

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 21ST DAY OF NOVEMBER, NINETEEN HUNDRED NINETY-FOUR, AT 5:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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. WORK SESSION - 1995 LEGISLATIVE PACKAGE

1. 1995 Legislative Package

Mr. Frank M. Morton, III, County Attorney, welcomed Senator Thomas K. Norment, Jr., and Mr. Michael Abley, representative from Delegate George W. Grayson's office.

Mr. Taylor requested Senator Norment to propose to the General Assembly that it pass a resolution asking the Environmental Protection Agency to reconsider the Ware Creek Reservoir decision. Senator Norment agreed to look into the feasibility of introducing such a resolution.

Mr. Morton gave a brief description of each 1995 legislative proposal for discussion, and recorded votes for inclusion in the finalized Legislative Package on the Board of Supervisors' agenda at 7:00 p.m. meeting.

Mr. DePue declared a break at 6:15 p.m.

Mr. DePue convened the regular meeting at 7:00 p.m.

C. PRESENTATION

1. Joseph Mastaler, Chairman, Parks and Recreation Advisory Committee, Certificates of Appreciation - Boy Scout Troop 103 and Allen Miller

Mr. DePue introduced Mr. Joseph Mastaler, Chairman, Parks and Recreation Advisory Committee. Mr. Mastaler recognized Mr. David Nunn, Scoutmaster of Troop 103, who presented Allen Miller, Jr., with a Certificate of Appreciation for an outstanding job on his Eagle project.

D. MINUTES - November 7, 1994

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

Mr. Taylor made a motion to approve the minutes.

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

#### **E. HIGHWAY MATTERS**

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation, reported that VDOT had determined that it would obtain a 4-lane right-of-way and construct four lanes on Route 199 from Route 60 to Route 5 as part of overall project for cost effectiveness if that can be accomplished without delays.

The Board expressed pleasure at the positive decision and offered assistance if needed.

Mr. Elliott announced that a public hearing on the Forge Road project was scheduled for January 10, 1995, at Toano Middle School.

Mr. Sisk stated he had received telephone calls from concerned citizens about motorists running red lights, and asked the County police to monitor and cite citizens for noncompliance to traffic signals.

Mr. DePue asked whether VDOT refused acceptance of certain roads because of expansive soils.

Mr. Elliott responded that VDOT does not perform tests to determine if breaking up of roadway was associated with expansive soils.

Mr. DePue thanked Mr. Elliott for the Centerville Road project improvements.

#### **F. CONSENT CALENDAR**

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

Mr. Taylor asked that Item No. 6 be removed.

Mr. DePue made a motion to approve Items Nos. 1 through 5, and 7 and 8 on the Consent Calendar.

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

1. Trash and Grass Lien, Mary Alice Tabb, 135 and 137 Howard Drive

### **RESOLUTION**

#### **CODE VIOLATION LIEN**

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Sections 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Mary Alice Tabb c/o ReNaye B. Cuyler 136 Church Street New York, NY 10007-2239
DESCRIPTION:	137 Howard Drive and 135 Howard Drive
TAX MAP NOS.:	(52-3)(01-0-0059- ) (52-3)(01-0-0060- ) James City County, Virginia
AMOUNT DUE:	\$1,056.44

2. Additional State Allocations - Child Day-Care Fee Block

**RESOLUTION**

**APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT**

WHEREAS, the State Department of Social Services has provided supplemental funding to render additional services through the Day Care Fee-Block Program; and

WHEREAS, no local matching funds are required.

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

**Revenues:**

Revenues From the Commonwealth	<u>\$16,984.00</u>
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**Expenditures:**

Day-Care Fee - Block (007-083-5731)	<u>\$16,984.00</u>
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Total Expenditures	<u>\$16,984.00</u>
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3. Emergency Operations Plan 1994**RESOLUTION****JAMES CITY COUNTY EMERGENCY OPERATIONS PLAN**

WHEREAS, there exists many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of James City; and

WHEREAS, the Board of Supervisors desires and Commonwealth of Virginia statutes require the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated October, 1994.

4. Civil Defense Budget Amendment - State Reimbursement**RESOLUTION****BUDGET AMENDMENT - CIVIL DEFENSE**

WHEREAS, the Board of Supervisors of James City County has been requested to approve the reimbursement by the Virginia Department of Emergency Services to James City County Office of Emergency Services to upgrade the EOC equipment and reimburse drill expenses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 95 Capital Projects Budget, as follows:

**Revenues:**

Department of Emergency Services	<u>\$12,000</u>
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**Expenditures:**

Central Dispatch	<u>\$12,000</u>
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5. Court-Appointed Special Advocate (CASA) Program**RESOLUTION****BUDGET TRANSFER - CASA PROGRAM**

WHEREAS, the Board of Supervisors of James City County has been asked to provide \$1,900 to a reorganized Court Appointed Special Advocate (CASA) Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the following funds transfer:

From:

Operating Contingency \$1,900

To:

Juvenile Court - CASA \$1,900

7. World AIDS Day, December 1, 1994

**RESOLUTION**

World AIDS Day in James City County

WHEREAS, the global spread of the HIV infection and AIDS necessitates a worldwide effort to increase communication, education, and preventive action to stop the spread of HIV/AIDS; and

WHEREAS, the World Health Organization has designated December 1 of each year as World AIDS Day, a day to expand and strengthen the worldwide effort to stop the spread of HIV/AIDS; and

WHEREAS, the American Association for World Health is encouraging a better understanding of the challenge of HIV/AIDS nationally as it recognized that the number of people diagnosed with HIV and AIDS in the United States continues to increase; and

WHEREAS, World AIDS Day provides an opportunity to focus on HIV infection and AIDS, caring for people with HIV infection and AIDS, and learning about HIV/AIDS.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim December 1, 1994, as World AIDS Day in James City County, recognizing the efforts of the Williamsburg AIDS Network, and calls upon our citizens to observe the day with appropriate programs, ceremonies, and activities.

8. Colonial Community Services Board

**RESOLUTION**

SUPPORT OF THE COLONIAL COMMUNITY SERVICES BOARD

WHEREAS, the Community Services Board is the organization established in the Code of Virginia to provide a system through which all citizens are able to access mental health, mental retardation, and substance abuse services; and

WHEREAS, the Colonial Community Services Board is charged with advising the Board of Supervisors on mental health, mental retardation, and substance abuse service issues; and

WHEREAS, the Board believes that the handicapping conditions of mental illness, mental retardation, and substance abuse can be remedied through appropriate prevention, intervention, and treatment efforts managed at the local level; and

WHEREAS, the Colonial Community Services Board has provided quality community service to our citizens through collaboration with local agencies since 1971 and citizen volunteers have represented the County on the Colonial Community Services Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, recognizes the significant contributions of the citizen volunteers; and

BE IT FURTHER RESOLVED that the Board supports the Colonial Community Services Board for its efforts to improve the lives of all citizens with mentally handicapping conditions; and

BE IT FURTHER RESOLVED that the Board continues to believe that a citizen board responsible and accountable for the local government entity and easily accessible by consumers is the best model of service delivery.

6. Federal Grant Application for New Police Officers - COPS FAST

Mr. Taylor was apprehensive that the 3-year grant would be discontinued and the County would have to meet the obligation.

Mr. DePue made a motion to approve the resolution.

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

## RESOLUTION

### FEDERAL GRANT APPLICATION FOR NEW POLICE OFFICERS - COPS FAST

WHEREAS, the COPS FAST Federal grant would provide federal contributions of salary and benefits for four new or rehired police officers; and

WHEREAS, assurance is given that James City County will comply with all legal and administrative requirements that govern the acceptance and use of Federal grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes submission of the COPS FAST application executed by the Police Chief and County Administrator.

G. **PUBLIC HEARINGS**

1. Case No. SUP-31-94. Joseph E. and Barbara M. Brown Manufactured Home

Mr. John Patton, Development Management Technician, stated that Mr. and Mrs. Joseph Brown had applied for a special use permit to retain the manufactured home, approved under Case No. SUP-45-88, on approximately 2.5 acres of a family subdivision, zoned A-1, General Agricultural, located at 9055 Barhamsville Road, and further identified as Parcel (1-1B) on James City County Real Estate Tax Map No. (12-1).

Staff recommended approval of the special use permit with conditions listed in the resolution.

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

Mr. Taylor made a motion to approve the resolution.

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

## RESOLUTION

### CASE NO. SUP-31-94. JOSEPH E. AND BARBARA M. BROWN

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a Special Use Permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Joseph E. and Barbara M. Brown
Real Estate Tax Map ID:	(12-1)
Parcel No:	(1-1B)
Address:	9055 Barhamsville Road
District:	Stonehouse
Zoning:	A-1, General Agricultural
Condition:	<ol style="list-style-type: none"> <li>1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors.</li> <li>2. The number of bedrooms shall not exceed two.</li> <li>3. The existing drive within the 50-foot right-of-way shall be maintained in a condition passable in all weather for emergency vehicles.</li> <li>4. Existing vegetation shall be maintained within 25 feet of all property lines except where clearing is necessary for a driveway and utilities.</li> </ol>

2. Case No. SUP-32-94. John Moore Manufactured Home

Mr. Patton stated that Mr. John Moore, on behalf of James and Mary Moore, had applied for a special use permit to allow the replacement of a manufactured home on 2 acres, zoned R-2, General Residential, located at 6153 Mooretown Road, further identified as Parcel (1-2) on James City County Real Estate Tax Map No. (33-1).

Staff recommended approval of the special use permit with conditions 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, Taylor, Sisk, DePue (5). NAY: (0).

**RESOLUTION**

**CASE NO. SUP-32-94**

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a Special Use Permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

- Applicant: John Moore
- Real Estate Tax Map ID: (33-1)
- Parcel No: (1-2)
- Address: 6153 Mooretown Road
- District: Powhatan
- Zoning: R-2, General Residential
- Conditions:
  1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
  2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standard.

3. The replacement manufactured home shall be located in the same area of the property as the previous manufactured home.
4. An additional landscape screen of Leyland Cypress trees or an equivalent approved by the Planning Director shall be planted across the front of the property to screen the replacement unit from view from Mooretown Road. This landscape screen shall be maintained in good condition so long as the manufactured home remains on the property. A landscaping plan shall be submitted to the Planning Director for his approval and the approved landscaping shall be installed prior to occupancy.
5. The manufactured home being replaced shall be removed from the site prior to issuance of any Certificate of Occupancy.

3. Case No. ZO-3-94. Ordinance Amendment, Chapter 20, Zoning, Article II, Section 20-53, Minimum Off-Street Parking, and Article II, Section 20-147, Criteria Review

Mr. Patton stated that the proposed amendment of Section 20-53, determining the number of parking spaces set forth for a particular use of the ordinance, and Section 20-147, elimination of automatic review of site plans while retaining controls through the special use permit process, would reduce the case load to be reviewed by the Planning Commission and Development Review Committee.

In concurrence with staff, the Planning Commission, by a unanimous vote, recommended approval of the ordinance amendments.

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 amendments.

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

4. Authorization to Transfer, Exchange or Otherwise Convey County's Interest in Natural Open Space Easements

Mr. John T. P. Horne, Manager, Development Management, stated that the Chesapeake Bay Preservation Ordinance amendment would allow developers greater flexibility and save time when existing open space easements are amended to accommodate development plans.

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 resolution.

The Board asked for assurance that major or controversial items would be brought forward for its consideration.

Mr. Norman responded in the affirmative.

Mr. Morton stated that information would be provided in the Reading File for the first two or three small transfer, exchange or conveyance of natural open space easements.

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

## RESOLUTION

### AUTHORIZATION TO CONVEY COUNTY'S

#### INTEREST IN NATURAL OPEN SPACE EASEMENTS

WHEREAS, developers and property owners may convey natural open space easements to the County in order to comply, in part, with the County's Chesapeake Bay Preservation Ordinance, Chapter 19B of the County Code; and

WHEREAS, in the process of developing property, the owner or developer may wish to use such property and either convey alternate easement rights or otherwise comply with the water quantity and quality requirements; and

WHEREAS, an alternative easement or best management practice for water quantity and quality control may be acceptable to the County in order to comply with the requirements of the Chesapeake Bay Preservation Ordinance; and

WHEREAS, allowing the County Administrator to convey or exchange interests in natural open space easements is expeditious, promotes flexibility and protects the interest of the County; and

WHEREAS, the Board of Supervisors held a public hearing pursuant to Virginia Code Section 15.1-262 in order to authorize the County Administrator to make such transfers, exchanges, or conveyances of the County's interests in such property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign on behalf of the County all necessary documents to convey, exchange, or otherwise transfer the County's interest in any natural open space easement whenever, in his discretion, such action would promote equivalent or better environmental protection.

#### **H. BOARD CONSIDERATIONS**

##### **1. 1995 Legislative Package**

Mr. Morton stated that the Legislative Package consisted of three parts: Items 1-1 and 1-2 are recommended to be introduced on behalf of the County; Items 2-1 through 2-8 are recommended for Board support of positions or bills; and, Items 3-1 through 3-20 are recommended for Board endorsement of Virginia Municipal League's proposals. He further stated that votes made at the work session would be inserted after each appropriate item.

Staff recommended approval of the resolution.

Mr. DePue made a motion to approve the resolution.

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

**RESOLUTION****1995 LEGISLATIVE PROGRAM**

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 1995 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 1995 Legislative Program and urge its consideration and passage as appropriate.

2. **Landfill Closure Contract - Change Order**

Mr. Larry M. Foster, General Manager, James City Service Authority, stated that the contract award for closure of the Landfill was authorized in September 1994, and that Change Order No. 1 in the amount of \$60,448.00 for additional work was necessary to cover increased quantities of cubic yards earth, riprap, etc., and to add two additional erosion control basins to that contract.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

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

**RESOLUTION****APPROVE CHANGE ORDER NO. 1****LANDFILL CLOSURE CONTRACT - JACK L. MASSIE CONSTRUCTION, INC.**

WHEREAS, Jack L. Massie has been awarded a contract in the amount of \$630,173.70 to perform the closure of the James City County Landfill in accordance with State and Federal Regulations; and

WHEREAS, it has been determined that the unit quantities used to establish the amount of the contract were changed as a result of review by the Department of Environmental Quality and the County; and

WHEREAS, the additional quantities were not included in the bid submitted by Jack L. Massie Contractors and have resulted in the need to issue Change Order No. 1 in the amount of \$60,448.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Change Order No. 1 and authorizes the addition of \$ 60,448.00 to the contract amount with Jack L. Massie, Inc., for the closure of the Landfill.

I. **PUBLIC COMMENT**

1. Ms. Ann Demarest, 20288 West Island Road, asked the Board for its support and enforcement of United States Building Code required by the Commonwealth of Virginia.

2. Mr. Ed Oyer, 139 Indian Circle, stated that the Grove Convenience Center was needed to meet the trash requirement mandate imposed by State, protection of groundwater, keep trash and garbage from neighborhood, and encourage recycling. He expressed his continuing displeasure with the flat roof on Lafayette High School.

Mr. DePue declared a recess for a James City Service Authority meeting, at 8:00 p.m.

Mr. DePue reconvened the Board at 8:07 p.m.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Norman recommended the Board go into executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter involving an employee of Development Management, and to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of a parcel of property for public use.

**K. BOARD REQUESTS AND DIRECTIVES**

Mr. DePue asked staff to submit Williamsburg Area Medical Assistance Corporation for an innovation award from John F. Kennedy School at Harvard University.

Mr. DePue made a motion to go into executive session as recommended by the County Administrator, at 8:10 p.m.

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

Mr. DePue reconvened the Board into open session at 9:25 p.m.

Mr. Taylor left the meeting.

Mr. DePue made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Magoon, Edwards, Sisk, DePue (4). NAY: (0).

**RESOLUTION**

MEETING DATE: NOVEMBER 21, 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.

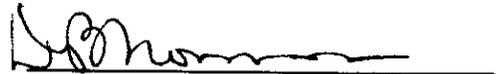
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which 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 made a motion to recess until 5:00 p.m., Monday, December 5, 1994, for a work session on water.

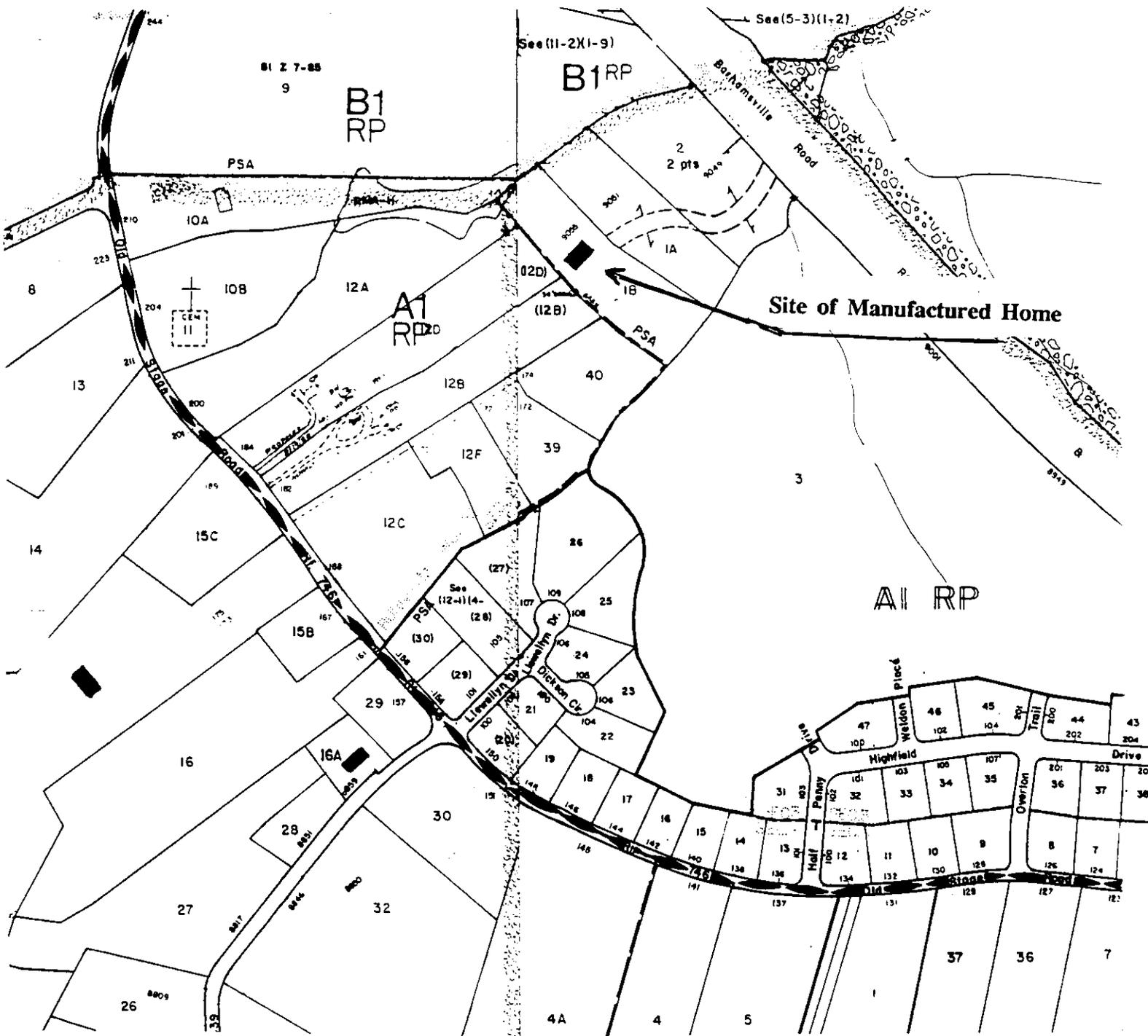
On a roll call, the vote was: AYE: Magoon, Edwards, Sisk, DePue (4). NAY: (0).

The Board recessed at 9:26 p.m.

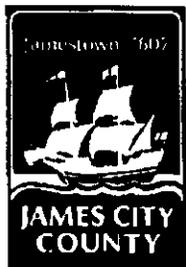


David B. Norman  
Clerk to the Board

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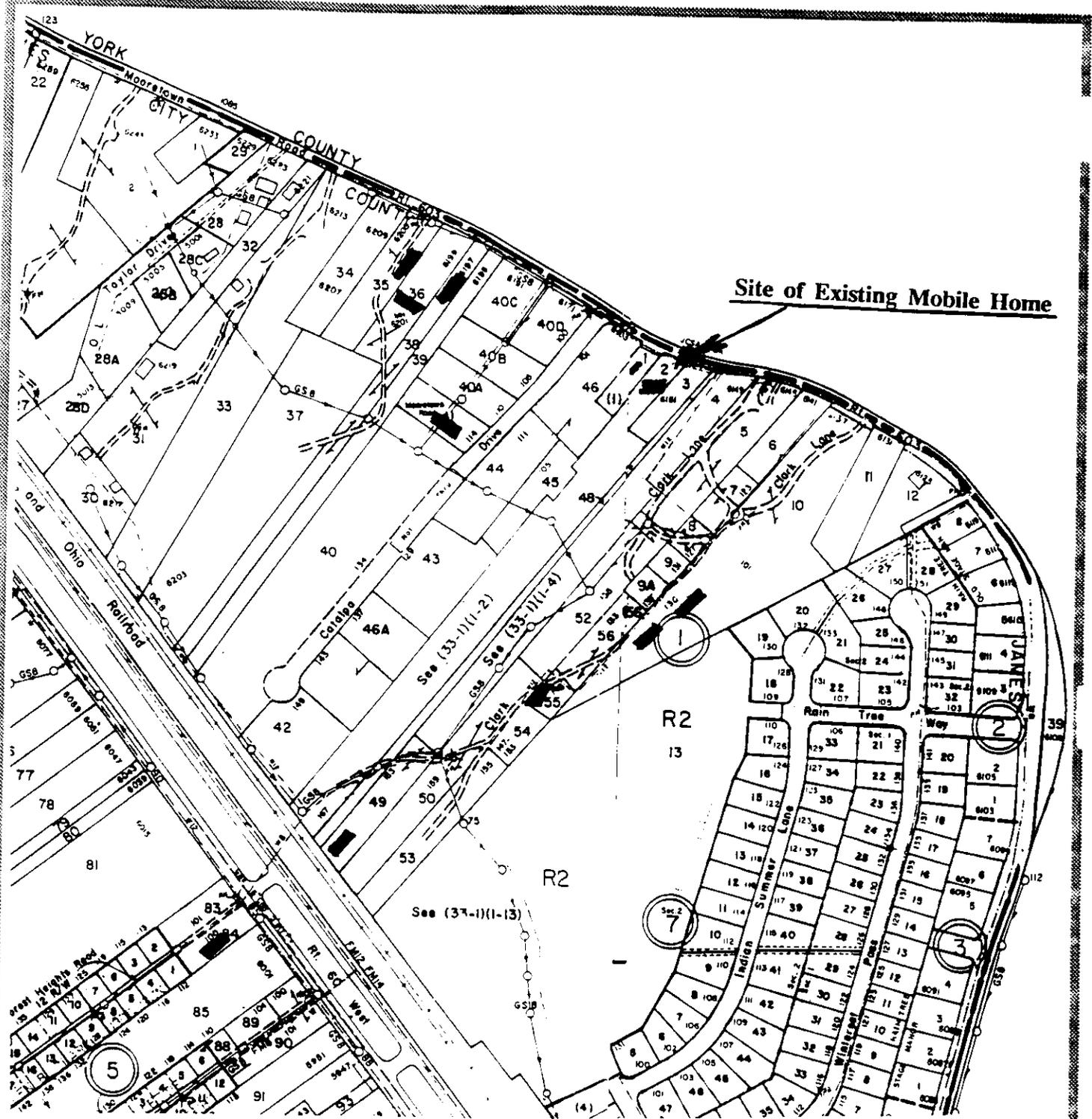
SCALE 1"=400 Feet



Case No: **SUP-31-94**  
 Name : **Joseph E. & Barbara M. Brown**  
**Manufactured Home**

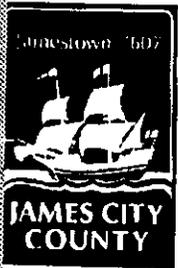


PLANNING DIVISION



Site of Existing Mobile Home

SCALE 1"=400 Feet



Case No: SUP-32-94  
 Name : JOHN MOORE  
 MANUFACTURED HOME



PLANNING DIVISION

34

ADOPTED 49

NOV 21 1994

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 31A-157

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 2. HIGHWAYS, STREETS, PARKING AND LOADING, SECTION 20-53, MINIMUM OFF-STREET PARKING; ARTICLE III, SITE PLAN, SECTION 20-147, CRITERIA FOR REVIEW, IN ORDER TO EXPEDITE THE SITE PLAN REVIEW PROCESS AND MORE CLOSELY CONFORM WITH THE ADOPTED COMPREHENSIVE PLAN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending, Section 20-53, Minimum off-street parking; and Section 20-147, Criteria for review, in order to expedite the site plan review process and more closely conform with the adopted comprehensive plan.

#### CHAPTER 20. ZONING

#### ARTICLE II. Special Regulations

Section 20-53. Minimum off-street parking.

(e) Minimum off-street parking requirements:

(4) ~~Planning commission determination.~~ *Planning Director Determination.* Where the required number of parking spaces is not set forth for a particular use in the preceding subsections, where the applicant

is uncertain as to final use or size of the structure or where there is no similar general type of use listed, the ~~planning commission~~ *Director of Planning* shall determine the number of spaces to be provided.

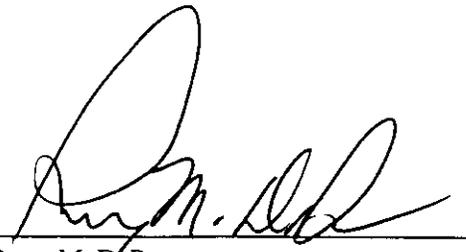
### ARTICLE III. SITE PLAN

Section 20-147. Criteria for review.

(a) Upon application and review, the development review committee (DRC) and the commission, or the commission's designee(s) shall consider site plans if any of the following conditions are present:

- (1) The site plan proposes a single building or group of buildings which contain a total floor area that exceeds ~~15,000~~ 30,000 square feet;
- (2) The site plan proposes two entrances on the same road, ~~involves a disturbance of slopes greater than 15 percent,~~ or proposes a fast food restaurant, convenience store, or a shopping center; *or*
- ~~(3) The site plan proposes an addition to an existing use which would contain a floor area greater than 75 percent of the total floor area of the existing use, or~~
- (43) There are unresolved problems between the applicant, adjacent property owners or any departmental reviewing agency.

Ordinance to Amend and Reordain  
Chapter 20. Zoning  
Page 3



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	AYE
SISK	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 21st day of November, 1994.

zo-3-94.am1

**JAMES CITY COUNTY  
1995 LEGISLATIVE PACKAGE  
STATEMENT BY THE BOARD OF SUPERVISORS**

UNFUNDED MANDATES

James City County continues to take the position that it opposes any State mandates without sufficient funds to cover their cost. 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**  
**1995 LEGISLATIVE PROPOSALS**

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

1-1.    **CHARTER AMENDMENT**

James City County requests that Section 6.7, Department of Police, of its Charter be amended, as follows:

Amend second paragraph to read:

The Chief of Police shall be appointed by the County Administrator. (BOS Vote 5-0)

1-2.    **SERVICE OF PROCESS - CIVIL PENALTY ENFORCEMENT**

Amend Virginia Code Section 8.01-293 to add a provision which would allow designated code enforcement officers of the State or any locality to serve the initiating summons in a civil penalty enforcement action. This would allow service of civil penalty summons in a manner similar to a parking ticket. (BOS Vote 5-0)

1-3.    **WAMAC/PRESCRIPTION MEDICATION**

James City County requests it be given authority to purchase prescription medication under the State contract and to dispense that medication. This would allow WAMAC to operate similarly to local Health Departments. (BOS Vote 5-0)

**PART II.**     Legislation to be supported by the County:

\*2-1.   **ACCESS TO COMPUTER RECORDS**

James City County opposes legislation that 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 significant 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 5-0)

\*2-2. BUILDING CODES

The General Assembly should authorize localities to modify building codes to address local conditions, including the adoption of local codes that provide greater public protection, help in economic development, and address affordable housing issues. (BOS Vote 4-1)

\*2-3. COMPREHENSIVE SERVICES ACT

James City County urges that the Act for at-risk youth and their families 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. EDUCATION FUND ALLOCATION - INCREASED FLEXIBILITY

James City County urges the General Assembly to relax the limitations 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)

2-6. FINANCE

James City County, like 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 fringe benefits for constitutional officers and their staffs without making other reductions in the Compensation Board's budget. (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 4-1)

\*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) 599 Funding

The General Assembly should restore HB 599 funding in FY 96 to the Statewide FY 95 funding level of \$67 million. Based on the 1994-96 Appropriations Act, allocations to each locality in FY 96 will reflect more than a six percent decline. Full restoration requires an increase in the fund from \$62.7 million to \$67 million in FY 96. Recent State decisions to retarget State monies from the HB 599 fund to other purposes reflect an ironic decrease in priority for State aid for law enforcement to localities with police departments. The 1994 legislative study of options to update the HB 599 funding formula, which is due to be completed October 1994, may offer a way to address this declining State aid. (BOS Vote 5-0)

\*2-7. 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)

2-8. TRANSPORTATION FUNDING

To generate additional funds needed to keep Virginia's transportation system viable, the State should:

- a. authorize and encourage creation of additional regional transportation districts with ability to impose a motor fuels tax to be dedicated to transportation funding;

- b. ensure that trucks pay their proportionate share of costs for using the Commonwealth's roads;
- c. restore the \$195 million diverted from the TTF during 1991 and take steps to ensure the fund's integrity; and
- d. continue State and local government efforts to pressure Congress into releasing transportation trust fund moneys and fully funding the Intermodal Surface Transportation Efficiency Act (ISTEA).
- e. endorse the legislative authority currently in effect in Northern Virginia (Code of Virginia 58.1-1719 through 58.1-1724.1) that allows for the imposition of a regional motor fuel sales tax for transportation purposes to include any transportation district that currently exists or shall be formed with two or more jurisdictions in an urbanized area of 50,000 or greater.
- f. endorse the formation of a multi-modal transportation planning group to report directly to the Secretary of Transportation to provide multi-modal direction and guidance to the Secretary and Commonwealth Transportation Board. Senate Joint Resolution 100 embodies this need for intermodal coordination. (BOS Vote 4-1)

**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. CHARTERS**

The General Assembly should allow significant diversity among charters and not impose uniformity. (BOS Vote 5-0)

\*3-3. 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)

3-4. DISASTER ASSISTANCE

The State should develop policies to provide 75 percent State assistance to localities affected by natural disasters that are declared by the Governor but not approved by the Federal Emergency Management Agency. Further, the State should consider the establishment of a Natural Disaster Reserve Fund to minimize the impact of natural disasters on the State's budget and to assure the availability of the disaster assistance funding on a timely basis. (BOS Vote 5-0)

\*3-5. EQUITY IN EDUCATION

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

\*3-6. 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)

3-7. FLOW CONTROL

James City County urges the General Assembly to preserve local authority, at local option, for flow control of solid waste managed at public owned facilities. (BOS Vote 5-0)

\*3-8. 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 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)

\*3-9. 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)

3-10. INSTITUTE OF GOVERNMENT

The General Assembly should continue its involvement with and financial support of the Institute of Government. (BOS Vote 5-0)

3-11. CORRECTIONS, JAIL, OVERCROWDING/STATE SUPPORT

The State should live up to its commitment to remove State prisoners from local jails.

The State should fully fund the per diem reimbursement for all State prisoners.

The State should pay a full 50 percent of the cost of regional jail construction, instead of "up to 50 percent."

The State's share of jail construction costs should not be amortized. State reimbursements should be completed by the end of construction. (BOS Vote 5-0)

\*3-12. 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. The State should not enact any legislation, mislabeled as private property protection laws, that seeks to weaken local powers to regulate land uses and protect the community's health, safety, and welfare.

Of particular concern to the County during the 1995 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)

**\*3-13. 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)

**\*3-14. 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)

**\*3-15. 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 is 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)

**\*3-16. 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; the revenue source should 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)

**\*3-17. 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)

**\*3-18. 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)

**\*3-19. 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)

**\*3-20. WATER RESOURCES ALLOCATION**

James City County supports a comprehensive assessment of its existing and all 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)