

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF NOVEMBER, NINETEEN HUNDRED NINETY-SEVEN, AT 5:05 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 (Absent)
Perry M. DePue, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Leo P. Rogers, Deputy County Attorney

B. WORK SESSION - 1998 Legislative Program

Mr. Magoon called the meeting to order. Mr. Frank M. Morton, III, County Attorney, welcomed Senator Thomas K. Norment, Jr., and Delegate George W. Grayson.

The Board, staff and legislators discussed legislation to be introduced and policy of significant importance to the County; County positions/requests; and Hampton Roads Mayors and Chairs Legislative Program.

Mr. Magoon recessed the Board for dinner at 6:00 p.m.

Mr. Magoon reconvened the Board at 7:05 p.m. Mr. David Sisk was present.

C. PRESENTATION - Planning Commission Annual Report, Alexander Kuras, Chairman

Mr. Alexander Kuras, Chairman, Planning Commission, reported on the Commission's achievements of the past year, the completion of the 1997 Comprehensive Plan and effectiveness of staff and various committees. He stated that discussions of language for ordinances to comply with the 1997 Comprehensive Plan would be held at future meetings.

Mr. Magoon thanked the Planning Commission for its efforts.

D. MINUTES - November 12, 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, Bradshaw, Sisk, DePue, Magoon (5). NAY: (0).

E. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), stated that several citizens had requested that the sound walls on Route 199 at The Mews remain the natural color gray of concrete.

Mr. Magoon responded that the Board had decided previously on the earth tone color and that he would contact Mr. Elliott on Wednesday with a decision.

Discussion by the Board and Mr. Elliott regarding the progress of work on Route 199 ensued.

F. CONSENT CALENDAR

Mr. Magoon asked if a Board member wished to remove any items from the Consent Calendar, and requested the removal of Item No. 2.

Mr. Edwards made a motion to approve Item Nos. 1 and 3 on the Consent Calendar.

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

1. Anheuser-Busch 25th AnniversaryRESOLUTIONANHEUSER-BUSCH BREWERY

WHEREAS, In February 1972, Anheuser-Busch Brewery produced its first barrel of beer in the James City County Brewery; and

WHEREAS, through a series of expansions the brewery has increased from a \$40 million investment in 1969, to a \$500 million investment in 1996; and

WHEREAS, the Anheuser-Busch Brewery is one of the largest employers in James City County with over 1,000 employees and an annual payroll of over \$56 million; and

WHEREAS, the Anheuser-Busch Brewery has been, and continues to be, a model corporate citizen with both its employees, its community service, and environmental ethic.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby congratulate and honor Anheuser-Busch Brewery on its 25th Anniversary in James City County, Virginia.

2. Installation of "Watch for Children" SignRESOLUTIONVILLAGE SQUARE SUBDIVISION, "WATCH FOR CHILDREN" SIGN

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the Village Square Homeowners' Association has requested that a "Watch For Children" sign be installed at the intersection of Village Park Drive East and Village Park Drive, as illustrated on the attached drawing titled Village Square Subdivision, "Watch For Children" Sign.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain a "Watch For Children" sign as requested by the Village Square Homeowners' Association with funds from the County's secondary road system maintenance allocation.

3. American Heritage River Designation - James River

Mr. Christopher M. Johnson, Secretary, Planning Division, stated that President William Clinton announced that ten rivers would be designated American Heritage rivers. He further stated that several localities and groups had adopted supporting resolutions.

Staff recommended approval of the resolution.

Mr. Magoon made a motion to approve the resolution.

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

RESOLUTION

DESIGNATION OF THE JAMES RIVER AS AN AMERICAN HERITAGE RIVER

WHEREAS, local governments, corporations and non-profit entities along the James River desire to collaborate through a public-private Partnership to identify and pursue common goals; and

WHEREAS, the American Heritage Rivers Initiative assists broadly supported community-based efforts to revitalize local rivers and their related communities and waterfronts; and

WHEREAS, the American Heritage Rivers Initiative integrates state, local, federal and private expertise and resources to achieve community-identified complementary goals, including economic development, natural resources management, environmental protection and historic preservation; and

WHEREAS, designated American Heritage Rivers and their riverfront communities will receive improved access to federal support, information and financial and technical assistance; and

WHEREAS, the American Heritage Rivers Initiative will not be a regulatory program; and

WHEREAS, the James River far exceeds the criteria for American Heritage Rivers designation because of its rich history, culture, natural and scenic resources, economic development and community involvement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, supports the designation of the James River as an American Heritage River and urges the

President of the United States to declare the James River as the first of ten American Heritage Rivers to be designated in 1997; and

BE IT FURTHER RESOLVED, the Board of Supervisors agree to work with other communities along the James River to accomplish the goals set forth in the James River nomination.

G. PUBLIC HEARINGS

Mr. Magoon reported that a very gracious letter of apology had been received from Lt. Jay Sexton regarding the misunderstanding of a time limit for speakers during public hearing comment.

Public Hearings Nos. 1, 2, 3, and 4 were continued from 11/12/97)

1. Case No. AFD-8-86. Casey (Casey Withdrawal)
2. Case No. AFD-8-86. Casey (James City County Withdrawal)
3. Case Nos. MP-2-97 and Z-4-97. Casey New Town/Phase I
4. Case No. Z-10-97. Williamsburg/James City County Courthouse

Ms. Tamara A. M. Rosario, Senior Planner, stated that the applicant had requested deferral of the four cases at the Board of Supervisors' November 12, 1997, meeting, so that they could be considered concurrently with an additional Agricultural and Forestal District withdrawal at the December 9, 1997, Board of Supervisors' meeting.

Ms. Rosario further stated that since the November 12, 1997, Board of Supervisors' meeting, several developments had occurred. She detailed the new set of proffers: stated the fiscal impact study would be updated with each rezoning, stated agreement had been reached on provision of new elementary school or financial arrangement for acquisition of site, and noted the insurance of a mixture of housing and economic levels.

She emphasized that the only part of the development proposed for rezoning was Section 1, a mixed use to allow mixture of civic green, courthouse, church site and 60,000 square feet of office uses with a small commercial component (10 percent of the square footing).

Mr. Magoon opened the four public hearings.

1. Mr. Robert Casey, owner and applicant, described the process during the past three years relating to the unique arrangement of private/public interest and the family's contribution to the community.
2. Mr. Henry O'Neill, 101 Conies Run, urged the Board to postpone voting on the entire conceptual package until the Crossroads Study was completed.
3. Mr. Mark Sexton, 8 Prestwick, spoke of concerns of adding more development to the major problems of water, traffic and schools. He supported approval of the Courthouse but asked for denial of additional development.
4. Mr. Richard Boggs, 105 Butler, Chairman of Ford's Colony Homeowners Advisory Board, stated that Ford's Colony would continue to monitor impact of future development adjacent to Ford's Colony, and was available to assist the County if appropriate.
5. Mr. Drew Mulhare, Vice President, Operations, Realtec, Ford's Colony, stated that Ford's Colony had discussed buffering and impact of adjacent parcel Section 16 and supported the plans as presented.

6. Mr. Keith Nowadly, 4702 Wood Violet Lane, urged the Board to deny rezoning and endorsement of the Master Plan with 2,300 additional residences.

7. Mr. Paul Morgan, 103 Stone Bridge, asked for delay of vote so that the cases could be studied further for impact on County and area.

8. Mr. Vernon Geddy, III, representative for the applicant, stated that after approval of the Master Plan, zoning of each section would have to be brought back before the Board for approval, and emphasized that the Master Plan was the overall vision of desired development of the property.

9. Ms. Ingrid Jahn, 118 Dover, asked who would be moving to the New Town properties.

Mr. Magoon continued the four public hearings and deferred the cases until the December 9, 1997, Board of Supervisors' meeting.

Mr. Horne explained that the group preparing the Crossroads Study felt that New Town was a positive development. He stated the proffers significantly addressed road and fiscal impacts and a wide range of infrastructure and design issues so that future boards would have no misunderstanding of what was expected.

Mr. Magoon informed the audience that public hearings gave the Board the opportunity to listen to public input and were not an opportunity to engage in dialogue. He reiterated that citizens may contact the Board and staff at anytime for a response.

5. Case No. ZO-2-97. Ordinance Amendment, Chapter 20, Zoning, Buffer, Greenbelt, and Setback Requirements for Timbering Activities

Mr. O. Marvin Sowers, Jr., Planning Director, stated that the requested changes were deferred at the November 12, 1997, Board of Supervisors' meeting for additional information on timbering activities. He stated that the changes would amend tree replacement requirements for timbering violations that occur in required buffers and establish civil fines for such violations, and also would replace the term "greenbelt" in the 1997 Comprehensive Plan with community character corridor. He detailed scenarios that had occurred in the County.

In concurrence with staff, the Planning Commission, by a 4-1 vote, recommended approval of the ordinance amendments.

Mr. Magoon opened the public hearing.

1. Mr. R. M. Hazelwood, Jr., 300 Old Stage Road, spoke in opposition to the ordinance changes of a 150-foot buffer and penalty of \$20,000.

2. Mr. R. E. Gilley, 229 Gatehouse Boulevard, stated the Agricultural and Forestal District Advisory Committee did not support the timbering ordinance.

Mr. Magoon closed the public hearing.

Board discussion followed regarding cost, maintenance and damage done to other vegetation made replacement with larger caliber of trees ineffective; natural growth would occur at a faster pace; and difficulty of enforcing penalty violation on the timber cutter rather than the land owner.

Further discussion ensued regarding cost of violation penalty, control of timbering process and differing perspectives of landscape architect and forester.

Mr. Wanner suggested that the amendment go back to staff and the case be readvertised for a future Board of Supervisors' meeting.

Mr. Magoon asked the Board to give input and asked staff to put the case on the Board of Supervisors' December 22, 1997, agenda.

6. Case No. HW-1-97. Busch Gardens, Italy Expansion

Mr. Paul D. Holt, III, Planner stated that the case was deferred at the November 12, 1997, meeting and detailed changes made to conditions in the resolution. He restated that Mr. Ronnie Orsborne, representing Langley and McDonald, had applied on behalf of Busch Entertainment Corporation for a height limitation waiver to allow construction of a 170-foot tall amusement attraction, zoned M-1, Limited Business/Industrial, further identified as part of Parcel No. (1-9) on James City County Real Estate Tax Map No. (51-4).

Mr. Holt further stated that the total height of the attraction would be 250 feet, with portions of the structure in a ravine. Staff determined that the attraction would be highly visible from nearby major roadways; proposed use, with its quiet technology, was consistent with intended uses in the Comprehensive Plan; and the proposed use was inconsistent with the Community Character Corridors' objectives in the Comprehensive Plan.

Staff recommended approval with the conditions listed in the resolution.

Mr. Magoon opened the public hearing.

1. Mr. David Otey, representative for Busch Entertainment Corporation, stated the applicant agreed with the staff report.

2. Mr. Steven Brenegar, citizen from Newport News, stated that he supported the new attraction.

3. Mr. R. M. Hazelwood, 300 Old Stage Road, stated Busch Gardens helped him by paying County taxes, but buffering rules were changed for this case.

Mr. Magoon closed the public hearing.

Mr. Sisk made a motion to approve.

Mr. Edwards made a motion to defer to review alternative locations for the attraction.

On a roll call, the vote was: AYE: Edwards, Bradshaw, DePue (3). NAY: Sisk, Magoon (2).

Mr. Magoon continued the public hearing and deferred the case until the December 9, 1997, Board of Supervisors meeting.

Mr. DePue left the meeting at 9:40 p.m.

7. Sale of 0.175± Acres to Virginia Department of Transportation for a Permanent Drainage Easement

Mr. Morton stated that the resolution authorized execution of an agreement to sell a permanent drainage easement of 0.175± acres, located along Route 199, to the Virginia Department of Transportation.

Staff recommended approval of the resolution.

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 resolution.

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

RESOLUTION

SALE OF PROPERTY TO VDOT FOR WIDENING OF STATE HIGHWAY ROUTE 199

WHEREAS, the Virginia Department of Transportation ("VDOT") requires a certain strip of land from the County along State Highway Route 199; and

WHEREAS, VDOT has offered to pay \$50.00 to the County to acquire 0.175± acres along State Highway Route 199 for a permanent drainage easement; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey such property to VDOT for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the above-referenced property to the Commonwealth of Virginia for \$50.00.

H. BOARD CONSIDERATION

1. 1998 Legislative Program

Mr. Morton stated that the 1998 Legislative Program was discussed earlier at the 5:00 p.m. Work Session. He recommended approval of the resolution.

Mr. Bradshaw made a motion to delete Paragraph 2 of 3-5. COURT SECURITY regarding ...local judges do not have authority to order localities to fund more deputy positions for court security

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

RESOLUTION

1998 LEGISLATIVE PROGRAM

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 1998 session of the General Assembly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the attached 1998 Legislative Program and urges its consideration and passage as appropriate.

I. PUBLIC COMMENT

Mr. DePue returned to the meeting at 9:45 p.m.

1. Mr. Ed Oyer, 139 Indian Circle, stated that this was the year of the voters who were concerned about government spending. He spoke in favor of a flat tax.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated Mr. Anthony Conyers, Jr., wished to make a report.

Mr. Anthony Conyers, Jr., Manager of Community Services stated the County received a 1997 Governor's Housing Achievement Award for innovative housing and community related projects for the Toano Trace development and commended Mr. Rick Hanson and staff of the Division of Housing and Community Development.

Mr. Wanner recommended after the James City Service Authority Board of Directors' meeting, that the Board go into executive session pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of a parcel of property for elementary school and pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions.

Mr. Wanner also recommended after the executive session, that the Board recess until 8:00 a.m., Saturday, December 6, 1997, for a Board retreat at the Jamestown 4-H Center.

K. BOARD REQUESTS AND DIRECTIVES - None

Mr. Magoon declared a recess for a James City Service Authority Board of Directors' meeting, at 9:53 p.m.

Mr. Magoon reconvened the Board of Supervisors into open session and made a motion to go into executive session as recommended by the County Administrator, at 10:08 p.m.

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

Mr. Magoon reconvened the Board into open session at 10:28 p.m.

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

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

RESOLUTION

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James Service Authority, (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 Directors of the James City Service Authority, 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 reappoint Mr. William Pennock to the Board of Building Adjustments and Appeals for a five-year term, term expiring October 25, 2002, and to appoint Mr. Robert Deeds to the Parks and Recreation Commission to serve an unexpired term, expiring April 12, 2000.

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

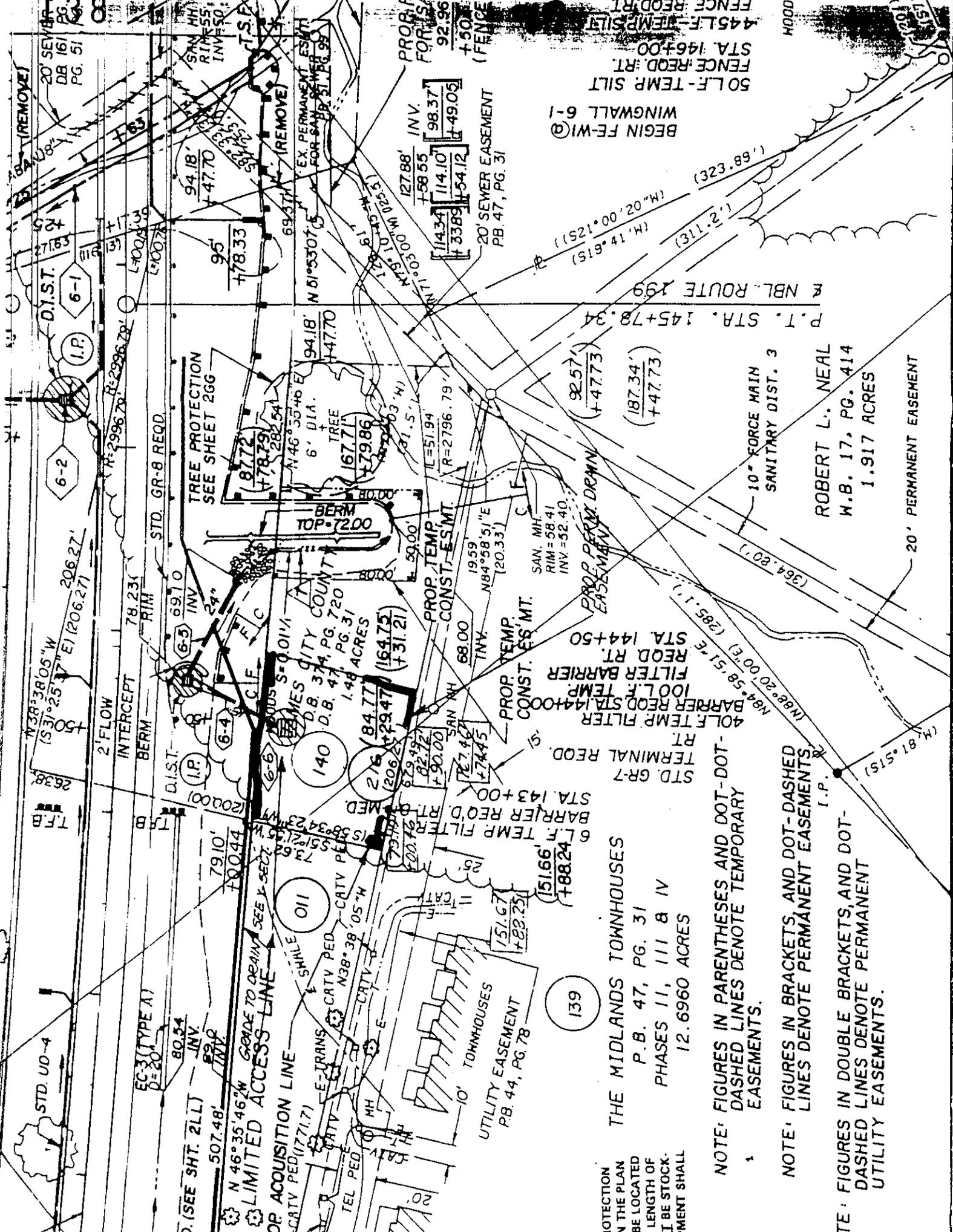
Mr. Magoon made a motion to recess until 8:00 a.m., Saturday, December 6, 1997, for a Board retreat at the Jamestown 4-H Center.

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

The Board recessed at 10:29 p.m.


Sanford B. Wanner
Clerk to the Board

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NOTE: FIGURES IN BRACKETS, AND DOT-DASHED LINES DENOTE PERMANENT EASEMENTS.

NOTE: FIGURES IN DOUBLE BRACKETS, AND DOT-DASHED LINES DENOTE PERMANENT UTILITY EASEMENTS.

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JAMES CITY COUNTY
1998 LEGISLATIVE PROGRAM

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

1-1. SOLAREX

James City County requests the extension of the Solar Photovoltaic Manufacturing Incentive Grant Program as set out in §45.1-392 of the *Code of Virginia* from the current expiration of December 31, 2001 until December 31, 2003. State financial incentives are tied to production and are a critical part of Solarex's projections. However, construction and technical start-up process delays have caused the company to miss about 18 months of expected benefit of the legislation. Extending it as requested would allow Solarex to receive the full benefit as originally anticipated.

1-2. TRAFFIC CONTROL

James City County requests that it be added to those localities authorized by §46.2-833.01 of the Code of Virginia to permit the establishment of a program involving cameras at traffic intersections to monitor traffic. In addition, the County requests that the trial program, which is scheduled to end July 1, 2000, be deleted, or, in the alternative, extended to July 1, 2003.

1-3. WILLIAMSBURG LAND CONSERVANCY

James City County requests that the Williamsburg Land Conservancy, a 501(c)3 nonprofit organization, receive local tax exempt status under Section 6(a)(6) of Article X of the Constitution of Virginia. The Williamsburg Land Conservancy was established to carry out provisions of the Virginia Conservation Easement Act.

PART II. Legislation/policy of significant importance to James City County

2-1. MANDATES

The State should fully fund all State mandates, including mandated teacher pay raises. Cost estimates are essential prior to legislative consideration of new mandates. Local government must be involved in implementation decisions of mandates negatively affecting its revenue raising ability.

2-2. TELECOMMUNICATIONS LEGISLATION

James City County is very concerned about possible legislation in the area of telecommunications. The industry is in an era of rapid change and as such, it is anticipated that additional legislation will be introduced at this session. James City County has several matters of concern in this area:

- a. Zoning and Land Use. Decisions over the siting of towers and other related land use decisions shall be left to localities.
- b. Public Rights-of-Way. This is public land and the public should be reimbursed for the private use thereof.
- c. Equitable Taxation. James City County opposes any effort to restrict the ability of localities to impose equitable taxes on telecommunication providers.

2-3. PENINSULA WORK FORCE DEVELOPMENT CENTER

James City County supports Thomas Nelson Community College's proposal for a \$3 million state grant to partially fund the construction of an integrated Peninsula Work Force Development Center. The Center will provide educational and academic support services for economic development and work force development training/retraining-related purposes.

PART III. James City County Positions/Requests

3-1. BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSE TAX (BPOL)

James City County opposes further changes to the uniform BPOL ordinance. The County is still open to revenue neutral alternatives to the tax.

3-2. CELLULAR TELEPHONE CALLS/TAXATION

- a. It is the County's position that the State Police should continue to handle cellular calls they currently process until the phone companies have the technology in place to identify the location from which the call originates.
- b. The General Assembly should adopt legislation to clarify the provisions of the *Code of Virginia* §58.1-3813 to include cellular phone customers in the consumers who shall be subject to the E-911 tax.

3-3. COMPREHENSIVE SERVICES ACT (CSA)

The County is supportive of the stated aims of the Comprehensive Services Act, however, the increasing costs of the program has strained the County's ability to provide services under the Act. The General Assembly should consider the burden the Act is placing on localities and:

- a. Permit more flexibility in providing direct services to clients when it is cost effective to do so.
- b. Fully fund the costs of the CSA in the State's base budget.

- c. Ensure that the CSA is funded at a level that will maintain the existing State/local formula for all mandated and non-mandated services.

3-4. CORRECTIONS, JAIL, STATE SUPPORT

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

3-5. COURT SECURITY

The number of deputies allowed for court security in the State Code and Appropriations Act is unrealistic. In order to respond to legitimate increased security needs, additional deputies are needed for adequate court security. The State should substantially increase its funding of these positions to provide adequate security in all courtrooms and to operate electronic security systems at the entrances to court buildings.

3-6. EDUCATION

- a. James City County supports full funding of Standards of Quality and categorical educational mandates.
- b. The General Assembly should increase funding for school construction and renovation costs.
- c. The State should not attempt to address disparity by simply redistributing existing State aid among localities.

3-7. HEART/LUNG/CANCER PRESUMPTION

James City County supports legislative action that restores balance to the rebuttal process for the heart/lung/cancer presumption statute as was the intent of the original legislation. Compensability should be determined by establishing whether work or non-work related risk factors are more likely the primary cause of the claimant's condition. Until such legislative action is taken, the County opposes any further expansion of the statute.

3-8. LOCAL LAND USE AND GROWTH MANAGEMENT

- a. James City County opposes legislation that would restrict current land use powers of local governments to establish, modify, and enforce zoning classifications. Local governments must remain free to adopt and enforce zoning changes that address local land use needs, especially if infrastructure systems including transportation are inadequate to serve increased land use. Furthermore, the explicit power of local governments to plan for growth and development should not be curtailed by any shape, manner, or form of "vesting" legislation. James City County, therefore, opposes any legislation that would define a vested right by statute.

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

3-9. PUBLIC TRANSPORTATION

James City County urges the General Assembly to consider increasing its funding of public transportation to help offset the loss of Federal funding. In addition, the County supports the efforts of the Virginia Association of Public Transit Officials to secure a reliable source of revenue for public transportation.

3-10. WATER RESOURCES

The State should be a partner or advocate for localities in water supply development. The State should undertake water supply planning, not just a simple inventory of resources. The planning should encompass water conservation, a determination of needs and how they can be met, including emerging technologies.

PART IV. Hampton Roads Mayors & Chairs Legislative Program

4-1. HUMAN SERVICES DELIVERY

Beginning with the Comprehensive Services Act (CSA) in 1993, State trends in service provisions for troubled youth, the mentally ill, mentally retarded and substance abusers stress community-based services as a more effective and less costly alternative to services provided by state hospitals and mental health facilities.

HJR 240 calls for further and significant restructuring of the state system, which will result in increased demands for community-based services.

The General Assembly is urged to fully consider and respond to the local impacts of legislation and policies that will create this demand.

The demonstrated costs of the CSA program indicates that the State has not funded these services at a level that reflects the full mandated costs that must be accommodated in local budgets with local taxes.

Budgeted program costs should be based on realistic projections of case loads, whether or not federally mandated. Funding must follow individuals discharged from state facilities to local facilities which become responsible for services to these individuals. There should be no arbitrary capping of the State's funding share or cost shifting to localities. "Bridge" funding and transition programs should reflect increasing local responsibilities. Special funding should be provided for extraordinary

individual cases that would otherwise require additional local funding. Local authority of community service boards should be preserved. State hospitals should continue to offer services that cannot be provided feasibly and cost-effectively by jurisdictions or private providers.

4-2. LOCAL REVENUE PRESERVATION

The General Assembly is urged not to remove needed local taxing authority, such as the Personal Property Tax, when local governments still have responsibility for education, development, and redevelopment costs and other infrastructure requirements. Full funding is needed to implement educational Standards of Quality (SOQ), and an expanded state role in funding school construction is needed.

4-3. REGIONAL INCENTIVE FUND

The Regional Competitiveness Act recognizes that Virginia is not as competitive with other states as it needs to be, and that local governments must be encouraged to work together to maximize economic opportunity. The Incentive Fund called for in the Act is an appropriate vehicle to carry out the goals of the Act and must be funded at \$50 million to achieve its stated purpose. This Incentive Fund should not compete with the Governor's Opportunity Fund.

4-4. TELECOMMUNICATIONS

The General Assembly is urged to retain local authority over local public Rights of Way as well as compensation for the use of such Rights of Way by non-public entities. Further, there should be a meaningful consultative process with VDOT on the matter of communications towers in VDOT Rights of Way.

4-5. TRANSPORTATION

The General Assembly should move expeditiously to embrace the significance of the State's needs for transportation improvements as outlined in the Commission on Future Transportation in Virginia (COFT) Report. VDOT projects that by FY 2001, maintenance costs will exceed available funds in the Highway Maintenance and Operating Fund and the State Transportation Trust Fund will start being used for maintenance. The State also is urged to continue to be proactive in having Congress adopt the principles in the STEP 21 Program, but to keep in mind that none of the Federal initiatives in this program will have a meaningful impact on Virginia's funding shortfall.