

13. Masters Davin Sharp and Jonathon Grygalonis asked the Board to support the Parks and Recreation referendum so that children would have playing fields.

14. Fran Delo, school employee at Norge Elementary School, urged the Board to support the school referendum for renovation of schools.

Ms. Knudson made a motion to approve the School Bond referendum resolution in the amount of \$38,600,000.

Individual Board members emphasized that the bond referenda was the best, most efficient manner to borrow funds; the amount was prudent; and, that the Board strongly supported the referendum because of the clear need for added space.

On behalf of the Board, Ms. Knudson thanked all who worked so diligently and did a very good job.

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

**RESOLUTION REQUESTING THE CIRCUIT COURT TO ORDER
AN ELECTION ON THE ISSUANCE OF GENERAL OBLIGATION
BONDS IN THE MAXIMUM AMOUNT OF \$38,600,000 FOR
SCHOOL FACILITIES**

WHEREAS, the Williamsburg-James City County School Board (the "School Board") has determined that there is a need to undertake a school construction program to be financed in part by the issuance of general obligation bonds of James City County, Virginia (the "County"), in the maximum amount of \$40,602,222; and,

WHEREAS, the School Board adopted a resolution on October 26, 1993, requesting the Board of Supervisors (the "Board") of the County to request the Circuit Court for the City of Williamsburg and the County of James City (the "Circuit Court") to order an election on the question of contracting a debt and issuing general obligation bonds of the County in the maximum amount of \$40,602,222; and

WHEREAS, the Board concurs in the need to undertake a school construction program and to contract a debt and issue general obligation bonds of the County therefor but believes that it is in the best interest of the County to limit the amount of such bonds to \$38,600,000;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. The Board determines that it is necessary and expedient to undertake a school construction program, which will promote the public welfare of the County and its inhabitants.

2. The Board determines that it is advisable to contract a debt and issue general obligation bonds of the County in the maximum amount of \$38,600,000 (the "Bonds") pursuant to the Public Finance Act of 1991 to finance in whole or in part the costs of a school construction program, including without limitation the acquisition of land and equipment and the design and construction of new school facilities and renovation and expansion of existing school facilities.

3. The Board requests the Circuit Court to order an election to be held March 1, 1994, pursuant to Sections 15.1-227.12 and 15.1-227.13 of the Public Finance Act of 1991 on the question of contracting a debt and issuing the Bonds for such purpose.

4. The Clerk of the Board is authorized and directed to cause a certified copy of this resolution to be filed with the Circuit Court.

5. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board of Supervisors of James City County, Virginia, held on November 15, 1993, and of the whole thereof so far as applicable to the matters referred to in such extract.

Ms. Knudson made a motion to approve the library resolution in the amount of \$5,500,000.

The Board agreed that a library was of general interest to all citizens.

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

**RESOLUTION REQUESTING THE CIRCUIT COURT TO ORDER
AN ELECTION ON THE ISSUANCE OF GENERAL OBLIGATION
BONDS IN THE MAXIMUM AMOUNT OF \$5,500,000 FOR
LIBRARY FACILITIES**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. The Board of Supervisors (the "Board") of James City County, Virginia (the "County"), determines that it is necessary and expedient to undertake construction of library facilities for the County, which will promote the public welfare of the County and its inhabitants.

2. The Board determines that it is advisable to contract a debt and issue general obligation bonds of the County in the maximum amount of \$5,500,000 (the "Bonds") pursuant to the Public Finance Act of 1991 to finance in whole or in part the costs of construction of library facilities, including without limitation the acquisition of land and equipment and the design and construction of a new library building.

3. The Board requests the Circuit Court for the City of Williamsburg and the County of James City to order an election to be held March 1, 1994, pursuant to Sections 15.1-

227.12 and 15.1-227.13 of the Public Finance Act of 1991 on the question of contracting a debt and issuing the Bonds for such purpose.

4. The Clerk of the Board is authorized and directed to cause a certified copy of this resolution to be filed with the Circuit Court for the City of Williamsburg and the County of James City.

5. This resolution shall take effect immediately.

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Ms. Knudson made a motion to approve the Parks and Recreation referendum in the amount of \$8,000,000.

A majority of the Board emphasized the importance of recreation and physical fitness as an important part of the County's quality of living.

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

**RESOLUTION REQUESTING THE CIRCUIT COURT TO
ORDER AN ELECTION ON THE ISSUANCE OF GENERAL
OBLIGATION BONDS IN THE MAXIMUM AMOUNT OF
\$8,000,000 FOR PARK AND RECREATION FACILITIES**

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY
COUNTY, VIRGINIA:**

1. The Board of Supervisors (the "Board") of James City County, Virginia (the "County"), determines that it is necessary and expedient to undertake the acquisition and construction of park and recreation facilities for the County, which will promote the public welfare of the County and its inhabitants.

2. The Board determines that it is advisable to contract a debt and issue general obligation bonds of the County in the maximum amount of \$8,000,000 (the "Bonds") pursuant to the Public Finance Act of 1991 to finance in whole or in part the costs of park and recreation facilities, including without limitation the acquisition and development of parks and the acquisition of land and equipment and the design and construction of new park and recreation facilities and renovation and expansion of the existing recreation facilities.

3. The Board requests the Circuit Court for the City of Williamsburg and the County of James City to order an election to be held March 1, 1994, pursuant to Sections 15.1-227.12 and 15.1-227.13 of the Public Finance Act of 1991 on the question of contracting a debt and issuing the Bonds for such purpose.

4. The Clerk of the Board is authorized and directed to cause a certified copy of this resolution to be filed with the Circuit Court for the City of Williamsburg and the County of James City.

5. This resolution shall take effect immediately.

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Ms. Knudson declared a ten-minute recess at 8:22 p.m.

Ms. Knudson reconvened the Board into open session at 8:32 p.m.

H. PUBLIC COMMENT

1. Ms. Jeanne Zeidler, Chair, Williamsburg-James City School Board, thanked the Board and expressed full support of the School Division in working with the Board on the referendums.

2. Mr. Thomas O. Williams, 706 Jackson Drive, asked for assistance in finding a place to present his paper entitled, "A TALE OF TOMORROW."

3. Mr. Edwin Oyer, 139 Indian Circle, reported that James City County was listed Number 3 in Virginia in a national magazine article listing sites suggested for industrial development in all states. He reiterated that a regional technical school was needed to train work force.

4. Mr. Jay Everson, 130 Oslo Court, spoke to the announcement of DisneyAmerica locating in Northern Virginia and the impact on our area. He also urged the County to do whatever possible to help Mann Industries Inc., with its difficulties.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, commended the Board on its outstanding efforts and the positive manner in the adoption of the referenda resolutions.

J. BOARD REQUESTS AND DIRECTIVES

On behalf of the Board, Mr. DePue expressed thanks to Ms. Knudson for all her hard work and efforts on the bond referenda.

Ms. Knudson made a motion to adjourn.

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

The Board adjourned at 8:48 p.m.



David B. Norman
Clerk to the Board



ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways

Attachment to (check one only) Board of Supervisors Resolution Surety Instrument Dated 11/15/93 Attachment 1 of 1
 Name of Subdivision: Saddletown James City County

Ref. No.	Name of Street	Street Addition Termini	R.O.W Width (ft)	Miscellaneous Notes	Addition Length Centerline Miles
1	Saddletown Road	From: Riverview Road (SR 606) To: end of cul-de-sac Plat Recorded Date: 10/18/93 Deed Book: 647 Page: 178	50'	Plat Book 58, Page 37	0.49 mi.
2		From: To:			
3		Plat Recorded Date: Deed Book: Page: From: To:			
4		Plat Recorded Date: Deed Book: Page: From: To:			
5		Plat Recorded Date: Deed Book: Page: From: To:			
6		Plat Recorded Date: Deed Book: Page: From: To:			
7		Plat Recorded Date: Deed Book: Page: From: To:			
Total Mileage					0.49 mi

Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage

CERTIFICATION OF ATTACHMENT

This attachment is certified as a part of the document indicated above:

Roger W. Estep
 (Name and Title) Roger W. Estep, Right-of-Way Agent

JAMES CITY COUNTY
1994 LEGISLATIVE PACKAGE
STATEMENT BY THE BOARD OF SUPERVISORS

UNFUNDED MANDATES

While James City County has not chosen in the past to prioritize legislative policies on positions, we believe it is appropriate to vary from the past and state our position on the issue of insufficient State funding for mandated programs. This is certainly not a new issue for either localities or the State. But the continuing flow of either unfunded or underfunded mandates in the form of laws and/or regulations has reached a point that it is simply unrealistic to expect local governments, with their own set of requirements and needs, to be able to assume the fiscal burden imposed by these mandates.

James City County urges the State to establish firm guidelines for the development and implementation of mandates that would, at a minimum, include the following:

1. A review of the proposed mandate to ensure its need and impact.
2. A fiscal impact analysis to be completed prior to consideration by a legislative committee.
3. Require involvement by local government at all stages of mandate development and implementation.

Areas of particular need for increased State funding for mandated programs include:

- School capital needs (construction, renovation, or modernization) necessitated by State mandates that are administratively defined under "Standards of Quality" such as reduction of class size, and special education programs.
- Teacher salaries.
- Implementation of solid waste disposal and landfill operation regulations and recycling requirements.
- Social services (including child abuse prevention, foster care and foster care prevention) and health programs.
- Implementation of the regulations adopted pursuant to the Chesapeake Bay Preservation Act.
- Reductions in Constitutional Offices funding, including salaries, benefits, capital costs and expenses associated with such offices.

JAMES CITY COUNTY
1994 LEGISLATIVE PROPOSALS

PART I. Legislation to be introduced on behalf of the County:

1-1. **COURTHOUSE RELOCATION**

James City County requests that § 15.1-561 of the Virginia Code be amended to permit the relocation of a courthouse without the necessity of a referendum when the governing body, or governing bodies in the case of a joint court system, find by resolution that the existing courthouse is inadequate and that renovation or expansion is not feasible. (BOS Vote 5-0)

1-2. **DONATIONS TO CHARITABLE INSTITUTIONS AND ASSOCIATIONS**

James City County requests that § 15.1-24 of the Virginia Code be amended to permit the County to make donations of money, personal or real property to charitable institutions or associations physically located outside the County's limits, if such entity provides services to the residents of the locality. (BOS Vote 5-0)

1-3. **INTANGIBLE PERSONAL PROPERTY TAX**

James City County requests that § 58.1-1101(2a) of the Virginia Code be amended by permitting localities to tax the electronics associated with the provisions of cable T.V. This is increasingly important as cable companies convert to fiber optics. (BOS Vote 4-1)

1-4. **JAMES CITY SERVICE AUTHORITY - LIENS FOR UNPAID CHARGES**

James City County requests that § 15.1-1263(a) of the Virginia Code be amended to place liens for unpaid utility charges on a parity with liens for unpaid real estate taxes. This is consistent with a September 1992 opinion of the Attorney General and would place authority liens on a parity with other water and sewer liens. (BOS Vote 5-0)

1-5. JAMES CITY SERVICE AUTHORITY - LIENS FOR UNPAID CHARGES
- CONTRACTING WITH THE LOCALITY

James City County requests that § 15.1-1263(a) of the Virginia Code be amended to permit an authority to contract with one or more of the political subdivisions in which it operates to allow a properly recorded authority lien to be collected in the same manner as unpaid real estate taxes. This is similar to the collection authority for other water and sewer liens. (BOS Vote 5-0)

1-6. CIVIL PENALTIES FOR ANIMAL CONTROL

James City County requests that § 3.1-796.126:7 of the Virginia Code be amended to permit civil penalties for violation of animal control ordinances. (BOS Vote 4-1)

PART II. Legislation to be supported by the County:

2-1. ACCESS TO COMPUTER RECORDS

James City County opposes Senate Bill 332, as originally introduced in 1992 and carried over to the 1993 session. This bill would require localities to produce upon request information from their computer data bases in whatever format requested, with limits on what could be charged for such services. James City County is concerned that this bill would permit commercial firms to request huge amounts of information from local governments, such as that which will be available in the County's new GIS system, in order to resell all or parts of the information to others for a fee. Localities should be able to continue to charge reasonable fees for making available computer generated information and should be able to recoup the costs of collecting and housing information and developing computer programs. (BOS Vote 4-1)

2-2. BUILDING CODES

The General Assembly should authorize localities to enhance building codes to improve the quality of local conditions, including the adoption of local codes providing greater public protection and efficiency than the minimum levels established under state law. (BOS Vote 4-1)

2-3. **COMPREHENSIVE SERVICES ACT FOR AT-RISK YOUTH AND FAMILIES**

James City County urges that the Act be fully funded and the state should give localities maximum flexibility regarding service delivery and use of funds. A process for providing additional funding for demonstrated unmet needs must be provided on a rational basis. (BOS Vote 5-0)

2-4. **CONDITIONAL ZONING**

James City County urges the General Assembly to extend to all localities the same level of authority of conditional zoning to address off- and on-site transportation issues as is enjoyed by Northern Virginia and the Eastern Shore. (BOS Vote 5-0)

2-5. **DILLON RULE**

James City County supports the main premise of the Dillon Rule which is that the state government needs to establish the responsibilities and duties of local government. The delegation of authority to accomplish specific tasks is very important to maintaining a level of uniformity across the state. The County, however, supports a modification to the second part of the Dillon Rule which the courts in Virginia have interpreted very strictly and which greatly limits local government flexibility to accomplish the tasks set out by the state. James City County supports the relaxation of the Dillon Rule to the extent necessary to allow localities to meet their responsibilities. (BOS Vote 5-0)

2-6. **DRUGS**

Virginia's laws should allow broader seizure of real and personal property from persons arrested in connection with the possession of illegal drugs. Legislation establishing civil procedures for dealing with drug houses through the seizure of property or assets should track the federal statute's enforcement procedures. (BOS Vote 5-0)

2-7. **EDUCATION FUND ALLOCATION - INCREASED FLEXIBILITY**

James City County urges the General Assembly to relax the rigid parameters on the manner in which state education funds can be spent by localities. The current requirements result in inefficient use of available resources. A "block grant" approach allowing budgeting flexibility to more closely parallel local needs would enhance the quality of education delivered by local school divisions. (BOS Vote 5-0)

2-8. FINANCE

James City County, as other Virginia localities, continues to feel the burden of fiscal stress. The traditional sources of revenue must be augmented if localities are to withstand the challenges of unfunded mandates and citizen demand for services. Therefore, James City County feels it imperative that the following funding or financial options be granted localities:

a) Constitutional Officers, State Funding

James City County believes that the State should fully fund its share of salaries, including benefits, and expenses of constitutional officers and their staffs and capital costs relating to such offices. (BOS Vote 5-0)

b) Equalization of Taxing Powers, State Funding

James City County supports granting counties taxing powers equal to those granted cities and towns. (BOS Vote 5-0)

c) Elimination of Sales Tax Exemptions

James City County urges the General Assembly to consider the elimination of certain existing sales tax exemptions to more accurately reflect today's service-based economy and to minimize inequities in the current tax system. (BOS Vote 3-1)

d) Lottery

James City County recommends that significant revenue from Virginia's lottery be distributed to cities, towns and counties beginning with the next budget cycle. Lottery revenue should not reduce or be in lieu of any other state funding affecting local governments. (BOS Vote 5-0)

e) Mandates

James City County requests that state officials be especially sensitive to local government concerns in this area and urges the General Assembly not to enact new or expanded mandates unless the fiscal impacts associated with the mandates have been adequately evaluated, state appropriations are made to cover the full cost of such mandates and local governments are involved in the implementation process. James City County asks that all bills with possible fiscal impacts on local governments be accompanied by a financial impact statement prior to committee approval. (BOS Vote 5-0)

2-9. LIBRARY FORMULA/STATE AID

James City County urges the General Assembly to fully fund the formula for State aid to public libraries set forth in § 42.1-48 of the Virginia Code. (BOS Vote 5-0)

2-10. PERSONNEL, COLLECTIVE BARGAINING/DUES CHECK-OFF

James City County opposes collective bargaining and meet and confer for public employees.

James City County supports alternative mechanisms to support and encourage positive and effective employee communications in local government. (BOS Vote 5-0)

2-11. PERSONNEL, GRIEVANCE PROCEDURES

James City County opposes federal legislation stipulating grievance procedures for state and local employees, such as the police officer's bill of rights. These matters are adequately addressed at the state and local level. (BOS Vote 5-0)

PART III. The County supports the following VML proposals:

3-1. BUSINESS LICENSE TAX

The business, professional and occupational license (BPOL) tax is an extremely significant local revenue source, accounting for \$267 million statewide. James City County is open to alternatives to the BPOL tax that are revenue neutral on a locality-specific basis, but opposes any alternative that is not revenue neutral. James City County recognizes that there are legitimate concerns associated with the administration of the tax, and is interested in working with the HJR 526 subcommittee and the business community to find ways to address these while preserving local administration of the tax. James City County urges the subcommittee to allow adequate time and opportunity for the development of substantive recommendations. (BOS Vote 5-0)

3-2. COMPREHENSIVE LAND USE PLANS, STATE COMPLIANCE WITH

James City County supports legislation to require state agencies to comply with local government comprehensive plans and local land use regulations and policies subject to override authority by the Governor. (BOS Vote 5-0)

3-3. CORRECTIONS, REGIONAL JAILS/STATE SUPPORT

The General Assembly must continue its effort to eliminate local government subsidization of state penitentiaries by removing state felons from local jails.

James City County urges the state to fully fund the per diem reimbursement for all State prisoners and supports the concept of allowing jails built by a single large locality to be eligible for the same state reimbursement rate for construction as a regional jail facility. Additionally, James City County requests that the state pay a full 50 percent of the cost of regional jail construction versus "up to 50 percent," and including funding by the Compensation board for staff to operate the jails.

James City County opposes the amortization of the state share of jail construction costs. State reimbursements should be completed by the end of construction. (BOS Vote 5-0)

3-4. EQUITY IN EDUCATION

James City County opposes efforts to address disparity by simply redistributing existing state aid among jurisdictions. (BOS Vote 5-0)

3-5. FIREARMS

James City County, in response to significant increases in violent crime in urban, suburban and rural jurisdictions, and to the allegation that Virginia is the No. 1 State on the East Coast for ease in achieving single or multiple gun purchases, supports a seven-day waiting period for the purchase of a handgun. (BOS Vote 4-1)

3.6 HOUSING

In view of the critical housing needs in the state, James City County urges the General Assembly to maintain a strong state role in the provision and funding of housing, including construction and rent subsidies, for the needy.

James City County also encourages the General Assembly to increase the opportunity of local governments to address housing needs. Among the housing revenue tools that could be made available to local governments on a local option basis are revolving loan funds, tax increment financing, and real estate transfer taxes. (BOS Vote 5-0)

3-7. HUMAN SERVICES PROGRAM FUNDING

The state does not furnish sufficient resources to local social services agencies to adequately process food stamp and other benefit and service programs. As a result, local governments must make up for part of the state's share as well as the local share of costs. The state must honor the policy of the state board of social services to fund these programs and services at the full 80 percent state share. James City County opposes any decrease in the state's funding of local administrative costs for social services programs in order to meet state management savings goals. (BOS Vote 5-0)

3-8. IMPACT FEES

James City County urges the General Assembly to expand authority for local governments' use of impact fees as a means of financing the cost of growth and offsetting local infrastructure costs attributable to development. (BOS Vote 4-1)

3-9. LOCAL CONTROL OF LAND USE DECISIONS

Regulations of local land use has been a function traditionally reserved for local governments. The General Assembly has shown a disturbing trend towards adopting State-mandated local land use controls. It is the position of the County that local land use decisions are best made locally, not in Richmond.

Of particular concern to the County during the 1994 Session would be the reintroduction of any proposed legislation which would expand the concept of "vested rights", at the expense of the inherent right and power of localities to amend their zoning ordinances and zoning maps, as they deem necessary and appropriate.

James City County opposes additional legislation preempting its right to regulate manufactured homes through its Zoning Ordinance. (BOS Vote 5-0)

3-10. PUBLIC HEARING NOTICE

James City County supports standardization of the number of days advance notice is required for local government public hearings in those instances where the State Code specifies the number of days. (BOS Vote 5-0)

3-11. SCHOOL CARE PROGRAMS

James City County requests that the General Assembly broaden current enabling legislation to allow all local school boards to establish before and after-school care programs in their school facilities. (BOS Vote 5-0)

3-12. SHARED COSTS WITH PROPERTY OWNERS

James City County requests that the General Assembly: 1) grant all local governments the ability to assess impact fees to pay for the related costs of new development; 2) extend to all localities the same level of authority for conditional zoning to address off-and on-site transportation issues as it granted to Northern Virginia and Eastern Shore; and, 3) grant localities the authority to require land developers to pay pro rata share of the costs of supplying necessary roads adjacent to property they are developing. (BOS Vote 4-1)

3-13. SOLID WASTE MANAGEMENT FUNDING

Since the state has taken such an active regulatory role in solid waste management, James City County believes the state should provide funding to help pay for the cost of meeting those regulations. James City County supports a broad-based source of revenue to generate funds for local and regional waste management activities. It is preferred that the revenue source be tied to the amount of waste generated.

James City County supports state funding or other incentives for regional cooperation in the disposal of solid waste and recycling.

James City County urges the General Assembly to fund locally-directed public education programs to promote and coordinate recycling and source reduction programs to meet the state's recycling goals. (BOS Vote 5-0)

3-14. STANDARDS OF QUALITY, FULL FUNDING

A top priority of James City County is increased funding for education, including full funding of the State's share of the actual costs of the Standards of Quality and full funding of categorical education mandates. Increased State funding should be achieved without reduction of other funding components of the State's public education budget or to other State funding items affecting local governments.

The County urges the General Assembly to increase its funding for school construction costs. One means of doing this is to factor public school capital improvement costs into the Standards of Quality.

All mandates should be accompanied by full State funding. (BOS Vote 5-0)

3-15. STORMWATER DISCHARGE PERMITTING

James City County urges the Virginia congressional delegation to consider the commitment and investments made by Virginia jurisdictions toward improving water quality. The County seeks modifications to Federal stormwater requirements under the Clean Water Act that will provide adequate time for jurisdictions to develop cohesive strategies for adding stormwater management into existing water quality programs, and the financial ability to implement them. (BOS Vote 5-0)

3-16. TRANSPORTATION ALLOCATION FORMULAE STUDY

The SJR 188 study of Virginia's transportation allocation formulae has concluded that statewide capital needs are substantially greater than the funds available to meet them. This study is therefore simply reallocating an inadequate pot of money. James City County requests the General Assembly to enact additional methods to finance these needs, including enhanced transportation user fees and long-term financing mechanisms.

James City County opposes any formula changes in VDOT's Transportation Transit Fund Allocation Formulae (SJR 188) 1993 Final Report. (BOS Vote 5-0)

3-17. UTILITY SERVICES, REGULATION

James City County strongly opposes legislation that would permit the State Corporation Commission to further regulate rates for utility services furnished to or by local governments. (BOS Vote 5-0)

3-18. WATER RESOURCES ALLOCATION

James City County supports a comprehensive assessment of existing and potential surface and ground water resources and development of a comprehensive water conservation and supply plan. If justified by these, the state should be encouraged to pass legislation to authorize the interbasin transfer of surface water and inter-jurisdictional transfers of ground water when cooperative intergovernmental agreements are unattainable. The state's role should be to protect the current and future interests of other water users in the source basin or source aquifer and to provide for a means for compensating those damaged by such water transfers. (BOS Vote 5-0)

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