

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF MAY, NINETEEN HUNDRED NINETY-FOUR, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA. 279

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
David L. Sisk, Vice Chairman, Roberts District

Jack D. Edwards, Berkeley District
Robert A. Magoon, Jr., Jamestown District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. EXECUTIVE SESSION

Mr. DePue made a motion to convene into executive session pursuant to Section 2.1-344(A)(7) of the Code of Virginia to consult with legal counsel and staff members on a specific legal matter, at 5:03 p.m.

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

Mr. DePue reconvened the Board into open session and made a motion to approve the executive session resolution, at 6:12 p.m.

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

RESOLUTION

MEETING DATE: May 2, 1994

CERTIFICATION OF EXECUTIVE MEETING

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

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

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

Mr. DePue called the Board to order at 7:02 p.m.

C. PRESENTATIONS

1. Citizenship Award

On behalf of the James City County Fire Department and Board of Supervisors, Mr. DePue presented an award to Mr. Preston "Mac" Julian for brave actions taken on February 27, 1994, in the rescue and saving the lives of three children from a burning house at 3931 Ironbound Road.

Mr. DePue read and presented a resolution designating May 15-21, 1994, as Emergency Medical Services Week to Patrick McClain.

D. MINUTES - April 18, 1994

Mr. DePue asked if there were corrections or additions to the minutes.

Mr. Taylor made a motion to approve the minutes.

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

E. CONSENT CALENDAR

Mr. DePue asked if any Board member wished to remove an item from the Consent Calendar.

Mr. DePue made a motion to approve the Consent Calendar.

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

1. Emergency Medical Services Week

RESOLUTION

EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, the Emergency Medical Services System in the Peninsulas region of Eastern Virginia is maintained by emergency medical technicians, nurses, physicians, educators, administrators, and telecommunicators; and

WHEREAS, by providing these services in a prompt and efficient manner the EMS system fulfills its primary goal to reduce death and disability due to accident and illness; and

WHEREAS, the citizens of James City County benefit daily from the knowledge and skill of these trained individuals; and

WHEREAS, the men and women of the EMS system dedicate their time and energy to saving the lives of others; and

WHEREAS, it is appropriate to recognize the value and accomplishments of the EMS system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the week of May 15-21, 1994, as EMERGENCY MEDICAL SERVICES WEEK and encourages County citizens to observe this week with appropriate programs, ceremonies, and activities.

2. Older Virginians Month

RESOLUTION

OLDER VIRGINIANS MONTH

WHEREAS, special recognition and tribute are paid to those Virginians aged 60 or older each year during the month of May; and

WHEREAS, these older citizens are one of Virginia's most valuable resources because they have accumulated a lifetime of experiences and serve as role models, teachers, and mentors for our youth; and

WHEREAS, during the next decade efforts should be made to strengthen family ties, to expand the concept of family unity, and to emphasize the mutual responsibility one has for another regardless of age; and

WHEREAS, the Virginia Department for the Aging and Virginia's 25 local area Agencies on Aging offer a variety of programs and initiatives which champion the role of the family caregiver and strengthen the family ties which allow older citizens to remain independent in their homes and communities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the month of May 1994 as Older Virginians Month in James City County.

3. Mosquito Control Awareness Week

RESOLUTION

MOSQUITO AND VECTOR CONTROL AWARENESS WEEK

WHEREAS, the Governor of the Commonwealth of Virginia has officially recognized May 9-15, 1994, as MOSQUITO AND VECTOR CONTROL AWARENESS WEEK as sponsored by the Virginia Mosquito Control Association; and

WHEREAS, James City County, a member in good standing of the Virginia Mosquito Control Association, supports the sponsorship of Mosquito and Vector Control Awareness Week as an effort to increase the public's awareness and support of mosquito and vector control agencies; and

WHEREAS, the public's support through backyard inspections and elimination of mosquito breeding sites is an important aspect of mosquito control efforts in James City County.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of James City County, Virginia, do hereby recognize May 9-15, 1994, as MOSQUITO CONTROL AWARENESS WEEK and call its significance to the attention to all our citizens.

4. Adult Abuse Prevention Month

R E S O L U T I O N

ADULT ABUSE PREVENTION MONTH

WHEREAS, the incidence of abuse, neglect, and exploitation of older persons and disabled adults continues to increase as adults live longer and as the survival rate for those with disabling conditions increases; and

WHEREAS, Virginia continues to support innovative programs through the local departments of social services to prevent abuse, neglect, and exploitation of its most vulnerable adult citizens and to alleviate suffering of those who are victimized; and

WHEREAS, the problems of abuse, neglect, and exploitation affect older and disabled adults of every race, religion, and socioeconomic class.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, recognizes the month of May 1994 as ADULT ABUSE PREVENTION MONTH in Virginia and calls its significance to the attention of all our citizens.

5. Williamsburg/James City County Jail Advisory Board

R E S O L U T I O N

WILLIAMSBURG/JAMES CITY COUNTY JAIL ADVISORY BOARD

WHEREAS, Section 53.1-82 of the Code of Virginia requires that all jail facilities operating under a multi-jurisdictional contract have an advisory board; and

WHEREAS, Williamsburg and James City County desire to establish such a Board in the interim period until the Regional Jail Facility is completed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the Agreement between the City of Williamsburg and James City County establishing such an Advisory Board and authorizes the Chairman to sign the Agreement.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors hereby appoints the Assistant County Administrator as the County representative to the Advisory Board until such time as the Regional Jail is completed.

6. Lease - Court Services Unit

RESOLUTION

LEASE OF SPACE - COURT SERVICES UNIT

WHEREAS, the Board of Supervisors of James City County has previously entered into a lease for space for the Court Services Unit at 300 McLaws Circle and the Board has been requested to amend that lease to include an additional 264 square feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a lease on behalf of the County for an additional 264 square feet for the Court Services Unit.

7. Transfer from Contingency - Elections/Juvenile Detention

RESOLUTION

TRANSFER FROM CONTINGENCY/ELECTIONS AND JUVENILE DETENTION

WHEREAS, the Board of Supervisors of James City County has been requested to revise its budget for the fiscal year ending June 30, 1994, by approving the transfer of funds from operating contingency to the operating budgets for the Electoral Board and the Court Services Unit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following transfer of funds within the operating budget to meet unanticipated and unbudgeted spending needs for a third election and the costs of juvenile detention.

Transfer From:

Operating Contingency \$37,500

Transfer To:

Court Services Unit \$25,000

Electoral Board 12,500

Total \$37,500

F. **PUBLIC HEARINGS**

1. Case No. SUP-2-94. Outdoor World Recreational Rental Units

Mr. Mark J. Bittner, Planner, stated that Mr. Dennis Danko, of Resorts USA, had applied for a special use permit to allow the placement of up to 117 (from current 67) recreation vehicle rental units at Outdoor World Campground, on 54.7 acres, zoned A-1, General Agricultural, located at 4301 Rochambeau Road, further identified as Parcel (1-10) on James City County Real Estate Tax Map No. (13-4).

Mr. Bittner explained the park models would be placed on a campsite with water, sewer and electric hookup, approximately half would have cedar-wood siding and the remaining half would have vinyl siding, with sizes between 12 x 28 feet and 12 x 38 feet with an 8 x 16 foot detached deck. He stated the proposal was consistent with the Comprehensive Plan and surrounding development and zoning.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. DePue opened the public hearing.

1. Mr. Dennis Danko, applicant, stated the new rental units would provide members with quality accommodations and asked the Board for its approval of the special use permit.

Mr. DePue closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-2-94. OUTDOOR WORLD RECREATIONAL VEHICLE RENTAL UNITS

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

WHEREAS, the Planning Commission of James City County, following its public hearing on April 12, 1994, unanimously recommended approval of Case No. SUP-2-94 to permit the placement of up to 117 recreational vehicle rental units at the Outdoor World Campground located at 4301 Rochambeau Road, further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (13-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-2-94 as described herein with the following conditions:

1. No more than 117 total recreational vehicle rental units owned or rented by the campground shall be permitted.
2. When, and if, public sewer is made available along the Rochambeau Road frontage of the site, the site shall connect to the public sewer system within 12 months from the date of availability. The County may waive this requirement if the Reservoir Protection Overlay District (RPOD) is discontinued.
3. The site shall connect to public water when, and if it, is made available.
4. Prior to the placement of the recreational vehicle rental units, a site plan shall be submitted showing the locations of all park models and camping units that are owned or rented by the campground.

5. All park models and rental units that are to remain in place for more than 30 days shall be required to be permitted, inspected, and receive a Certificate of Occupancy from the Division of Code Compliance before they are occupied.
6. No rental unit shall be occupied by the same persons in the campground for more than 30 days in any 60-day period.
7. All rental units shall be maintained in satisfactory condition as deemed by the Building Official or they shall be removed.
8. If placement of the new units has not begun within 24 months from the date of issuance of the special use permit, it shall become void. This does not mean that all new units must be in place within this time.

2. Case No. SUP-3-94, Mary Waltrip/Beauty Shop

Ms. Elizabeth R. Friel, Senior Planner, stated that Ms. Jean T. Waltrip had applied on behalf of Ms. Mary Waltrip for a special use permit to allow a beauty shop in R-8, Rural Residential, within an existing building located at 5 Marclay Road, further identified as Parcel No. (1-4) on James City County Real Estate Tax Map No. (48-2).

Ms. Friel further stated the proposal was consistent with the Comprehensive Plan, and generally consistent with mixed character of surrounding development and zoning.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. DePue opened the public hearing.

1. Ms. Jean Waltrip, applicant, asked for Board approval of the beauty shop.

Mr. DePue closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-3-94, MARY WALTRIP/BEAUTY SHOP

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

WHEREAS, the applicant has requested a special use permit to allow a beauty shop in the R-8, Rural Residential District, on property identified as a portion of Parcel (1-4) on James City County Real Estate Tax Map No. (48-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-3-94 as described herein with the following conditions:

1. This special use permit shall remain in effect for a period of 18 months from the date of issuance. If within this time site plan approval and/or building permits are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
2. A fifteen-foot landscape strip meeting Zoning Ordinance requirements, at minimum, shall be placed at the western boundary of the parking area. Emphasis shall be placed on buffering the building and parking areas from Lake Powell Road as approved by the Planning Director.
3. One additional parking space shall be designated on site.
4. A handicapped parking space shall be designated specifically for the beauty shop.
5. No more than 10 patron chairs shall be permitted for the beauty shop.

3. Case No. SUP-4-94. Thompson Family Subdivision

Mr. Bittner stated that Mr. John F. Thompson, Jr., had applied for a special use permit to allow a family subdivision on 3.246 acres, parcel sizes 2.246 and 1.00 acres, zoned A-1, General Agricultural, located at 4477 Centerville Road, further identified as Parcel No. (1-11D) on James City County Real Estate Tax Map No. (36-2).

Staff determined family subdivision was consistent with Comprehensive Plan and surrounding zoning and development, and recommended approval of the special use permit with the condition listed in the resolution.

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

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-4-94. THOMPSON FAMILY SUBDIVISION

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

WHEREAS, the applicant has requested a special use permit to allow a family subdivision with lot sizes less than 3 acres in size in the A-1, General Agricultural District, on property identified as Parcel No. (1-11D) on James City County Real Estate Tax Map No. (36-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-4-94 as described herein with the following condition:

1. Final subdivision approval shall be secured within 18 months from the date of issuance of Case No. SUP-4-94.

4. Case Nos. Z-17-89 and SUP-46-89. Jack L. Massie Contractor, Inc.

Mr. Bittner stated that Mr. Gary M. Massie of Jack L. Massie Contractor, Inc., had applied to rezone approximately 35.13 acres from A-1, General Agricultural, to M-1, Limited Business/Industrial; 17.26 acres from A-1 to M-2, General Industrial; 10.20 acres from A-1 to A-1 with proffers; and, 10.40 acres from R-1 to R-1 with proffers, property extending in a westerly direction from Cokes Lane along the CSX railroad line for approximately 3,500 feet, further identified as Parcels (1-1), (1-9), (1-9B) and (1-14) on James City County Real Estate Tax Map No. (13-4).

Mr. Bittner further stated that Mr. Massie had applied for a special use permit to allow construction, on the 17.26 acres to be rezoned M-2, of a ready-mix concrete plant and manufacture of stone products including cement treated aggregate.

Mr. Bittner indicated that proffers were submitted stating the A-1 and R-1 properties north of the CSX railroad would remain undisturbed as a buffer to the Mirror Lake subdivision; that the buffer proffered for the northeastern, eastern and western boundaries would be adequate; but, the proffer of a 50-foot buffer with berms and/or moguls along the southwestern border fronting Route 60 would not be adequate to serve as a visual separation between Norge and Toano and would not meet the intent of the Comprehensive Plan.

Mr. Bittner stated that the applicant had submitted a traffic study that Virginia Department of Transportation found unacceptable, and subsequently refused to proffer a traffic signal or do an updated traffic study. Staff and VDOT believe that volume of traffic might warrant a traffic signal for the development, but the applicant declined to provide an updated traffic study or proffer a traffic signal.

Mr. Bittner explained that with recommended Condition 9, 100-foot buffer of berms, trees and vegetation, or a 50-foot evergreen landscaped screen with a 6-foot berm along Richmond Road frontage, and proffer of traffic signal would make the development consistent with the Comprehensive Plan and with surrounding Mixed Use properties.

The Planning Commission, at its April 12, 1994, meeting, recommended approval of the cases by a 7-1 vote with the understanding that above issues would be incorporated into the proposal. Staff recommended deferral of the cases until such time that issues have been resolved.

The Board and staff discussed particulars of the unresolved issues.

Mr. DePue opened the public hearings.

1. Mr. Alvin Anderson, Esq., of Anderson, Franck and Davis, representing Jack L. Massie Contractor, Inc., detailed the background of the cases; explained proffers and uses consistent with Comprehensive Plan; and, expressed satisfaction that the proposal would be successful economic development for the County. He requested Board approval of the cases.

2. Ms. Susan McCleary, 129 Mirror Lake, spoke in opposition to the proposal with concerns about noise levels day and night; buffer fronting Mirror Lake subdivision not guaranteed; night lighting of M-2 section not proffered; and, truck traffic impact on public safety. She asked, on behalf of the Mirror Lake Homeowners, that the cases be deferred or denied.

3. Mr. Bobby H. Key, 100 Fairmont Drive, spoke in opposition to the cases for the health, welfare and safety of the Mirror Lake residents. He acknowledged that the concrete plant would produce jobs and tax revenues, but property values would be lowered in the subdivision.

4. Mr. Chris Prendergast, 7602 Vincent Drive, spoke in opposition to the cases for the safety of school buses and tourists who would compete in road traffic with concrete trucks.

Mr. DePue closed the public hearings.

Board discussion followed regarding noise level, estimated number of daily truck trips and impact on local traffic, hours of operation, and water runoff control.

Mr. DePue suggested deferral of the cases to allow staff to provide information on noise impact with applicant input; prepare letter to School Board for its input on traffic safety; and, provide a copy of Langley McDonald executive summary of traffic analysis.

Mr. Sisk asked that acceleration/deceleration lane on Route 60 be addressed.

Mr. Edwards requested clarification of differences between prior and current proposals.

Without objection, Mr. DePue deferred the cases until the May 16, 1994 Board of Supervisors' meeting.

Mr. DePue declared a break at 8:52 p.m.

Mr. DePue reconvened the Board into open session at 9:02 p.m.

5. Ordinance Amendment, Chapter 1, General Provisions, Section 1-10, Penalties for Violations

Mr. Leo P. Rogers, Assistant County Attorney, stated that the proposed amendment would make the County's sanctions for criminal violations consistent with recent amendments to the State Code.

Staff recommended approval of the ordinance amendment.

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

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

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

G. BOARD CONSIDERATIONS

1. Fiscal Year 1995 Budget

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the first resolution reflected the budget with the changes informally adopted by straw vote during the budget work sessions and would appropriate funds for the operations of the County for 1995 fiscal year. He further stated that the second resolution documented the formal request to the Commissioner of the Revenue to change the assessments ratio. He noted the ordinance amendment which would increase the tipping fee from \$45 per ton to \$47 per ton at the landfill.

Mr. Sisk made a motion to approve the two resolutions and the ordinance amendment.

Mr. Taylor stated that during the work session he had proposed a \$.01 decrease in the real estate tax rate assessment, which was defeated by straw vote, and for that reason, he could not support the fiscal year 1995 budget.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1994, and ending June 30, 1995, for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein and to set tax rates on real estate, tangible personal property and machinery and tools to provide certain revenue in support of those appropriations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated in the General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND EXPENDITURES

Legislative Services	\$ 441,278
Administrative Services	730,009
Elections	169,479
Financial Administration	1,466,273
General Services	2,365,570
Development Management	1,910,907
Refuse Collection and Disposal	363,164
Judicial Administration	614,160
Public Safety	6,692,825
Community Services	2,734,687
Education	30,559,850
Public Health and Welfare	1,368,394
Contributions	1,301,250
Nondepartmental	1,025,000
Contributions - Capital Projects	<u>946,000</u>
Total General Fund Expenditures	<u>\$52,688,846</u>

The appropriation for education includes \$25,230,000 as a contribution to the Williamsburg-James City County Schools.

GENERAL FUND REVENUES

General Property Taxes	\$34,215,217
Other Local Taxes	8,337,500
Licenses, Permits and Fees	3,439,545
Fines and Forfeitures	95,000
Revenue from Use of Money and Property	804,000
Revenue from the Commonwealth	4,828,082
Revenue from the Federal Government	2,100
Charges for Current Services	899,695
Miscellaneous Revenues	<u>67,707</u>
Total General Fund Revenues	<u>\$52,688,846</u>

2. That the tax rates be set on the following property for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 Assessed Value	\$.83
Tangible Personal Property on each \$100 Assessed Value	4.00
Machinery and Tools on each \$100 Assessed Value	4.00

3. That the following amounts are hereby appropriated for the funds as indicated in the amounts as shown below:

CAPITAL PROJECTS FUNDRevenues:

Contribution - General Fund	\$ 946,000
Other Revenues	725,000
Prior Year Fund Balance	1,868,730
Debt Financing	45,100,000
City of Williamsburg	<u>280,000</u>
Total Capital Projects Fund Revenues	<u>\$48,919,730</u>

Expenditures:

Schools	\$33,685,000
Recreation	6,950,000
Public Safety	375,000
Development Projects	923,441
Community Services	6,600,000
General	<u>386,289</u>
Total Capital Projects Fund Expenditures	<u>\$48,919,730</u>

DEBT SERVICE FUND

Revenues:

From General Fund - Schools	\$5,300,000
From General Fund - Other	700,000
Interest on Bond Proceeds	<u>150,000</u>

Total Debt Service Fund Revenues	<u>\$6,150,000</u>
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Current Year Expenditures	\$4,338,839
Transfer to Capital Projects Reserve	<u>1,811,161</u>

Debt Service Fund Disbursements	<u>\$6,150,000</u>
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VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the Federal Government/Commonwealth	\$1,359,599
From the General Fund	580,260
Transfer From Capital Projects Fund	70,000
Grant	146,602
Other	<u>66,667</u>

Total Virginia Public Assistance Fund Revenues	<u>\$2,223,128</u>
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Expenditures:

Administration and Assistance	<u>\$2,223,128</u>
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Total Virginia Public Assistance Fund Expenditures	<u>\$2,223,128</u>
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COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 200,255
Grants	888,469
Generated Program Income	<u>191,000</u>

Total Community Development Fund Revenues	<u>\$1,279,724</u>
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Expenditures:

Administration and Programs	<u>\$ 1,279,724</u>
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Total Community Development Fund Expenditures	<u>\$ 1,279,724</u>
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4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase with various increases based on performance and funded at an average of 4.0 percent, granted to employees in FY 95.

RESOLUTION

REQUEST TO COMMISSIONER OF REVENUE

ASSESSMENT RATIO FOR THE TAXATION OF MOTOR VEHICLES

WHEREAS, the Board of Supervisors desires to adopt a budget that increases the assessment ratio on motor vehicles.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commissioner of Revenue establish an assessment ratio of ninety-five percent (95%) for personal property classified as motor vehicles and now assessed using loan value as determined by the National Automobile Dealers Association (N.A.D.A.) and that this assessment ratio be used for the preparation of the preparation of the personal property book as of January 1, 1994, for taxes assessed and collected in the fiscal year ending June 30, 1995.

2. Architect Contract, James City County Library

Mr. Sanford B. Wanner, Assistant County Administrator, stated that a contract for the James City County Library had been negotiated with The Design Collaborative of Virginia Beach, Virginia, the firm previously under contract to the City and County for preparation of a feasibility study for both the expansion and renovation of the Williamsburg Library and the new James City County Library.

Staff determined that it was in the best interest to continue with the firm for the County project and recommended approval of the resolution.

Mr. Magoon made a motion to approve the resolution.

Mr. DePue asked staff to examine preference to local vendors and professionals for County contracts.

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

RESOLUTION

ARCHITECT CONTRACT, JAMES CITY COUNTY LIBRARY

WHEREAS, the March 1, 1994, referendum approved the construction of a library building in James City County; and

WHEREAS, a contract has been negotiated with the firm of The Design Collaborative, in the amount of \$322,260 for architectural services for the James City County Library.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to sign the contract between James City County and The Design Collaborative.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, spoke to the issue of raising property taxes to pay for increased school budgets.

2. Ms. Linda Tiexeira, 904 Wood Duck Commons, stated that she was pleased to see the information about the scheduled shrink/swell soils work session.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman recommended the need to recess the Board meeting until a work session on shrink/swell soils on Monday, May 16, 1994, at 5:00 p.m.

Mr. Magoon requested that structural engineers, design and other professionals be invited to the work session.

Mr. Norman responded that invitations were being extended to professional groups.

J. BOARD REQUESTS AND DIRECTIVES

Mr. DePue read from a press release announcing the Board of Supervisors' decision to ask the United States Supreme Court to review a lower court decision of December 30, 1993, which reinstated Environmental Protection Agency's veto of a permit for the Ware Creek Reservoir.

Mr. Magoon made a motion to request a review by the United States Supreme Court of the lower court's decision of December 30, 1993, to reinstate the Environmental Protection Agency's veto of the Ware Creek Reservoir permit.

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

Mr. Magoon reported residents of Lake Powell Road had requested that the Virginia Department of Transportation remove the needless traffic signs.

Mr. Norman responded that correspondence with that request would be sent to the Virginia Department of Transportation.

Mr. DePue asked about the report on Mr. Cornelisse's drainage issue. Staff responded that the letter had been mailed, with a copy sent to the Board.

Mr. Magoon stated that he would request a copy of the letter about Gate House Farms from Delegate George W. Grayson and would distribute to staff when received.

Mr. DePue declared a recess until Monday, May 16, 1994, at 5:00 p.m. for a shrink/swell soils work session.

The Board recessed at 9:25 p.m.



David B. Norman
Clerk to the Board

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MAY 2 1994

ORDINANCE NO. 156A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 1-10, CLASSIFICATION OF AND PENALTIES FOR VIOLATIONS; CONTINUING VIOLATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-10, Classification of and penalties for violations; continuing violations.

Chapter 1. General Provisions

Section 1-10. Classification of and penalties for violations; continuing violations.

(a) Whenever in this Code or any ordinance of the county or any rule or regulations promulgated by any officer or agency of the county, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:

- (1) Class 1 misdemeanor: By a fine of not more than ~~one thousand dollars~~ ~~(\$1,000.00)~~ \$2,500.00 or by confinement in jail for not more than twelve ~~(12)~~ months, or by both such fine and confinement.

Ordinance to Amend and Reordain
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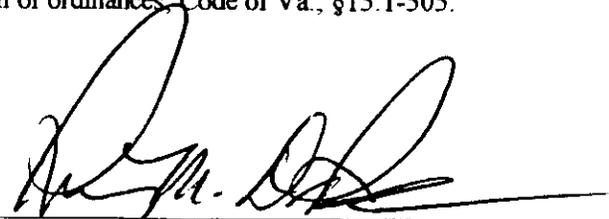
- (2) Class 2 misdemeanor: By a fine of not more than ~~five hundred dollars~~
~~(\$500.00)~~, \$1,000.00 or by confinement in jail for not more than six ~~(6)~~
months, or by both such fine and confinement.
- (3) Class 3 misdemeanor: By a fine of not more than ~~five hundred dollars~~
~~(\$500.00)~~.
- (4) Class 4 misdemeanor: By a fine of not more than ~~one hundred dollars~~
~~(\$100.00)~~ \$250.00.

(b) Whenever in any provision of this Code or in any other ordinance of the county or any rule or regulation promulgated by an officer or agency of the county, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in subsection (a)(1) above.

(c) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

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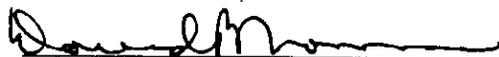
State law references - Classification of misdemeanors and punishment therefor, Code of Va., §§
 18.2-9, 18.2-11; authority of county to provide penalties for violation of ordinances, Code of Va., §15.1-505.



Perry M. DeFue
 Chairman, Board of Supervisors

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

ATTEST:



David B. Norman
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of May 1994.

classp94.ord

**AGREEMENT CREATING
WILLIAMSBURG-JAMES CITY COUNTY
JAIL ADVISORY BOARD**

THIS AGREEMENT, made and entered into this 14th day of April, 1994, by and between the CITY OF WILLIAMSBURG, a Virginia municipal corporation ("City") and the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia, ("County") by the undersigned, being their duly authorized agents to enter into such an agreement,

WITNESSETH:

WHEREAS, by oral agreement and customary practice, the City and County prior to June 30, 1982 and at all times thereafter have maintained and funded the operation of a joint jail facility located in the City of Williamsburg ; and,

WHEREAS, Section 53.1-82 of The Code of Virginia, 1950, as amended provides for the establishment of an advisory board to advise as to certain aspects of jointly operated jails in the Commonwealth; and,

WHEREAS, no board has been heretofore created pursuant to the aforesaid Code section; and,

WHEREAS, City and County are participating with several other localities in establishing a multi-regional jail which, when made operational will replace the present jointly operated jail; and,

WHEREAS, City and County wish to hereby provide for establishment of an advisory board pursuant to the aforesaid statute to act during the interim period until such multi-regional jail is completed;

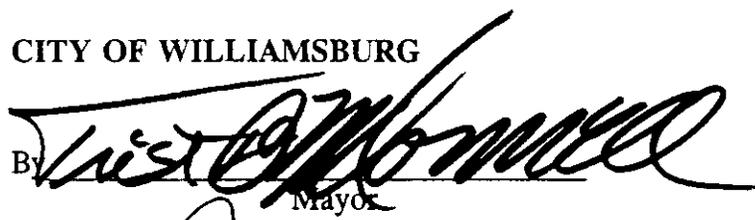
NOW, THEREFORE, the parties agree as follows:

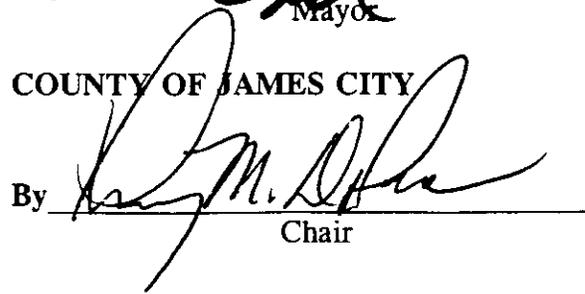
1. Pursuant to Section 53.1-82 of The Code of Virginia, 1950, as amended, a Williamsburg-James City County Jail Advisory Board (the "Board") is hereby established to perform the advisory functions specified in Chapter 3 , Article 3 of Title 53.1, Code of Virginia, 1950, as amended.

2. City and County shall each appoint one representative of their respective locality as its representative on the Board to serve such length term as the appointing locality shall stipulate. The representative may be a member of the appointing locality's governing body as

its representative. So long as he act as jailor, the Sheriff of the City of Williamsburg shall serve as an ex officio member.

Witness the following signatures and seals:

CITY OF WILLIAMSBURG
By 
Mayor

COUNTY OF JAMES CITY
By 
Chair

MAY 2 1994

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAORDINANCE NO. 116A-27

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, LANDFILL ORDINANCE, SECTION 8-9, HOUSEHOLD WASTE; SECTION 8-10, INDUSTRIAL REFUSE; AND SECTION 8-13, USER CHARGES BY VOLUME.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by amending Section 8-9, Household waste; Section 8-10, Industrial refuse; and Section 8-13, User charges by volume.

Chapter 8. Health and Sanitation.

Article II. Landfill Ordinance.

Section 8-9. Household waste.

(b) Commercial, industrial and governmental waste generators who bring their own refuse to the landfill, and commercial refuse operators/haulers regardless of the origin of the refuse shall pay the following fees:

Forty-five *seven* dollars (~~\$45.00~~ \$47.00) per ton, computed on the basis of forty-five *seven* cents (~~\$0.45~~ \$0.47) per each twenty (20) pounds or fraction thereof. Such charge shall be

computed to the next highest one cent (\$0.01). The minimum charge shall be three dollars and fifty cents (\$3.50) per load.

Any person exempted from payment of the charge for the disposal of refuse as provided in paragraph (a) above will not be assessed any charges as provided in this paragraph.

Section 8-10. Industrial refuse.

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of forty-five *seven* dollars (~~\$45.00~~ \$47.00) per ton but may be higher as determined by the manager. In establishing the fee for disposal of a specific waste requiring separate disposal, the manager shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, state and federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) Separate contracts. The administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the county annually and may be offered to generators that exceed eight thousand (8,000) tons per year. No such contract shall guarantee the county less than three hundred sixty *seventy-six* thousand dollars (~~\$360,000~~ \$376,000) per year.

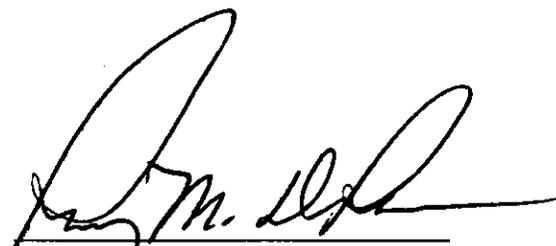
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Section 8-13. User charges by volume.

(b) For vehicles for which no history of previous weight data exists as described in paragraph (a) above, the following rates shall apply:

- (1) Uncompacted refuse, four dollars and *fifty seventy* cents (~~\$4.50~~ \$4.70) per cubic yard of truck capacity.
- (2) Compacted refuse, eleven dollars and *twenty-five seventy-five* cents (~~\$11.25~~ \$11.75) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be three dollars and fifty cents (\$3.50) per load.

This ordinance shall be effective on and after July 1, 1994.



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MAGOON	AYE
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of May, 1994.