

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 1ST DAY OF MAY, NINETEEN HUNDRED NINETY-FIVE, AT 7:03 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. MINUTES - April 17, 1995 - Regular Meeting
April 18, 1995 - Budget Work Session
April 20, 1995 - Budget Work Session

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

Mr. Taylor made a motion to approve the three sets of minutes.

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

C. CONSENT CALENDAR

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

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

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

1. Bicycle Month - May 1995

RESOLUTION

BICYCLE MONTH - MAY 1995

WHEREAS, the Historic Triangle Bicycle Advisory Committee, together with local, state, and national bicycle clubs and organizations, are celebrating BICYCLE MONTH through May 1995; and

WHEREAS, the bicycle is a viable and environmentally sound form of transportation and an excellent form of fitness and recreation; and

WHEREAS, the education of both cyclists and motorists as to the proper and safe operation and handling of bicycles in traffic is important to the safety, comfort, and enjoyment of all roadway users; and

WHEREAS, the development of safe and convenient bikeways is an important component of enhancing tourism and, by extension, economic development.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the month of May 1995 is hereby designated as BICYCLE MONTH in James City County, and all citizens are urged to reacquaint themselves with a bicycle and to share the road with a cyclist.

D. PUBLIC HEARINGS

1. Case No. SUP-13-95. Albert S. Lucas. Replacement Manufactured Home

Mr. John Patton, Development Management Technician, stated that Mr. Albert S. Lucas had applied for a special use permit to allow replacement of an existing nonconforming manufactured home in R-8, Rural Residential, located at 131 Jesters Lane, further identified as Parcel No. (2-8) on James City County Real Estate Tax Map No. (38-3).

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. Sisk made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-13-95. ALBERT S. LUCAS, REPLACEMENT MANUFACTURED HOME

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:	Albert S. Lucas
Real Estate Tax Map No.:	(38-3)
Parcel No.	(2-8)
Address:	131 Jesters Lane
District:	Berkeley
Zoning:	R-8
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 manufactured home shall be connected to the existing septic drain field and well in accordance with Health Department requirements prior to occupancy.
4. 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 currently existing on the property shall be removed prior to placement of the new unit.

2. Case No. AFD-8-86. Casey Agricultural and Forestal District Withdrawal Request

Mr. Gary A. Pleskac, Planner, stated that Mr. John T. P. Horne, Manager of Development Management, had applied on behalf of James City County to withdraw approximately 10 acres from the existing Casey Agricultural and Forestal District, zoned M-1, Limited Business/Industrial, located immediately west and north of the intersection of Monticello Avenue and Ironbound Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (38-4).

Staff determined that the withdrawal request met County standards and established criteria for good and reasonable cause as set forth by Section 15.1-1513 Code of Virginia.

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission, both unanimously recommended approval of the withdrawal request.

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.

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

3. Case No. ZO-3-95. Ordinance Amendment. Zoning/Site Plan Criteria

Mr. Patton stated that the ordinance amendment proposed to eliminate the requirement for site plan review prior to obtaining a building permit for individual private decks and fences accessory to multifamily dwellings, townhouses and condominiums.

In concurrence with staff, the Planning Commission unanimously 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. Magoon made a motion to approve the amended ordinance.

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

4. Case No. ZO-4-95. Ordinance Amendment. Temporary Water and Sewer in Planned Unit Development Districts

Mr. Mark J. Bittner, Planner, stated that the proposed amendment would allow nonresidential structures and uses to temporarily operate on individual well and septic systems, similar to Section 20-289(c) of the ordinance.

In concurrence with staff, the Planning Commission unanimously recommended approval.

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

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

Mr. Magoon stated that he did work for Stonehouse, Inc., and this ordinance would benefit that company. He further stated that according to the County Attorney he could vote on this case as it did not present a conflict of interest for him.

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

5. Rankings of Fiscal Year 1996-2000 Capital Improvement Program Requests

Mr. Michael A. Freda, Senior Planner, stated that the four categories of the ranking system for the Capital Improvements Program requests placed emphasis on service needs and conformity with the Comprehensive Plan, Recreation Master Plan, and the Master Water and Sewer Plan.

In concurrence with staff, the Planning Commission recommended approval of the rankings with the FY 96 budget.

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

E. BOARD CONSIDERATION

1. Fiscal Year 1996 Budget

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Resolution of Appropriation included tentative amendments made at budget work sessions, with monies originally set aside within several departmental budgets being transferred into a separate contingency category.

Mr. McDonald requested the resolution be amended to include the E-911 monthly tax increase to \$.60.

Staff recommended approval of the resolution.

Board members individually stated appreciation for the proposal and everyone's input; need for further discussion of the market-based Pay Study Plan; County has strong financial tax base, an excellent staff, most funding requests were granted; and, an individual opposition to the one-cent real estate tax rate increase.

Mr. Sisk made a motion to approve the resolution with E-911 monthly tax of \$.60 incorporated on page 2 under No. 2, TAX RATES.

On a roll call, the vote was: AYE: Sisk, Edwards, Magoon, 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, 1995, and ending June 30, 1996, 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	\$ 444,799
Administrative Services	774,389
Elections	162,398
Financial Administration	1,488,029
General Services	2,278,045
Development Management	1,959,054
Refuse Collection and Disposal	483,469
Judicial Administration	726,064
Public Safety	7,032,943
Community Services	2,805,182
Education	33,454,850
Public Health and Welfare	1,377,206
Contributions	1,483,750
Nondepartmental	1,824,397
Contributions - Capital Projects	<u>975,000</u>
Total General Fund Expenditures	<u>\$57,269,575</u>

The appropriation for education includes \$24,122,000 as a local contribution to the Williamsburg-James City County Schools and a pass through of State Sales Tax revenue estimated at \$3,403,000. Whatever is actually received from State Sales Tax for Education will be forwarded to the schools.

GENERAL FUND REVENUES

General Property Taxes	\$37,515,744
Other Local Taxes	8,900,000
Licenses, Permits and Fees	3,498,000
Fines and Forfeitures	80,000
Revenue from Use of Money and Property	1,000,000
Revenue from the Commonwealth	5,184,900
Revenue from the Federal Government	22,839
Charges for Current Services	1,041,392
Miscellaneous Revenues	<u>26,700</u>
Total General Fund Revenues	<u>\$57,269,575</u>

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

TAX RATES

Real Estate on each \$100 Assessed Value	\$.84
Tangible Personal Property on each \$100 Assessed Value	4.00
Machinery and Tools on each \$100 Assessed Value	4.00
E-911 Monthly Tax	.60

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

CAPITAL PROJECTS FUND

Revenues:

Contribution - General Fund	\$ 975,000
Other Revenues	1,514,000
Prior Year Fund Balance	3,229,124
City of Williamsburg	<u>389,500</u>

Total Capital Projects Fund Revenues \$6,107,624

Expenditures:

Schools	\$2,801,433
Recreation	100,000
Public Safety	415,000
Development Projects	1,113,000
Community Services	445,000
General	<u>1,233,191</u>

Total Capital Projects Fund Expenditures \$6,107,624

DEBT SERVICE FUND

Revenues:

From General Fund - Schools	\$5,900,000
From General Fund - Other	1,000,000
Interest on Bond Proceeds	300,000
From Capital Fund	400,000
State - Jail Financing	<u>173,230</u>

Total Debt Service Fund Revenues \$7,773,230

Current Year Expenditures \$6,338,145
Transfer to Capital Projects Reserve 1,435,085

Debt Service Fund Disbursements \$7,773,230

VIRGINIA PUBLIC ASSISTANCE FUNDRevenues:

From the Federal Government/Commonwealth	\$1,467,503
From the General Fund	633,867
Comprehensive Services Act	99,370
Other	<u>50,000</u>

Total Virginia Public Assistance Fund Revenues	<u>\$2,250,740</u>
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Expenditures:

Administration and Assistance	<u>\$2,250,740</u>
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Total Virginia Public Assistance Fund Expenditures	<u>\$2,250,740</u>
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COMMUNITY DEVELOPMENT FUNDRevenues:

General Fund	\$ 202,704
Grants	873,864
Generated Program Income	<u>145,000</u>

Total Community Development Fund Revenues	<u>\$1,221,568</u>
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Expenditures:

Administration and Programs	<u>\$ 1,221,568</u>
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Total Community Development Fund Expenditures	<u>\$ 1,221,568</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 2.5 percent, granted to employees in FY 96.

F. PUBLIC COMMENT

1. Ms. Diane Hipple, 105 Rottingham's Way, expressed concern that her property assessment had increased by ten percent.

2. Mr. Ed Oyer, 139 Indian Circle, expressed displeasure at the five-minute time limit placed on speakers making public comment or response.

3. Ms. Nancy Sutter, 117 Pierce's Court, spoke in opposition to the Hampton Roads Sanitation District Composting Facility being considered in lower James City County.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman asked the Board for direction and date to place the Composting Facility case on the agenda.

The Board discussed its need for information of economic benefits versus economic costs before scheduling visit to a facility; questioned the need for acreage requested; and, review of environmental issues and odor emission.

Mr. Horne stated questions would be needed by May 10, 1995, to get a response from the consultant by June 5, 1995, work session.

The Board agreed to an informal meeting for input by citizens, Planning Commission members and staff at 4:00 p.m., prior to the 5:00 p.m. work session on June 5, 1995.

Mr. Magoon commented that he thought a visit to the Newport News composting facility before the June 5, 1995, meeting would be helpful.

Mr. Norman asked if the Board wished staff to respond to questions already received.

The Board agreed to that suggestion and Mr. Horne stated the response would be forthcoming within ten days.

H. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked when staff would provide alternatives to the market-based Pay Study Plan as set forth at the April 25, 1995, budget work session.

Mr. Norman responded that information would be provided by mid-May.

Mr. Frank M. Morton, III, County Attorney, referenced the Reading File memorandum regarding cost of County Code book for citizens.

The Board agreed to the fee of \$150 for a complete Code book and \$20 for each supplement.

Mr. DePue declared a recess until 5:00 p.m., Monday, May 15, 1995, for a work session on Solid Waste.

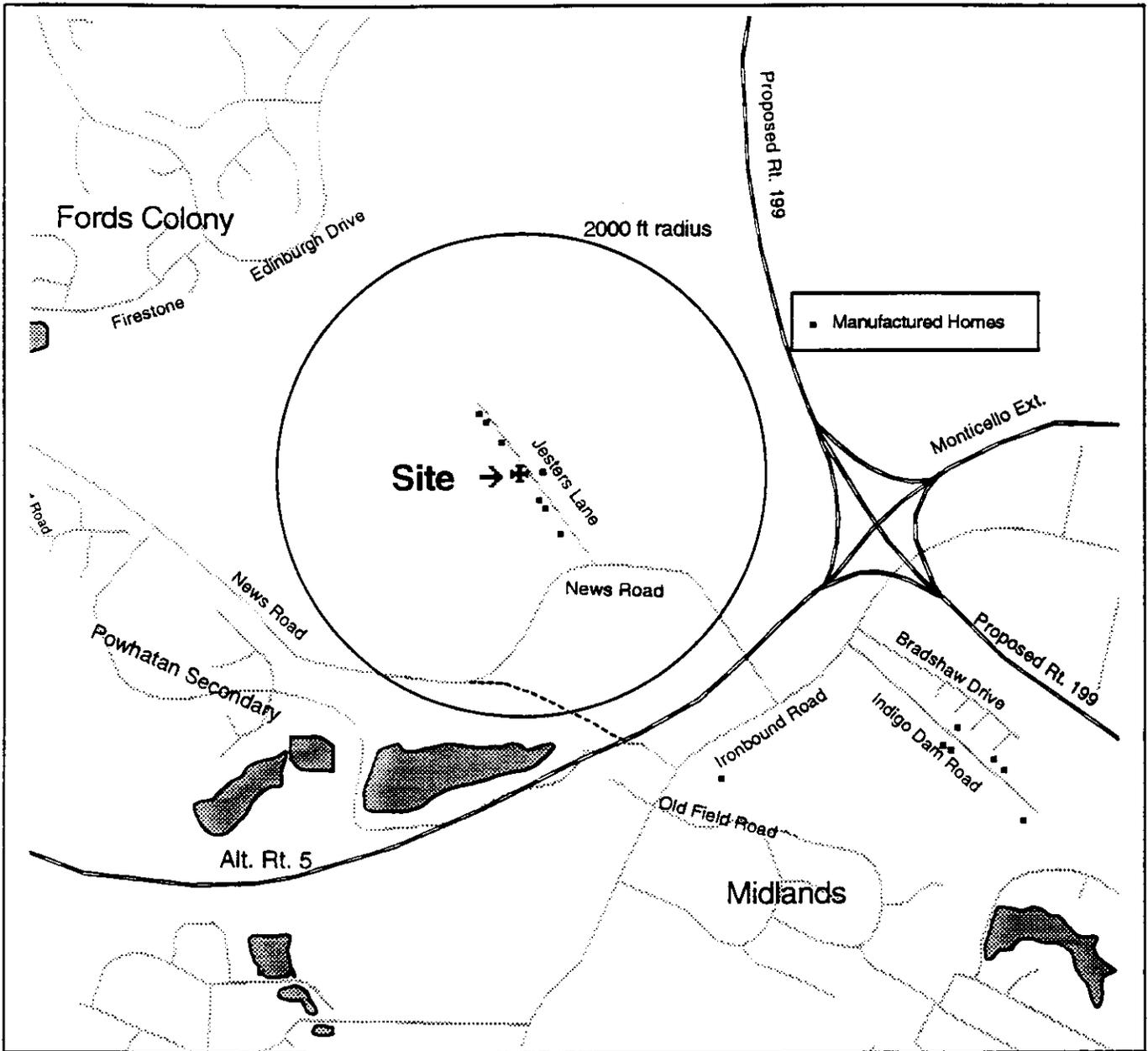
On a roll call, the vote was: AYE: Sisk, Edwards, Magoon, Taylor, DePue (5). NAY: (0).

The Board recessed at 8:30 p.m.



David B. Norman
Clerk to the Board

SUP - 13 - 95 Albert Lucas Replacement Manufactured Home 131 Jesters Lane



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MAY 1 1995

ORDINANCE NO. 174A-4

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD 8-86 CASEY AGRICULTURAL AND FORESTAL DISTRICT

(JAMES CITY COUNTY WITHDRAWAL)

WHEREAS, a request to withdraw 10 acres owned by James City County, Virginia, from AFD 8-86 as identified as New Parcel 1 on a plat prepared by Mitchell-Wilson Associates, P.C. dated February 22, 1995, and further identified as a part of Parcel (1-7) on James City County Real Estate Tax Map No. (38-4) from the 934-acre Casey Agricultural and Forestal District has been filed with the James City County Board of Supervisors; and

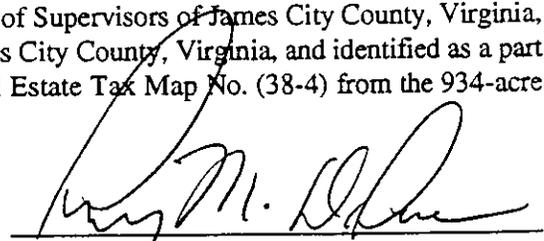
WHEREAS, the Agricultural and Forestal District Advisory Committee at its March 22 meeting unanimously voted to recommend approval of the withdrawal; and

WHEREAS, according to Section 15.1-1513 Code of Virginia a public hearing was advertised and held by the Planning Commission at its April 11 meeting and unanimously voted to recommend approval of the withdrawal; and

WHEREAS, according to Section 15.1-1513 Code of Virginia a public hearing was advertised and held by the Board of Supervisors of James City County, Virginia; and

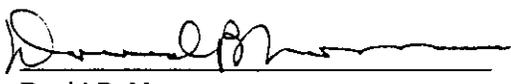
WHEREAS, the Board finds that 'good and reasonable cause' exists for the withdrawal.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby removes that 10 acres owned by James City County, Virginia, and identified as a part of Parcel (1-7) on James City County Real Estate Tax Map No. (38-4) from the 934-acre Casey Agricultural and Forestal District.



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of May, 1995.

ADOPTED

MAY 1 1995

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-160

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 20-143, WHEN SITE PLANS REQUIRED.

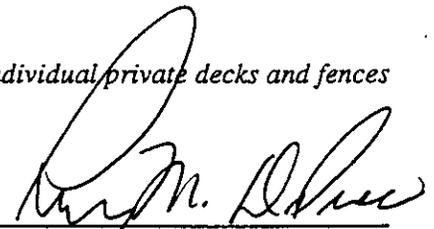
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending, Section 20-143, When site plans required.

Chapter 20. Zoning
Article III. Site Plan

Section 20-143. When site plans required.

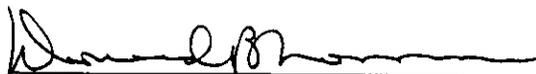
Site plans shall be required for the following major uses and additions and expansions thereto:

- (1) Multiple-family dwellings; *except for the addition of individual private decks and fences accessory thereto.*
- (2) Townhouses or condominiums; *except for the addition of individual private decks and fences accessory thereto.*



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
EDWARDS	AYE
MAGOON	AYE
TAYLOR	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of May, 1995.

MAY 1 1995

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-160

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, SITE PLAN, SECTION 20-143, WHEN SITE PLANS REQUIRED.

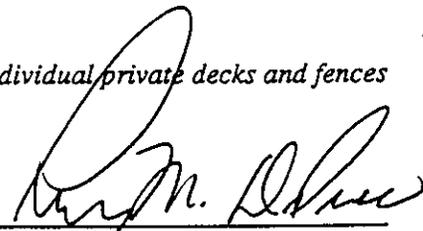
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending, Section 20-143, When site plans required.

Chapter 20. Zoning
Article III. Site Plan

Section 20-143. When site plans required.

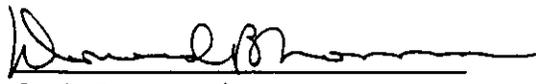
Site plans shall be required for the following major uses and additions and expansions thereto:

- (1) Multiple-family dwellings; *except for the addition of individual private decks and fences accessory thereto.*
- (2) Townhouses or condominiums; *except for the addition of individual private decks and fences accessory thereto.*



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
EDWARDS	AYE
MAGOON	AYE
TAYLOR	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of May, 1995.

MAY 1 1995

ORDINANCE NO. 31A-161

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-497, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20 is hereby amended and reordained by amending Section 20-497, Requirements for improvement and design.

Chapter 20. Zoning

Division 14, Planned Unit Development Districts

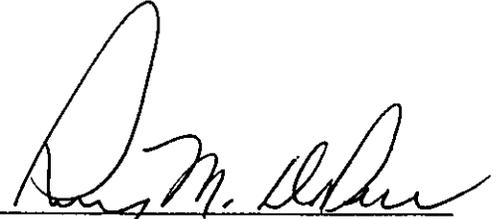
Section 20-497. Requirements for improvements and design

- (a) Water and sewer. *Except as set forth herein, All structures and uses within a Planned Unit Development District shall be served by public water and public sewage systems. Extensions and expansions of public utilities to serve the development shall be governed by the regulations and policies governing service of the appropriate public agency. Non-residential structures and uses may be permitted to temporarily operate on individual well and septic systems provided the following conditions are met:*

Ordinance to Amend and Reordain
Chapter 20. Zoning
Page 2

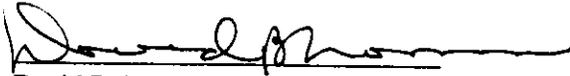
- (1) *The structure or use shall not be within the minimum connection distance for public utilities as determined by the James City Service Authority;*
- (2) *Individual wells shall be approved by the Health Department and the Director of Code Compliance prior to preliminary site plan approval;*
- (3) *Individual septic tank systems shall be approved by the Health Department prior to preliminary site plan approval;*
- (4) *The structure or use shall connect to public utilities within thirty days of the date that such facilities are constructed within the minimum connection distance for public utilities as determined by the James City Service Authority;*
- (5) *Extensions and/or expansions of public water and/or sewer to serve the structure or use are being planned or constructed by the developer or the appropriate public agency. Such extensions and/or expansions shall be within the minimum connection distance for public utilities as determined by the James City Service Authority. If such extensions and/or expansions are being planned and constructed by the developer, their construction shall be guaranteed by surety, letter of credit, cash escrow or other form of guaranty approved by the County Attorney;*
- (6) *The Fire Marshall of James City County shall determine that there is adequate fire protection for the proposed structure or use; and*

(7) *The foregoing notwithstanding, the structure or use shall connect to public utilities within three years from the date of final site plan approval.*



Perry M. DeFue
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of May, 1995.