

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF AUGUST, NINETEEN HUNDRED NINETY-SEVEN, AT 5:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Robert A. Magoon, Jr., Chairman, Jamestown District  
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District  
Perry M. DePue, Powhatan District (Absent)  
Stewart U. Taylor, Stonehouse District (Absent)  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. EXECUTIVE SESSION WORK SESSION**

Mr. Magoon called the meeting to order.

Mr. Edwards made a motion to go into executive session pursuant to Section 2.1-344(A)(7), consult with staff on a specific legal matter; (A)(1) appointment of individuals to County boards and/or commissions; and (A)(3) consider acquisition of a parcel of property.

On a roll call, the vote was: AYE: Edwards, Sisk, Magoon (3). NAY: (0).

Mr. Magoon reconvened the Board into open session.

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

On a roll call, the vote was: AYE: Edwards, Sisk, Magoon (3). NAY: (0).

**RESOLUTION**

**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. Magoon recessed the Board for dinner at 6:30 p.m.

Mr. Magoon reconvened the Board at 7:02 p.m. Mr. DePue was present.

**C. MINUTES - July 22, 1997**

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

Mr. Sisk made a motion to approve the minutes.

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

**D. HIGHWAY MATTERS**

Mr. James Brewer, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), stated that traffic at Williamsburg Crossing Route 5/Route 199 intersection would be rerouted soon; work on left-turn lane on Strawberry Plains at Tewning Road was ongoing; Forge Road construction bids would be received August 27; and, Grove interchange on Interstate 64/Route 60 bids would be received in September.

Mr. DePue asked that weeds be removed from and ground cover placed on both sides of Longhill Road (Route 612) in the vicinity of Route 199 construction.

Mr. Sisk asked what the time frame was and Mr. Magoon asked how would citizens be informed about disruption of traffic movement at Route 5/Route 199 intersection.

Mr. DePue asked whether citizens could appear before the Virginia Department of Transportation regarding development impact concerns.

**E. CONSENT CALENDAR**

Mr. Magoon asked if a Board member wished to remove any items from the Consent Calendar and asked that Item No. 6 be removed.

Mr. Sisk made a motion to approve the remaining Items on the Consent Calendar.

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

**1. Crime and Drug Prevention Grant - School Resource Officer**

**RESOLUTION**

**SCHOOL RESOURCE OFFICER GRANT CRIME AND DRUG PREVENTION OFFICER**

WHEREAS, the Department of Criminal Justice Services has approved a second grant which would provide a second officer full-time to the Crime and Drug Prevention Program; and

WHEREAS, the grant provides \$34,073 in salary and benefits with matching funds of \$3,786 available in the Police Department Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following appropriation of the \$34,073 within the FY 1998 General Fund Budget to an account to be established by the County from which the Police Department may make expenditures, and authorizes the creation of a full-time limited-term Police Officer position.

Revenue:

|   |                 |
|---|-----------------|
| Department of Criminal Justice Services Grant | <u>\$34,073</u> |
|---|-----------------|

Expenditures:

|                   |                 |
|-------------------|-----------------|
| Police Department | <u>\$34,073</u> |
|-------------------|-----------------|

2. Resurfacing Pool Interior - Community Center

**RESOLUTION**

**RESURFACING POOL INTERIOR - COMMUNITY CENTER**

WHEREAS, the Board of Supervisors of James City County has been requested to carry forward funds totaling \$41,000 for the resurfacing of the pool interior at the James City County-Williamsburg Community Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget amendment and appropriates these funds as follows:

Carryforward Funds:

|         |                 |
|---------|-----------------|
| FY 1997 | <u>\$41,000</u> |
|---------|-----------------|

|                      |                 |
|----------------------|-----------------|
| Parks and Facilities | <u>\$41,000</u> |
|----------------------|-----------------|

3. Cost Allocation of Certain Internal Services Within the FY97 Budget

**RESOLUTION**

**RESOLUTION ALLOCATING THE COSTS OF CERTAIN**

**INTERNAL SERVICES WITHIN THE FY 1997 BUDGET**

WHEREAS, the State Auditor of Public Accounts requires localities to allocate indirect costs of certain internal service activities; and

WHEREAS, such allocation improves the comparability of James City County expenditures with those of other localities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments within the 1997 General Fund Budget:

**Expenditures:**

| <u>Department</u>                  | <u>Amount</u> |
|------------------------------------|---------------|
| Accounting                         | \$ 104,811.82 |
| Animal Control                     | 4,909.61      |
| Board of Supervisors               | 12,376.08     |
| Commonwealth Attorney              | 6,521.12      |
| Central Dispatch                   | 14,640.81     |
| Civil Defense                      | 1,320.83      |
| Clerk of Court                     | 8,513.53      |
| Code Compliance                    | 117,633.68    |
| Commissioner of the Revenue        | 75,990.26     |
| Community Services Office          | 15,744.38     |
| Communications                     | 28,783.94     |
| Cooperative Extension              | 6,059.00      |
| County Administration              | 24,270.84     |
| County Attorney                    | 18,604.07     |
| Courts/Judicial                    | 7,949.78      |
| Development Management             | 50,239.67     |
| Economic Development               | 9,250.09      |
| Electoral Board                    | 276.72        |
| Emergency Medical Services         | 22,064.35     |
| Facilities Management              | 30,055.50     |
| Financial and Management Services  | 51,477.16     |
| Fire                               | 94,006.09     |
| Grounds Maintenance                | 18,718.60     |
| Human Resources                    | 53,155.83     |
| Legal Services                     | 99.23         |
| Mosquito Control                   | 5,313.21      |
| Park Operation                     | 5,561.80      |
| Planning                           | 117,007.80    |
| Police                             | 176,524.78    |
| Radio Maintenance                  | 5,332.26      |
| Real Estate Assessments            | 132,279.16    |
| Recreation Center - Administration | 12,448.70     |
| Recreation Services                | 67,718.90     |
| Refuse Disposal                    | 19,939.20     |
| Registrar                          | 1,715.43      |
| Satellite Office                   | 8,142.53      |
| Sheriff 14,580.78                  |               |
| Training and Quality Performance   | 20,259.57     |
| Treasurer                          | 23,037.88     |
| Volunteer Services                 | 290.60        |
| Fleet Maintenance                  | (364,758.58)  |
| Graphics                           | (50,357.41)   |
| Data Processing                    | (547,257.79)  |
| Purchasing                         | (171,691.38)  |
| Publications Management            | (127,265.95)  |
| Records Management                 | (126,294.48)  |

\$           .00

4. Resolution to Carry Forward Encumbrances Outstanding at June 30, 1996**RESOLUTION****RESOLUTION TO CARRYFORWARD ENCUMBRANCES OUTSTANDING AT JUNE 30, 1996**

WHEREAS, the County has certain encumbrance obligations outstanding at June 30, 1996; and

WHEREAS, these encumbrances need to be carried forward by adjusting the FY 1997 budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments within the FY 1997 Budgets:

**General Fund:****Revenues and Transfers In:**

|   |                     |
|---|---------------------|
| Transfer from Fund Balance - Encumbrance Carryforward | <u>\$481,408.81</u> |
|---|---------------------|

**Expenditures:**

| <u>Department</u>                 | <u>Amount</u> |
|-----------------------------------|---------------|
| Board of Supervisors              | \$ 5,510.72   |
| County Administration             | 668.17        |
| County Attorney                   | 5,457.00      |
| Legal Services                    | 3,709.58      |
| Planning                          | 14,021.49     |
| Development Management            | 9,081.15      |
| Human Resources                   | 17,324.00     |
| Community Services                | 3,248.50      |
| Publications Management           | 117.95        |
| Real Estate Assessments           | 13,593.19     |
| Purchasing                        | 3,407.38      |
| Financial and Management Services | 21,844.26     |
| Treasurer                         | 471.80        |
| Accounting                        | 1,179.34      |
| Records Management                | 3,572.48      |
| Neighborhood Connections          | 43,604.34     |
| Satellite Office                  | 2,640.00      |
| Volunteer Services                | 1,669.90      |
| Clerk of Circuit Court            | 2,805.77      |
| Commonwealth Attorney             | 485.00        |
| Police                            | 11,922.65     |
| Police Grant                      | 166.00        |
| Fire                              | 1,405.07      |
| Emergency Medical Services        | 506.09        |
| Emergency Services                | 6,695.74      |
| Radio                             | 335.41        |
| Graphics                          | 7,771.41      |
| Code Compliance                   | 1,095.47      |
| Solid Waste                       | 10,184.22     |

|                                       |                     |
|---------------------------------------|---------------------|
| Mosquito Control                      | 1,584.00            |
| Extension                             | 1,654.93            |
| Registrar                             | 640.00              |
| Electoral Board                       | 252.00              |
| Facilities Management                 | 90,068.93           |
| Grounds Maintenance                   | 1,293.10            |
| Economic Development                  | 13,508.12           |
| Parks                                 | 31,228.86           |
| Recreation Administration             | 3,124.14            |
| Recreation Services                   | 6,603.86            |
| 9th District Court                    | 2,030.37            |
| Juvenile and Domestic Relations Court | 9,515.37            |
| General District Court                | 506.00              |
| Circuit Court                         | 229.92              |
| Court Services Unit                   | 24,922.91           |
| Unallocated                           | 4,933.09            |
| Non Departmental                      | 1,125.00            |
| Data Processing                       | 47,382.79           |
| Central Dispatch                      | 28,133.76           |
| Fleet                                 | <u>18,177.58</u>    |
| Total                                 | <u>\$481,408.81</u> |

Virginia Public Assistance FundRevenues and Transfers In:

|   |                    |
|---|--------------------|
| Transfer from Fund Balance - Encumbrance Carryforward | <u>\$16,852.47</u> |
|---|--------------------|

|                      |                    |
|----------------------|--------------------|
| <u>Expenditures:</u> | <u>\$16,852.47</u> |
|----------------------|--------------------|

Transit FundRevenues and Transfers In:

|   |                   |
|---|-------------------|
| Transfer from Fund Balance - Encumbrance Carryforward | <u>\$6,392.90</u> |
|---|-------------------|

|                      |                   |
|----------------------|-------------------|
| <u>Expenditures:</u> | <u>\$6,392.90</u> |
|----------------------|-------------------|

Debt Service FundRevenues and Transfers In:

|  |                   |
|--|-------------------|
| Transfers from Fund Balance - Encumbrance Carryforward | <u>\$1,323.00</u> |
|--|-------------------|

|                      |                   |
|----------------------|-------------------|
| <u>Expenditures:</u> | <u>\$1,323.00</u> |
|----------------------|-------------------|

5. Trash and Grass Liens:

99 Canterbury Place

142 Oslo Court

**RESOLUTION****CODE VIOLATION LIEN**

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have 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 owners 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, 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: Rosemary and Richard Sims  
7 Deer Path  
Holmdel, NJ 07733

DESCRIPTION: 142 Oslo Court

TAX MAP NO.: (23-2)(03-0-0031)  
James City County, Virginia

AMOUNT DUE: \$168.00

**RESOLUTION****CODE VIOLATION LIEN**

WHEREAS, the Zoning Administrator 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, 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: Secretary of Veterans Affairs  
210 Franklin Road, SW  
Roanoke, VA 24011

DESCRIPTION: 99 Canterbury Place

TAX MAP NO.: (33-3)(02-0-0027)  
James City County, Virginia

AMOUNT DUE: \$60.00

6. Endorsement of Route 614 (Greensprings Road) and Route 359 as Virginia Byways

Mr. Magoon commended the staff and Board for pursuing the Byways designation to fruition with State departments. He made a motion to approve the resolution.

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

**RESOLUTION****TO ENDORSE THE DESIGNATION OF A PORTION OF ROUTE 614 AND ROUTE 359****A VIRGINIA BYWAY**

- WHEREAS, Greensprings Road is one of the oldest roads in Virginia and in the country, characterized by historical and scenic significance; and
- WHEREAS, the 1997 Comprehensive Plan designates Greensprings Road a Community Character Corridor and the surrounding area as a Community Character Area; and
- WHEREAS, pursuant to the Virginia Department of Transportation's and Virginia Department of Conservation and Recreation's Memorandum of Agreement on the Scenic Highway and Virginia Byway Program, the Virginia Department of Conservation and Recreation has evaluated Route 614 (Greensprings Road) from Monticello Avenue to Jamestown Road and Route 359 and determined that these roads meet the criteria for Virginia Byway designation; and
- WHEREAS, the Board of Supervisors desires these roads to be designated Virginia Byways.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, endorses the designation of the portion of Route 614 from Monticello Avenue to Jamestown Road and Route 359 a Virginia Byway.

**F. PUBLIC HEARINGS**1. Case No. Z-7-97. Michael C. Brown, LTD/Toano Business Center (Continued from July 22, 1997)

Mr. Gary A. Pleskac, Senior Planner, stated that Mr. Michael C. Brown had requested an indefinite deferral of this case. Staff concurred with the request.

Mr. Magoon opened the public hearing and, without Board objection, continued the public hearing.

Mr. Sanford B. Wanner, County Administrator, stated that the case would be readvertised when brought back to the Board.

2. Case No. SUP-19-97. Cobb's Striping Storage Tank (Continued from July 8, 1997)

Mr. Matthew W. Maxwell, Senior Planner, stated that this case was deferred July 8, 1997, to allow time for Board members to visit the site. He further stated that Ms. Elsie Mullen had applied for a special use permit to locate a 6,000-gallon storage tank for storing Tarconite, a seal-coating material for asphalt, zoned A-1, General Agricultural, located at 6361 Centerville Road, further identified as Parcel No. (1-13) on James City County Real Estate Tax Map No. (23-4).

Staff determined that the proposed use was not compatible with surrounding zoning and development and was inconsistent with the Comprehensive Plan.

Staff recommended denial of the application. The Planning Commission, by a 6-1 vote, recommended approval of the applications with conditions listed in the resolution.

Mr. Magoon opened the public hearing.

1. Mr. Steve Cobb, 2908 Richard Pace North, owner of the tank, stated the impacts of the storage tank on nearby residents would be minimal.

2. Ms. Elsie Manning, land owner, requested approval of the application.

Mr. Magoon closed the public hearing.

Individual Board members stated nearby residents had voiced no complaints; small business was benefit to community; use inconsistent with Comprehensive Plan; and relocation needed if business grew.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, DePue, Magoon (3). NAY: Edwards (1).

## RESOLUTION

### CASE NO. SUP-19-97. COBB'S STRIPING STORAGE TANK

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, on behalf of Mr. Steve Cobb of Cobb's Striping, applied for a special use permit to allow the placement of a storage tank to store tarconite at 6361 Centerville Road, further identified as Parcel No. (1-13) on James City County Real Estate Tax Map No. (23-4); and

WHEREAS, the Planning Commission voted 6 to 1 to recommend approval of the application with conditions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of a Special Use Permit No. SUP-19-97 as described herein with the following conditions:

1. The tank and loading area shall be fully screened on all sides in a manner acceptable to the Planning Director.
  2. The tank shall not be operational before 7:00 a.m. and after 8:00 p.m.
  3. The tank and surrounding area shall not be lighted.
  4. All Federal, State, and Local permits shall be obtained before placing the tank on the property.
  5. A containment basin shall be provided to protect against groundwater contamination in case of spills or leaks. The design and location of the containment area shall be approved by the County Engineer before building permits are issued for the tank.
  6. The tank shall be accessed by an all weather surface of asphalt, rock, stone, or gravel. The driveway shall be maintained by the owner(s) in a condition passable at all times.
  7. The tank shall be located a minimum distance of 100 feet away from all groundwater wells.
  8. The tank, if unused for a period exceeding two years, shall be removed in accordance with all State, Federal, and Local regulations.
  9. No additional tanks, materials, or equipment, beyond the 6,000-gallon storage tank, associated with the business shall be kept on the property.
  10. The storage tank shall only be used to store tarconite.
  11. The storage tank shall be limited to one refill per month.
3. Case No. SUP-17-97. J. R. Chisman Development Company. Accessory Apartment at 169 Wellington Circle

Mr. Paul D. Holt, III, Planner, stated that Mr. Thomas E. Taliaferro, on behalf of J. R. Chisman Development Company, had applied for a special use permit to allow an accessory apartment within a residence to be constructed at 169 Wellington Circle, zoned R-1, Limited Residential, further identified as Parcel No. (16-12) on James City County Real Estate Tax Map No. (46-2).

Staff determined that the proposed use was consistent with surrounding area and with the Comprehensive Plan, but may be inconsistent with the Homeowners Association covenant.

Staff recommended deferral of the case until the covenant restrictions could be resolved in a court of law. The Planning Commission, by a 5-0 vote, recommended approval of the application with conditions listed in the resolution.

A brief discussion of the clarity of the covenant restrictions followed by Board and staff.

Mr. Magoon opened the public hearing.

1. Mr. James R. Chisman, developer of St. George's Hundred, requested the Board approve the special use permit.

2. Mr. Bill Vegas, 169 Wellington Circle, owner of the home, expressed his pleasure of living in a caring community.

Mr. Magoon closed the public hearing.

Mr. Magoon stated that he had a working relationship with Mr. Chisman, but no conflict of interest since he was not working on this project.

Mr. Sisk made a motion to approve.

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

## RESOLUTION

### CASE NO. SUP-17-97. ACCESSORY APARTMENT AT 169 WELLINGTON CIRCLE

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 an accessory apartment within a residence to be constructed at 169 Wellington Circle; and

WHEREAS, the property is located within the St. George's Hundred Subdivision, is zoned R-1, Limited Residential, and can be further identified as Parcel No. (16-12) on the James City County Real Estate Tax Map No. (46-2); and

WHEREAS, the Planning Commission, following its public hearing on July 7, 1997, voted 5-0 to recommend approval of this application.

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-17-97 as described herein with the following conditions:

1. The accessory apartment must receive a final certificate of occupancy within 24 months, or the permit shall become void.
2. Occupancy of the structure shall be limited to the property owners and their immediate family members. For purposes of this section, "immediate family" shall be defined as "any person who is a natural or legally defined offspring, an emancipated minor under Virginia Code section 16.1-331 et seq., parent or grandparent of the property owner."
3. A certified copy of the Board of Supervisors' Special Use Permit Resolution shall be recorded against the property in the Circuit Court Clerk's Office of the Courthouse.

4 Ordinance Amendment, Chapter 18, Taxation, Add Article IX, Exemption of Certain Airport Property

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the proposed ordinance was deferred at the July 22, 1997, meeting. He further stated that the Board had requested the amended ordinance to exempt from local taxation runways of privately owned airports that are declared to be works of public improvement. He further stated that Williamsburg-Jamestown Airport was the only qualifying property in James City County.

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

The Board expressed appreciation to the owners of the airport as longtime productive citizens providing a public benefit, however, one member expressed concern that exemption of taxation of airport property was unreasonable when compared to other similar business property providing public service.

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

On a roll call, the vote was: AYE: Sisk, DePue, Magoon (3). NAY: Edwards (1).

5. Case No. SUP-22-97. James City Service Authority Change in Conditions for Case No. SUP-4-91. Stonehouse Sewer Force Main

Ms. Tamara A. M. Rosario, Senior Planner, stated that James City Service Authority had applied to amend conditions for Stonehouse Sewer Force Main to allow one connection of a limited size to each vacant parcel adjacent to the mains outside the Primary Service Area (PSA) bringing into compliance with the Utility Connection Policy adopted as part of the 1997 Comprehensive Plan.

Ms. Rosario stated that an alternate proposal from Mr. Mark Rinaldi, Langley and McDonald and on behalf of Faith Baptist Church, requested that the size of the sewer connection not be limited to 1-1/4 inch for nonresidential uses as Faith Baptist Church desired to connect unimproved property at 4107 Rochambeau to the Stonehouse Sewer Force Main.

Staff recommended against the alternate proposal as Faith Baptist Church had a sewage disposal option available, and the alternate proposal was inconsistent with the intent of the Utility Policy and connection conditions placed on special use permits for other mains outside the PSA.

Staff recommended approval of amendment in the same manner as Governor's Land Sewer Force Main. The Planning Commission by a 4-1 vote recommended approval of the alternate proposal of "a connection sufficient to serve a single generally permitted use in the A-1 zoning district may be allowed."

Mr. Magoon opened the public hearing.

1. Mr. Mark Rinaldi, 103 Leon Drive, stated that approval of the 1-1/4 inch connection might be difficult to obtain from the Health Department and the connection would minimize well and septic tank failure. He asked the Board to approve the Planning Commission's recommendation.

2. The Reverend Mike Privett, 7605 Thatcher, Toano, stated the property contract was closed on December 31, 1996.

Mr. Edwards made a motion to approve the resolution with staff recommendation.

A brief discussion of the resolutions by Board members ensued.

Mr. Wanner reminded the Board of the three reasons for staff recommendation: consistency with Comprehensive Plan and Utility Policy, impact on other A-1 permitted uses, and that an alternative sewage disposal option was available. He recommended deferral if the Board wished to consider more technical information.

Mr. Magoon asked what the timetable was for the church and impact of deferral until an October meeting.

Mr. DePue suggested that the church representatives determine its choice between the staff recommendation or deferral until October.

Mr. Magoon declared the item would be brought back later in the meeting after consultation by church representatives.

6. Application for Outdoor Gathering Permit, Beethoven Festival, Virginia Symphony, at Williamsburg Winery, September 5, 1997
7. Application for Outdoor Gathering Permit, Williamsburg Scottish Festival, at Williamsburg Winery, September 27, 1997
8. Application for Outdoor Gathering Permit, Friday Frolics, Junior Women's Club, at Williamsburg-Jamestown Airport, September 26, 1997

Mr. John T. P. Horne, Manager of Development Management, stated that the Virginia Symphony had applied for an outdoor gathering permit on Friday, Saturday and Sunday, September 5 - 7, at the Williamsburg Winery, 5800 Wessex Hundred. Mr. Horne mentioned the fire code and necessary inspections since this gathering anticipated indoor use of facilities.

Mr. Horne stated that Williamsburg Scottish Festival, Inc., had applied for an outdoor gathering permit on Saturday, September 27, 1997, at the Williamsburg Winery, 5800 Wessex Hundred.

Mr. Horne stated that the Junior Women's Club of Williamsburg, Inc., had applied for an outdoor gathering permit on Friday, September 26, 1997, at the Williamsburg-Jamestown Airport, 100 Marclay Road.

Staff recommended approval of the outdoor gathering permits.

Mr. Magoon opened the public hearings, and as no one wished to speak, he closed the public hearings.

Mr. Sisk made a motion to approve the outdoor gathering permit resolutions.

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

## RESOLUTION

### OUTDOOR GATHERING PERMIT - VIRGINIA SYMPHONY

WHEREAS, James City County received an application from the Virginia Symphony to hold an outdoor gathering on Friday, September 5, 1997, from 5:30 p.m. to 10:00 p.m., on Saturday, September 6, 1997, from 5:30 p.m. to 10:00 p.m., and on Sunday, September 7, 1997, from 3:30 p.m. to 8:00 p.m., at the Williamsburg Winery, 5800 Wessex Hundred, Williamsburg, VA 23185; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Coordinator, the Health Department, Building Official, and the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Virginia Symphony to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

**RESOLUTION**

**OUTDOOR GATHERING PERMIT - WILLIAMSBURG SCOTTISH FESTIVAL, INC.**

WHEREAS, James City County received an application from the Williamsburg Scottish Festival Inc., to hold an outdoor gathering on Saturday, September 27, 1997, from 9:00 a.m. to 5:00 p.m., at the Williamsburg Winery, 5800 Wessex Hundred, Williamsburg, VA 23185; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Coordinator, the Health Department, Building Official, and the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Williamsburg Scottish Festival, Inc., to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

**RESOLUTION**

**OUTDOOR GATHERING PERMIT - JUNIOR WOMEN'S CLUB OF WILLIAMSBURG, INC.**

WHEREAS, James City County has received an application from the Junior Women's Club of Williamsburg, Inc., to hold an outdoor gathering on Friday, September 26, 1997, from 6:00 p.m. to 11:00 p.m., at the Williamsburg-Jamestown Airport, 100 Marclay Road, Williamsburg, VA 23185; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Coordinator, the Health Department, Building Official, and the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Junior Women's Club of Williamsburg, Inc., to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

9. **Ordinance Amendment Chapter 18, Taxation, Article I, General, Section 18-6, Administrative Fees for Collection of Delinquent Taxes**

Mr. Rogers stated that the ordinance added attorney and collection agency fees as charges the Treasurer could pass on to delinquent taxpayers as authorized by the State code.

Staff recommended approval of the ordinance.

Mr. Magoon 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: Edwards, Sisk, DePue, Magoon (4). NAY: (0).

**G. BOARD CONSIDERATIONS****1. Parks and Recreation Fees and Charges Policy (Deferred from June 24, 1997)**

Mr. Anthony Conyers, Jr., stated this item was deferred at the June 24, 1997, Board of Supervisors meeting to provide additional information. He explained the revised policy would establish target recovery rates for programs and facilities; would create five program categories and would establish recovery rates for each category and five Parks and Recreation. He further stated that the revised policy would provide revenue recovery targets based on program priorities, a reduced fee/charge for low income citizens, ongoing review of the policy/targets to ensure they are workable, would allow the County Administrator to exempt a program from the target in extraordinary circumstances and would take both direct and indirect costs into consideration in establishing fees.

Staff recommended approval of the resolution.

Board and staff discussed that the revised policy fees would recover partially the cost of running the facility from those who participate.

Mr. Edwards made a motion to approve the resolution.

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

**RESOLUTION****PARKS AND RECREATION FEES AND CHARGES POLICY**

WHEREAS, the Board of Supervisors wishes to implement a revised fees and charges policy for Parks and Recreation programs and facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the Parks and Recreation Fees and Charges Policy.

**Return to Public Hearing Item No. F-5**

Mr. Mark Rinaldi, representing Faith Baptist Church, stated that the church agreed to encourage the Board members to support Mr. Edwards' motion to approve the staff recommendation.

Mr. Morton clarified that the Board members were not committing to allow a size sufficient to serve a single generally permitted use in A-1 should the Health Department deny the 1-1/4 inch connection.

Mr. Magoon closed the public hearing and asked for a roll call vote on Mr. Edwards' motion to approve the resolution with the staff recommendation.

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

**RESOLUTION****CASE NO. SUP-22-97. JAMES CITY SERVICE AUTHORITY -****CHANGE IN CONDITIONS FOR CASE NO. SUP-4-91**

- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance, specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the Board of Supervisors of James City County, adopted a Utility Connection Policy as part of the 1997 Comprehensive Plan which was approved on January 28, 1997; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on April 7, 1997, recommended approval of Special Use Permit No. SUP-22-97, by a vote of 4 to 1, to amend the connection condition for Case No. SUP-4-91 with alternate language.

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-22-97 which amends the connection condition for Case No. SUP-4-91 as described herein:

**SUP-4-91. Stonehouse Sewer Force Main.**

6. No connections shall be made to the main which would serve any property located outside the Primary Service Area except for connections within the Stonehouse planned community and existing structures located outside the PSA that are on property adjacent to the proposed main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA, and adjacent to the main, one connection shall be permitted with no larger than a 1-1/4 inch service line.

**2. Additional Allocation and Reconciliation of FY 98 Budget - Social Services**

Ms. Diana F. Hutchens, Director of Social Services, stated that the State Department of Social Services had awarded an additional \$379,308 to James City County to provide direct services to welfare recipients and distributed to Administration, Public Assistances, Purchased Services and Grants.

Staff recommended approval.

Mr. DePue made a motion to approve the resolution.

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

**RESOLUTION****ADDITIONAL ALLOCATION AND RECONCILIATION OF FY 98 BUDGET -****SOCIAL SERVICES DIVISION**

- WHEREAS, the State Department of Social Services has provided additional funding for Administration, Public Assistances, Purchased Services, and Grants; and

WHEREAS, funds are needed for critical staff positions, services, and welfare reform programs and no local matching funds are required; and

WHEREAS, a FY 98 budget reconciliation is necessary and sufficient funding is available in the Virginia Public Assistance Fund balance.

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

Revenues:

|  |                  |
|--|------------------|
| From the Commonwealth                    | \$379,308        |
| From the Virginia Public Assistance Fund | <u>25,572</u>    |
| Total                                    | <u>\$404,880</u> |

Expenditures:

|                    |                  |
|--------------------|------------------|
| Administration     | \$151,703        |
| Public Assistance  | 12,293           |
| Purchased Services | 231,041          |
| Grants             | <u>9,843</u>     |
| Total              | <u>\$404,880</u> |

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, establishes the following positions: Social Worker - Social Services (full-time permanent); Social Services Case Aide - Social Services (full-time permanent); and changes the Senior Office Assistant - Social Services from part-time permanent to full-time permanent.

3. Crossroads Economic Development Study: Strategy and Work Force Development

Mr. Wanner stated that representatives from the City of Williamsburg, Casey Family, Colonial Williamsburg Foundation, Eastern State Hospital, College of William and Mary, and James City County considered the recommendations of the Crossroads Economic Development Study and identified the need for a steering group to be formed and a more detailed study to be commissioned to evaluate the market position of this area and determine an economic development strategy.

Mr. Wanner further stated that James City County has been requested to contribute \$30,000 toward an overall budget of \$130,000 for the study.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

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

**RESOLUTION**

**CROSSROADS ECONOMIC DEVELOPMENT STUDY**

WHEREAS, the William and Mary Crossroads Study has identified the need to do a Crossroads Economic Development Study; and

WHEREAS, the study will require a contribution of \$30,000 from James City County as its share of the study budget of \$130,000; and

WHEREAS, the funds are available in Operating Contingency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates from Operating Contingency \$30,000 to Economic Development Professional Services for the Crossroads Economic Development Study and authorizes the following transfer within the FY 1998 General Fund:

|                               |                   |
|-------------------------------|-------------------|
| <u>Operating Contingency:</u> | <u>\$(30,000)</u> |
| <u>Economic Development:</u>  |                   |
| Professional Services         | <u>\$ 30,000</u>  |
| Total                         | <u>\$ 0</u>       |

4. **Award of Engineering Contract, District Park Sports Complex, Phase I**

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated that the contract for architectural and engineering services, Phase I design plans of the District Park Sports Complex had been awarded to Rhodeside and Harwell, Inc., in the amount of \$150,000. He stated that the scope of services include the entrance road, parking facilities, three baseball fields, four soccer fields and realignment of Longhill Gate entrance road to intersect with the park entrance road off Longhill Road.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

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

**RESOLUTION**

**CONTRACT AWARD - ARCHITECTURAL AND ENGINEERING SERVICES**

**FOR THE DISTRICT PARK SPORTS COMPLEX - PHASE I**

WHEREAS, James City County owns property designated for use as a new District Park Sports Complex; and

WHEREAS, the contract for architectural and engineering services was negotiated with Rhodeside and Harwell, Inc., as a change order to an existing contract in the amount of \$150,000; and

WHEREAS, funds are available in the Parks and Recreation Capital Budget to cover the payment of architectural and engineering services fees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute all necessary contract documents for the provision of architectural and engineering services for the District Park Sports Complex, Phase I, by Rhodeside and Harwell, Inc.

#### H. PUBLIC COMMENT

1. Mr. Arthur C. Hillstrom, Sr., 3724 Brick Bat Road, asked what help would be available for citizens who live outside Primary Service Area if wells fail.

Mr. Magoon stated that staff would be in contact with him with a response.

Mr. Magoon asked for discussion of allowing an individual as spokesperson for a group to have extended time to speak at public hearings and to limit public comment to three minutes.

2. Mr. Ed Riley, 611 Tam-O-Shanter, read a letter he had written regarding the latest lyme disease information.

3. Mr. Rick Lobo, 605 Beechwood Drive, announced a new television station, WHTV 19, in the community.

4. Mr. Jack Barnett, 3900 Poplar Creek, stated that the permitted size of the Music Theatre sign would be barely readable from Richmond Road. He asked the Board to consider that not all businesses are able to use the same format and defined signage needs for a theatre as unique requirements.

5. Mr. R. M. Hazelwood, Jr., Toano, stated that the signs for the James City County Fair were appropriate size but questioned why directional signs were permitted as an addition when he was not permitted to use directional signs as his real estate office. He stated a work session was needed to revisit the sign ordinance.

6. Mr. Ed Oyer, 139 Indian Circle, spoke of toxic substances in biosolids and stated that without water to offer industry, economic development would be unsuccessful.

#### I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that an executive session was needed pursuant to Section 2.1344(A)(7) to consult with legal and staff members on a specific legal matter and (A)(1) appointment of individuals to County boards and/or commissions.

Mr. Wanner announced that an advertisement was appearing in newspapers for a public review of the Williamsburg-Jamestown Airport expansion on Monday, August 25, 1997, at Berkeley Middle School Auditorium at 7:00 p.m., and a public review of the Casey New Town and Williamsburg/James City County Courthouse on Tuesday, August 26, 1997, at James City County Government Center Building C Board Room at 7:30 p.m.

Mr. Wanner recommended recess to 5:30 p.m., Thursday, August 28, 1997, for an executive session pursuant to Section 2.1-344(A)(1), personnel matter, evaluation of County Administrator.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. DePue responded that Mr. Barnett might want to apply to the Board of Zoning Appeals for a waiver of the sign ordinance. He agreed that Mr. Hazelwood made a good point and asked staff to set a work session on the sign ordinance.

In response to Mr. Hillstrom, he stated that the voluntary water restriction worked in that the usage dropped and that the Board would consider wells that fail with the same compassion and concern that was exhibited during the consideration of the Brick Bat Road telecommunications tower. He informed Mr. Hillstrom that he would be happy to discuss privately.

Mr. Magoon asked the County Attorney to provide information to the Board regarding a locality's ability to impose a moratorium on housing construction.

Mr. Magoon mentioned the memorandum in the Reading File from Donald Davis on Zoning Ordinance Review Methodology and stated appointment of a Board member to serve on one of the four designated teams could be made during the upcoming executive session.

Mr. Edwards remarked that the reported figures for ridership on the Tourist Shuttle were very encouraging.

Mr. Magoon recessed the Board for a James City Service Authority Board of Directors meeting at 10:08 p.m.

Mr. Magoon reconvened the Board at 10:20 p.m.

Mr. Sisk made a motion to go into executive session as recommended by the County Administrator.

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

Mr. Magoon reconvened the Board at 10:45 p.m.

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

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

**RESOLUTION****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. Magoon made a motion to appoint Katherine Kranbuehl as representative for Mr. Edwards to the Community Action Agency, term expiring January 14, 1998, and to appoint Anthony Conyers, Jr., as representation for Mr. DePue to the Community Action Agency, term expiring January 14, 1998; to reappoint Howard Mason to the Colonial Services Board for a 3-year term, term expiring June 30, 2000; to reappoint William Meiers, Frances Hamilton, Marie Sheppard and Martha Hamilton-Phillips to the Historical Commission for 3-year terms, terms expiring August 31, 2000, respectively; and to reappoint Mary Ann Wright to the Social Services Advisory Board for a 4-year term, term expiring July 1, 2001.

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

Mr. Magoon made a motion to recess until 5:30 p.m., Thursday, August 28, 1997, in the James City County Government Center Building C Board Room, for an executive session as recommended by the County Administrator.

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

The Board recessed at 10:46 p.m.



Sanford B. Wanner  
Clerk to the Board

AUG 19 1997

ORDINANCE NO. 107A-27

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE IX, EXEMPTION OF CERTAIN AIRPORT PROPERTY, SECTION 18-65, PURPOSE AND INTENT; AND SECTION 18-66, EXEMPTION OF RUNWAYS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation is hereby amended and reordained by adding Article IX, Exemption of Certain Airport Property, Section 18-65, Purpose and intent; and Section 18-66, Exemption of runways.

#### Chapter 18. Taxation

##### *Article IX. Exemption of Certain Airport Property*

##### *Section 18-65. Purpose and intent*

*The purpose of this Article is to promote the general health, safety, and welfare by offering an inducement to private owners of publicly used airports to maintain facilities in the county.*

##### *Section 18-66. Exemption of runways*

*(a) Any privately owned airport in the county used by the public and licensed by the State, or any improvements made thereto which are open to the public at no charge is a work of internal improvement.*

*(b) Runways of privately owned, public use airports shall be exempt from local taxation if available to the public at no charge and licensed by the State.*

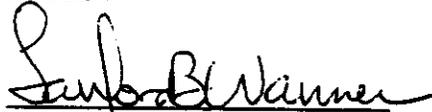
Ordinance to Amend and Reordain  
Chapter 18. Taxation  
Page 2

*State law reference - Authorization by the state to exempt from local taxation any privately owned public use airport if desired by the locality. Code of Va. § 5.1-9.1*



Robert A. Magoon, Jr.  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

| SUPERVISOR | VOTE   |
|------------|--------|
| TAYLOR     | ABSENT |
| EDWARDS    | NAY    |
| SISK       | AYE    |
| DEPUE      | AYE    |
| MAGOON     | AYE    |

Adopted by the Board of Supervisors of James City County, Virginia, this 19th day of August, 1997.

airport.ord

AUG 19 1997

ORDINANCE NO. 107A-26

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 18-6, ADMINISTRATIVE FEE FOR COLLECTION OF DELINQUENT TAXES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation is hereby amended and reordained by amending Section 18-6, Fees to cover administrative costs and reasonable attorney's or collection agency's fees in collection of delinquent taxes.

Chapter 18. Taxation

Article I. In General

Sec. 18-6. Administrative fee for collection of delinquent taxes. ~~...~~

~~...~~

~~(a) A fee of ten dollars (\$10.00) or actual costs incurred, but not more than twenty dollars (\$20.00), shall be imposed on delinquent taxpayers to cover the administrative costs associated with the collection of delinquent taxes. Such fee shall be in addition to all penalties and interest and shall be added to the outstanding balance.~~

~~(b) A fee of twenty-five dollars (\$25.00) shall be imposed on delinquent taxpayers to cover administrative costs associated with the collection of delinquent taxes after a judgment or other judicial relief is obtained. Such fee shall be in addition to all penalties and interest and shall be added to the outstanding balance.~~

Ordinance to Amend and Reordain  
 Chapter 18. Taxation  
 Page 2

*There is hereby imposed on delinquent taxpayers a fee to cover the administrative costs and reasonable attorney's or collection agency's fees actually contracted for, not to exceed twenty percent (20) of the taxes or other charges so collected. Such administrative costs shall be in addition to all penalties and interest, and shall not exceed twenty dollars (\$20.00) for taxes collected subsequent to the filing of a warrant or other appropriate legal document but prior to judgment, and twenty-five dollars (\$25.00) for taxes collected subsequent to judgment.*

*No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under Section 58.1-3980 of the Code of Virginia, so long as the appeal is filed within ninety (90) days of the date of the assessment, and for thirty (30) days after the date of the final determination of the appeal, provided that nothing in this paragraph shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to the portion of a tax bill which has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.*

*State law reference - Va. Code §§ 58.1-3916 and 58.1-3958*

  
 Robert A. Magoon, Jr.  
 Chairman, Board of Supervisors

ATTEST:

  
 Sanford B. Wanner  
 Clerk to the Board

| SUPERVISOR | VOTE   |
|------------|--------|
| TAYLOR     | ABSENT |
| EDWARDS    | AYE    |
| SISK       | AYE    |
| DEPUE      | AYE    |
| MAGOON     | AYE    |

Adopted by the Board of Supervisors of James City County, Virginia, this 19th day of August, 1997.

PROPOSED  
 JAMES CITY DIVISION OF PARKS AND RECREATION  
 FEES AND CHARGES POLICY

**PURPOSE:**

To establish policy with the specific intent of clarifying, and uniformly applying set guidelines for fees and charges related to all programs and services offered by the James City County Division of Parks and Recreation. Once approved by the Board of Supervisors, the policy will serve as the basis for the administrative establishment of specific fees and charges.

**GOAL:**

To establish a standard policy for fees and charges which allows James City County residents access to all Parks and Recreation programs and facilities based on their individual need. In addition, the established fees represent an effort to recover a portion of the total cost incurred by James City County to provide programs and services. The Division of Parks and Recreation is committed to maximizing program and facility development through the use of fees and charges when deemed appropriate.

**PHILOSOPHY:**

To contribute to the quality of life and environment for the citizens of James City County. It is the purpose of the Division of Parks and Recreation to provide the opportunities, facilities, and leadership necessary to enable and encourage all residents of the County to experience pleasurable, constructive use of their leisure time. In pursuance of that purpose, the Division of Parks and Recreation strives to provide the highest standards of customer service, while providing programs in five principal areas: Priority, Special Events, Basic Need, Public Demand, and Other.

Priority Programs: Programs that are needed and requested in the community, but are not likely to be provided if forced to be self-supporting or in some cases have fees and charges involved. These programs are often targeted at persons at risk and persons with disadvantaged backgrounds or disabling conditions. It is not expected that these programs will recover any costs; however, there may be a minimal fee charged for these programs.

Learn to Swim Clinics  
 Teen Events  
     Dances/Lock-Ins  
     Trips and Special Events  
     Stars Come Out

Jr. Basketball

Sr. Basketball  
 Middle School After School  
 Chickahominy After School  
 Middle School Teen Scene  
 Open Gym

Special Events: Special Events are events which are large in scope, are community oriented, and utilize many volunteers. In some instances, these events are the only exposure to Parks and Recreation that citizens may have. No fees are charged to attend these special events.

Halloween Haunted Forest  
 Easter Egg Hunt  
 Summer Breeze

Basic Need: Programs that have broad based appeal and are large in scope. It is expected that these programs will recover a minimum of 40% of total costs.

School Swim Program  
 Adult Swim Lessons  
 Youth Swim Lessons  
 UCP Swim Lessons  
 Private Lessons  
 Rec Camp Swim Lessons  
 Bright Horizons  
 Youth Soccer - Fall  
 Youth Soccer - Spring  
 Holiday Break  
 Spring Break

Public Demand: Programs that are needed and requested in the community, but are targeted to a specific group. Based on public demand, it is expected that these programs would recover a minimum of 60% of total costs.

Aqua Fitness  
 Aqua Fitness II  
 WatEx, AqFitI, AqCize  
 Swim and Splash  
 Hershey Track  
 Birthdays  
 Specialty Camps  
 Shakespeare  
 Articipation  
 Dirt Diggers  
 Marine Marshalls

Beaux Arts I  
Beaux Arts II

Sports Camps

Baseball  
Tennis  
Softball  
Cheerleading  
Basketball  
Football  
All Sports

Trips

Skiing  
Tours

Pre School Classes

Girls Select Basketball  
Boys Select Basketball

Youth Athletic Classes

Karate - JRCC  
Karate - JC/WCC  
Tennis

Adult Athletic Classes

Karate - JRCC  
Karate - JC/WCC  
Aerobics  
Step Aerobics

Special Interest Classes

Oil Painting  
Youth Art  
Workshops  
Watercolors  
Western Dance  
Photography  
Kids Exercise  
Kids Cooking  
Kids Crafts  
Tuesday Turtles  
Xmas Craft for Kids

Little Tykes Camp  
 Parents Paradise  
 Playdays in the Park  
 Center Based Programs  
     Scarecrow  
     Senior Fling  
     Super Saturday  
 Adult Co-ed Soccer - Fall  
 Adult Co-ed Soccer - Spring  
 Winter Volleyball  
 Sand Volleyball  
 Sand Volleyball - 6 man  
 Sand Volleyball - Doubles  
 Special Events  
     Santa's Calling  
     Family Fun Fest  
     Student Art Show

Other: The following are priority programs, but because of their nature, it is expected that they will recover, at a minimum, the total cost of the program.

Before School Program  
 After School Program  
 Total Rec Camp

## FACILITIES

The following are the recovery rate targets for facilities. Recovery rate is based on total cost.

JC/WCC - 30%  
 JRCC - 30%  
 MCP - 30%  
 UCP - 50%  
 LCR - 55%

For programs/activities held in James City County facilities or fields, \$2 of each participant's registration fee will be credited to the facility.

Fees must be thoroughly evaluated prior to their inception to integrate their role into the fiscal matrix supporting public parks and recreation services in James City County, a matrix which includes general fund appropriations, capital improvement fund expenditures, grants in aid,

public/private partnerships, and special gifts and donations. Therefore, fees and charges must be viewed as one method to continue to expand the ability to provide basic services on an equitable basis. The Division of Parks and Recreation will attempt to increase the number of public/private partnerships, gifts, and donations in an effort to further expand services on an equitable basis.

#### SPECIAL CONSIDERATIONS:

Any system of fees and charges may be found to have inequities for certain individuals or groups. Therefore, it is the Division of Parks and Recreation's policy to recognize those special situations and be flexible in order to meet them. The following guidelines are intended to allow such flexibility:

#### INDIVIDUALS AND GROUPS:

**Joint Venture Groups** - Joint venture groups are those which the Division would enter into agreement for the purposes of carrying out activities that might normally be beyond its financial feasibility. Fees would be charged in accordance with the final written agreement which must be approved by the Director of Parks and Recreation no later than 90 days prior to the activity. This agreement would include sharing of revenues (profits) generated by the activity, event, etc... (i.e., a concert series offered in conjunction with a radio station).

**Primary Groups** - Primary groups are those wishing to conduct business for profit on park property. The Division of Parks and Recreation recognizes that the use of public facilities by organizations, groups, or individuals for specific purposes of financial gain or profit, is inconsistent with the Division's basic philosophy. Thus those groups that are classified as "primary groups" will be charged an additional fee. The terms of the fee and all other specific obligations, liabilities, and services will be negotiated no later than 60 days prior to the event. Also to be included in this agreement will be an agreed upon sharing of revenue profits generated (i.e., vendor selling items on park property).

**Cooperative Groups** - Cooperative groups are those wishing to conduct activities and do business on park property. If it is a requirement of the cooperative group that fees cannot be charged, then upon approval of the Director of Parks and Recreation, all fees will be waived (i.e., American Red Cross).

**Cosponsored Groups** - Cosponsored groups are those that must be recreation by nature and identified with the goals, ideals, standards, and objectives of the Division. Cosponsored groups will be reviewed on an annual basis and must meet specific requirements in order to be considered for cosponsorship. The purpose of cosponsorship is to expand parks and recreation programs by aligning with established groups of similar interest.

This relationship also promotes public/private partnerships which minimize the need for

government to operate programs and activities unnecessarily (i.e., Williamsburg Youth League)

**Economically Disadvantaged** - The Division of Parks and Recreation recognizes the need to assist the economically disadvantaged individual, so that recreation opportunities can be afforded to them. Therefore, any resident that participates in the following programs will be eligible for a 50% reduction in fees:

Temporary Assistance to Needy Families (TANF)

Food Stamps

Free or Reduced Lunch

Foster Children

Medicaid

In addition, any resident meeting the income/family size criteria outlined in the Free or Reduced Lunch program whether they are a participant in that program or not, will be eligible for a 50% reduction in fees.

Residents wishing to take advantage of reduced fees must complete an application and submit it to the Division of Parks and Recreation. If approved, a card will be submitted to the applicant which entitles the applicant to reduced fees for a period of one year.

Although the Division of Parks and Recreation offers reduced fees, programs and facilities must meet their recovery rate.

**Disabled** - The Division of Parks and Recreation recognizes the need of individuals who by virtue of permanent disability, are financially disabled or restricted in wage earning ability. Fees charged will be set at 50 percent of total program costs.

## EXCEPTIONS

Exceptions to this policy may be authorized by the County Administrator upon recommendation by the Manager of Community Services.

## TOTAL COST

Total cost is defined as follows:

Rec Administration - Total budget + 20% allocated overhead cost

Rec Services - Total budget + 50% allocation from Rec Admin + 20% allocated overhead cost

Parks and Facilities - Total budget + 50% allocation from Rec Admin + 25% allocated overhead cost