

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JUNE, 1998, AT 7:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT

1. Mr. Jack Kniest, 426 Airport Road, member of the Historic Triangle Community Planning Group and builder and developer, spoke to the lack of discussion by the community on the Adequate Public Schools Facilities Test.

2. Ms. R. M. Hazelwood, Jr., 300 Old Stage Road, Toano, stated that if the County paid for architectural plans, it was the owner; similar fire houses should be built - the same with schools; and County should not buy land and take away from tax rolls, funds are needed for schools, and lower taxes.

3. Mr. Ed Oyer, 139 Indian Circle, compared tax rates between 1980 and 1998.

4. Mr. Richard Costello, 10020 Sycamore Landing, urged the Board to delay action on the Adequate Public Schools Facilities Test until more growth management tools are brought forward in order to adopt a comprehensive growth management policy.

C. HIGHWAY MATTERS

Mr. James Brewer, Williamsburg Assistant Resident Engineer, was available for questions.

Mr. Edwards commended Mr. Quintin Elliott, Resident Engineer, for his intervention regarding median construction on the Route 5/ Route 199 project.

Mr. McGlennon thanked Mr. Brewer for his promptness in handling the cleaning of ditches and line of site improvements on Lake Powell Road.

D. CONSENT CALENDAR

Mr. Edwards asked if a Board member wished to remove any item on the Consent Calendar.

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

Mr. Edwards made a motion to approve Items Nos. 1 through 5 on the Consent Calendar.

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

- 1. Minutes of June 9, 1998, Regular Meeting
- 2. Recognition of 100+ Years Old Farm. R. M. "Sam" Hazelwood, Jr.

RESOLUTION

CERTIFICATE OF RECOGNITION

VIRGINIA CENTURY FARM, STAGE ROAD FARM

WHEREAS, the Hazelwood family began working the Stage Road Farm 112 years ago; and

WHEREAS, the 1997 Virginia General Assembly established the Virginia Century Farm Program under the Virginia Department of Agriculture and Consumer Services; and

WHEREAS, Stage Road Farm has been owned, occupied, and farmed by a descendent of the Hazelwood family for 112 consecutive years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the current owner, Robert M. "Sam" Hazelwood, Jr., for his contributions to James City County and his dedication and commitment in continuing the heritage of Stage Road Farm, a Virginia Century Farm in James City County.

- 3. New Town Community Development Authority Appointment

RESOLUTION

CDA BOARD OF DIRECTORS APPOINTMENT

WHEREAS, on December 22, 1997, Board of Supervisors established the New Town Community Development Authority and have appointed four members of the five member Board of Directors; and

WHEREAS, in accordance with the Board of Supervisors resolution establishing the New Town Community Development Authority, the four members of the Board of Directors have nominated the fifth member.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint William M. Rodgers, III, to a one-year term on the New Town Community Development Authority Board of Directors beginning June 23, 1998.

4. July is Recreation and Parks Month**RESOLUTION****JULY IS RECREATION AND PARKS MONTH**

WHEREAS, parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow and develop into contributing members of society and create lifelines and continued life experiences for older members of our community; and

WHEREAS, parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit to contribute to our ongoing economic vitality, while protecting and preserving our natural environment; and

WHEREAS, park and recreation agencies touch the lives of individuals, families, groups, and the entire community with a positive impact upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, proclaims July as Recreation and Parks Month and encourages all citizens to celebrate by coming together and experiencing a sense of community through fun, recreational pursuits, physical activities, stress-reducing experiences and socialization.

5. Virginia Juvenile Community Crime Control Act**RESOLUTION****VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT**

WHEREAS, the 1995 General Assembly enacted the Virginia Juvenile Community Crime Control Act (ACT) to establish balanced, community-based programs and services for juvenile offenders; and

WHEREAS, the Act replaces the block grant system for those localities that already had such community based services in place and redistributes the funds to individual jurisdictions; and

WHEREAS, James City County has been a long-standing member of the Colonial Group Home Commission, a regional entity which also includes York and Gloucester Counties of Williamsburg, which funds an extensive variety of community based services for juvenile offenders, including Crossroads, a residential group home owned by the member localities as tenants-in-common.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to submit the County's plan to the Group Home Commission for submission of the combined plan for the localities of James City, York, Gloucester, and Williamsburg to the Virginia Department of Juvenile Justice.

BE IT FURTHER RESOLVED that funds awarded to James City County under the Act be used to continue in an uninterrupted manner the programs and services regionally funded through the Colonial Group Home Commission.

6. Contract Award - James City/Williamsburg Community Center Fitness Equipment

Mr. Nervitt questioned how the expenditures for the purchase would be recovered.

Mr. Needham Cheely, III, Director, Parks and Recreation, stated the equipment was being purchased from excess revenues received from increased citizen participation, thereby needing additional equipment.

Mr. Edwards stated the increase in citizen participation at the Community Center was a great success story for the County.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

CONTRACT AWARD - FITNESS EQUIPMENT

FOR THE JAMES CITY/WILLIAMSBURG COMMUNITY CENTER

WHEREAS, James City County desires to purchase additional fitness equipment; and

WHEREAS, an advertisement for bid and all procedures necessary for compliance with the James City County procurement procedures have been completed; and

WHEREAS, adequate funds are available in the Parks and Recreation budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the award of a contract for fitness equipment for James City County/Williamsburg Community Center in the amount of \$58,276 to Stairmaster Sports/Medical Products, L.P.

Mr. Bradshaw presented Mr. R. M. Hazelwood, Jr., with a certificate of recognition signed by Governor James S. Gilmore, III, and Commissioner of Virginia Department of Agriculture and Consumer Services, J. Carlton Courter, III, designating Stage Road Farm as a Virginia Century Farm.

Mr. Bradshaw read and presented the Board of Supervisors' resolution to Mr. Hazelwood.

Mr. Hazelwood thanked the Board for honoring the Hazelwood family's Stage Road Farm.

Mr. Edwards read and presented the July is Recreation and Parks Month to Mr. Michael Matthews, Chairman of the Parks and Recreation Advisory Commission.

Mr. Matthews invited the Board to visit facilities and to participate in the many recreation events scheduled during the month of July.

E. PUBLIC HEARINGS**1. Ordinance Amendment, Drought Management, Section 11-53, Conditions for the Declaration of Potential Water Shortage**

Mr. Larry M. Foster, General Manager, James City Service Authority, stated that the Service Authority was updating and increasing its Groundwater Withdrawal Permit, which required the County to have a Drought Management Ordinance to guide management of potable water resources during drought conditions. He further stated that the amendments would correct inconsistencies between the Drought Management Plan and the Drought Management Ordinance.

Staff recommended approval of the ordinance amendment.

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

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

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

2. Ordinance Amendment, Chapter 5, Cable Communications, Article V, Section 5-13, Franchise Fee, Change Collection from Monthly to Quarterly

Mr. Leo P. Rogers, Deputy County Attorney, stated that the proposed ordinance would change the payment of the cable franchise fee from monthly to quarterly.

Staff recommended approval of the ordinance amendment.

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

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

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

Mr. Edwards asked staff to schedule a work session with Cox Communications to address major issues: its inability to respond to customer calls in a timely manner; difficulty of understanding the Federal law franchise fee; and channel selection, program choice.

3. Ordinance Amendment, Chapter 20, Taxation, Article I, Section 20-7.1, Deadline for Appeal of Assessment to Department of Real Estate Assessment and Board of Equalization

Mr. Rogers stated that the proposed ordinance amendment would change the County's real estate assessment date from January 1 to July 1 of each year so that the tax rate set for the fiscal year would be applied to the same assessed value for each half-year bill, paid in equal installments. He further stated that the proposal would change the dates of the appeal process.

Staff recommended approval of the ordinance amendment.

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

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

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

F. BOARD CONSIDERATIONS**1. Resolution of Approval for Greystone of Virginia, Inc., Revenue Bond Issue**

Mr. Sanford B. Wanner, County Administrator, stated that the Industrial Development Authority had authorized issuance of up to \$8,500,000 of industrial development revenue bonds for Greystone of Virginia, Inc., to assist in building improvements and the purchase of manufacturing equipment at Greystone of Virginia's existing plant in James City County.

Staff recommended approval of the resolution.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION**APPROVING ISSUANCE OF INDUSTRIAL DEVELOPMENT****REVENUE BONDS FOR THE BENEFIT OF****GREYSTONE OF VIRGINIA, INC.**

- WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the Authority), has considered the application of Greystone of Virginia, Inc., (the Company) for the issuance of the Authority's Industrial Development Revenue Bonds in an amount not to exceed \$8,500,000 (the Bonds) to assist in the renovating and equipping of the Company's electroplating and heat treating facility located at 7992 Richmond Road in the County of James City, Virginia (the County), for use as a precision machining operation for automotive and other products (the Project); and
- WHEREAS, the Project will be owned and operated by the Company and the Authority has held a public hearing thereon on June 11, 1998; and
- WHEREAS, the Internal Revenue Code of 1986, as amended, provides that the highest elected governmental officials of the governmental units having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located shall approve the issuance of such bonds; and
- WHEREAS, the Authority issues its bonds on behalf of the County of James City, Virginia (the County), the Project is to be located in the County and the members of the Board of Supervisors of the County (the Board) constitute the highest elected governmental officials of the County; and
- WHEREAS, Section 15.2-4906 of the Code of Virginia of 1950, as amended, provides that the Board shall, within 60 calendar days from the public hearing with respect to industrial development revenue bonds, either approve or disapprove the issuance of such bonds; and
- WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, a reasonably detailed summary of the comments expressed at the public hearing with respect to the Bonds and a statement in the form prescribed by Section 15.2-4907 of the Code of Virginia of 1950, as amended, have been filed with the Board, together with the Authority's recommendation that the Board approve the issuance of the Bonds.

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

1. The recitals made in the first two preambles to this Resolution are hereby adopted as a part of this Resolution.
2. The Board of Supervisors of the County of James City, Virginia, approves the issuance of the Bonds by the Authority to assist in the financing of the Project for the benefit of the Company to the extent required by the Internal Revenue Code of 1986, as amended (the Code), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the Virginia Code).
3. The approval of the issuance of the Bonds, as required by the Code and Section 15.2-4906 of the Virginia Code, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Company or the Project, and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County, or the Authority shall be pledged thereto.
4. This Resolution shall take effect immediately upon its adoption.

2. Williamsburg-Jamestown Community Airport Committee (Deferred from June 9, 1998)

Mr. Wanner stated that on December 9, 1997, the Board of Supervisors, approved Special Use Permit 23-97 with Condition 6 stipulating that a Community Airport Committee shall be established of no fewer than five persons and no more than ten persons, with the airport owners submitting a list of members for approval within six months after the approved date of the special use permit.

Staff recommended approval of the resolution listing the individuals comprising the Community Airport Committee.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

WILLIAMSBURG-JAMESTOWN AIRPORT COMMITTEE

WHEREAS, Special Use Permit No. 23-97 required the establishment of a Community Airport Committee; and

WHEREAS, the purpose of the Committee shall be to facilitate communications between all interested parties, and its consideration of the proposal for a 300-foot overrun at both ends of the airstrip, referred to the Committee in December, has been eliminated; and

WHEREAS, the airport owners, in accordance with the Special Use Permit (SUP), have submitted the names of members for that Committee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following individuals to serve on the Committee in accordance with Condition 6 of SUP-23-97:

Mr. Larry Waltrip, Owner, Williamsburg - Jamestown Airport
 Mrs. Jean Waltrip, Owner, Williamsburg - Jamestown Airport
 Mr. David King, Rolling Woods Resident and Member of the Jamestown Civic Association
 Mr. James Whitman, Kingspoint Resident
 Mr. Ken Bradley, Pilot
 Mr. Tim Caviness, Kingspoint Resident
 Ms. Kay Ainsworth, School Board Member
 Mr. Matt Maxwell, James City County Planning Staff
 Mr. William Roberts, The Vineyards Resident
 Mr. Carl Gerhold, Druid Hills Resident and Member of Greater Kingswood Homeowners Association

3. Interstate 64 Major Investment Study

Mr. O. Marvin Sowers, Director of Planning, stated that the Interstate 64 Major Investment Study was being conducted by the Virginia Department of Transportation and its consultant. He highlighted the preliminary findings and project alternatives.

Ms. Julie Rush, transportation planner, presented the purpose of the study, alternatives, evaluation results and timetable for decisions. She described Alternatives A through F: No Build, Transportation Systems Management, High Occupancy Vehicle Highway and Maximum Rail Improvements, Medium Highway and Medium Rail Improvements, Medium Highway and High Rail Improvements, and Maximum Highway and High Rail Improvements.

Board members and the consultant discussed aesthetics of entrance way to Williamsburg; more rail, less road; types of trips, tourist, bus, etc.; appearance of Interstate 64 east of Route 199 different than the western end toward Richmond; travel time, levels of service; rail service impact on visual impact of corridor; potential clearing for Alternatives E and F; levels of service on Interstate 64 during peak periods; HOT (High Occupancy Toll) lane was removed from consideration because of added cost of pavement and concrete barriers between pay and non-pay lanes; and safety concerns at grade crossings with high speed rail.

Mr. Sowers stated that staff recommended a letter signed by the Chairman be written to Virginia Department of Transportation (VDOT) with comments and concerns. He stated that staff would bring forward a recommendation for locally preferred alternative at the July 14, 1998, Board of Supervisors meeting.

Mr. Edwards stated the Board members should send comments to Mr. Sowers so that he might incorporate all information in the letter to VDOT to be signed by the Chairman.

4. Adopt FY 1999 Strategic Management Plan (Deferred from May 12, 1998)

Mr. Wanner stated that the FY 1999-2000 Strategic Management Plan was deferred at the May 12, 1998, Board of Supervisors meeting for additional information. Staff has revised the plan to incorporate baseline data and to clarify the objectives.

Staff recommended approval of the resolution.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

ADOPT FY 99 STRATEGIC MANAGEMENT PLAN

WHEREAS, the County's Strategic Management Plan contains our mission, vision, values, goals, and objectives that were developed collaboratively by the Board of Supervisors, citizens, and staff; and

WHEREAS, the FY99 Strategic Management Plan has been reviewed to assure that it reflects our priorities and is consistent with allocated resources; and

WHEREAS, the Strategic Management Plan is an essential tool for identifying, communicating, and tracking the critical areas we need to address to meet the needs of our citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the FY 1999 Strategic Management Plan.

5. Adequate Public Schools Facilities Test (Deferred from June 9, 1998)

Mr. Paul D. Holt, III, Senior Planner, stated that the item was deferred at the June 9, 1998, Board of Supervisors meeting to allow proposed changes to the policy. He stated that a policy showing staff proposed changes and a policy showing Board proposed changes were presented for consideration. He further stated that the removal of automatic staff recommendation of denial if special use permit or rezoning applications failed to pass the test, consideration of County-wide schools rather than breaking them down by an elementary and middle schools level and a high school level, and the projected student population does not exceed 100 percent of the effective capacity at the time of the application's review were the differences between the policies.

Mr. Sisk expressed concern of establishing guidelines for a small percentage of cases, and Mr. Bradshaw stated his concern was that the policy did not provide for mitigation.

Mr. Edwards stated that considerable citizen involvement took place during the update of the Comprehensive Plan, and made a motion to approve the resolution with proposed Board changes.

Mr. Bradshaw made a motion to amend the resolution by deleting the first line in the first paragraph under the Now, Therefore Be It Resolved clause, and also to change the words "are required to" to "should" in the same clause.

Board and staff discussed that this item was the first of many proposals coming forward to make policies consistent with the 1997 Comprehensive Plan.

On a roll call for the amendments to the resolution, the vote was: AYE: Sisk, Bradshaw, Nervitt (3). NAY: McGlennon, Edwards (2).

On a roll call for the amended resolution, the vote was: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: Sisk (1).

RESOLUTION**ADEQUATE PUBLIC SCHOOLS FACILITIES TEST**

- WHEREAS,** during the 1997 Comprehensive Plan update, the Board of Supervisors expressed a desire, through a specific strategy incorporated into the Public Facilities chapter, to adopt an adequate public schools facilities test; and
- WHEREAS,** the "test," which would be applied to new developments needing a special use permit or rezoning, would require sufficient capacity in the school system to accommodate the additional school children generated by the development under consideration; and
- WHEREAS,** the task of drafting the policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and
- WHEREAS,** on May 4, 1998, the Planning Commission recommended adoption of the draft policy by a unanimous vote; and
- WHEREAS,** after consideration of the draft policy, the Board amended the policy as described herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

All special use permit or rezoning applications, except those listed below, should pass the test for adequate public school facilities.

- A proposed rezoning or special use permit application will be tested for adequate public school facilities. A proposed rezoning or special use permit application will pass the test if the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional school children generated by the development. For purposes of this policy, the schools shall be deemed adequate if the projected student population does not exceed 100 percent of the design capacity at the time of the application's review.
- If any of the applicable public schools which would serve the future residential development exceed 100 percent of the design capacity, then the application will not pass the test for adequate school facilities. However, if the affected public schools currently exceed design capacity, but the schools' student population will be brought under design capacity within three years of the time of the application's review through either physical improvements programmed in the CIP, and/or through a redistricting plan that was approved by the School Board prior to application, then the application will be deemed to have passed the test.

The following proposals would be exempt from the Adequate Public Schools Facilities test:

- family subdivisions; and
- residential development that, through proffers and covenants, is restricted to adult residents only; and
- amendments to previously approved rezonings, special use permits and master plans that only shift densities or internal uses that do not increase the number of previously approved units or gross densities and that do not change the zoning district of land.

G. PUBLIC COMMENT

1. Mr. Grant Olson, 150 Holman, stated that he was a member of the citizen committee drafting the Adequate Public Schools Facilities Test and that members of the community worked diligently in preparing the language. He further stated that the schools test was only one aspect of the whole package to be brought before the Board. Mr. Olson also spoke in support of County acquisition of property for green space to preserve the character of the Historic Triangle.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced a Work Session, Wednesday, June 24, 1998, at 2:00 p.m., on Technology and a retreat with Williamsburg/James City County Schools, City Council of Williamsburg, and the Board of Supervisors for Saturday, June 27, 1998, 8:00 a.m. to 12 noon, at Child Development Resources, 150 Point O Woods.

Mr. Wanner recommended a recess for a James City Service Authority Board of Directors' meeting, followed by an Executive Session pursuant to Section 2.1-344(A)(1), appointment of individuals to County boards and/or commissions, and Section 2.1-344(A)(7) to consult with County Attorney on a matter involving probable litigation.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Nervitt commended Mr. Foster and staff of James City Service Authority for the hard work and assistance to citizen in rehabilitation of a home in the community.

Mr. Edwards stated that a discussion regarding a possible change of date of the August 18, 1998, Board of Supervisors' meeting would be held at the work session on Wednesday, June 24, 1998.

Mr. Edwards recessed the Board for a James City Service Authority Board of Directors meeting at 9:32 p.m.

Mr. Edwards reconvened the Board into open session and made a motion to go into executive session as recommended by the County Administrator.

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

Mr. Edwards declared a five-minute break at 9:46 p.m. and reconvened the Board into executive session at 9:50 p.m.

J. EXECUTIVE SESSION

Mr. Edwards reconvened the Board into open session and made a motion approve the executive session resolution, at 10:05 p.m.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). 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 were heard, discussed or considered by the Board as were identified in the motion, Section 2.1-344(A)(1), appointment of individuals to County boards and/or commissions and Section 2.1-344(A)(7) to consult with the County Attorney on a matter involving probable litigation, convening the executive meeting.

Mr. Edwards made a motion to appoint Madelynn Herman to the Colonial Services Board for a three-year term, term expiring 6/30/01; to appoint Michael Jan Brown to the Parks and Recreation Advisory Commission for a four-year term, term expiring 4/12/02; to appoint Michael J. Fox to the Williamsburg Regional Library Board to fill an unexpired term, term expiring 6/30/01; to reappoint Robert H. Smith to the Colonial Services Board for a three-year term, term expiring 6/30/01; to reappoint Dr. Camilla Buchanan and Steven Wigley to the Historic Triangle Bicycle Advisory Committee for four-year terms, terms expiring 7/5/02, respectively, and to reappoint Vincent A. Campana, Jr., and Sterling M. Nichols to the Industrial Development Authority for four-year terms, terms expiring 7/8/02, respectively.

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

Mr. Edwards made a motion to approve the resolution reappointing John E. McDonald to the Middle Peninsula Juvenile Detention Commission for a four-year term, term expiring July 1, 2002.

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

RESOLUTION

MIDDLE PENINSULA JUVENILE COMMISSION APPOINTMENT

WHEREAS, James City County is a participating jurisdiction of the Middle Peninsula Juvenile Detention Facility; and

WHEREAS, James City County is a member of the Middle Peninsula Juvenile Commission as established on June 6, 1994; and

WHEREAS, John E. McDonald was appointed to a four-year term as the initial member of the Middle Peninsula Juvenile Commission.

NOW, THEREFORE, BE IT RESOLVED that, following consultation with the Chief Judge of the Juvenile and Domestic Relations Court, the Board of Supervisors of James City County does hereby reappoint John E. McDonald to serve a four-year term beginning July 1, 1998.

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 10:06 p.m.



Sanford B. Wanner

Clerk to the Board

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JUN 23 1998

ORDINANCE NO. 116A-32

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, DROUGHT MANAGEMENT, SECTION 11-53, CONDITIONS FOR THE DECLARATION OF POTENTIAL SHORTAGE OF WATER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, Division VI, Drought Management, is hereby amended and reordained by amending Section 11-53, Conditions for the declaration of potential shortage of water.

Chapter 11. Health and Sanitation

Article VI. Drought Management

Sec. 11-53. Conditions for the declaration of potential shortage of water.

Upon a determination by the county administrator of the existence of the following conditions, the county administrator shall take the following actions:

- (a) *Stage I.* When one or more of the parameters described in section ~~2-E.1~~ 33.B.5(a) of the Water Conservation and Drought Management Plan (plan) adopted by the James City Service Authority (JCSA) are met, the county administrator shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by the means described in section ~~2-G.1~~ 33.B.7(a) of the plan.

Ordinance to Amend and Reordain
Chapter 11. Health and Sanitation
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- (b) *Stage II.* When one or more of the parameters described in section ~~2-E-2~~ 33.B.5(b) of the plan adopted by the JCSA are met, the county administrator shall order curtailment of less essential usage of water, including but not limited to, the measures described in section ~~2-G-2~~ 33.B.7(b) one or more of the plan.
- (c) *Stage III.* When one or more of the parameters described in section ~~2-E-3~~ 33.B.5(c) of the plan adopted by the JCSA are met, the county administrator shall institute mandatory reductions on each customer which include, but are not limited to, those restrictions applicable to Stage II as well as reductions of water to each customer as described in section ~~2-G-3~~ 33.B.7(c) of the plan.

The county administrator or his designee may authorize exceptions to the restrictions imposed by Stages I and II.

- (d) *Stage IV.* When Stage III has been in effect for 30 days and demand has not stabilized at the Stage III trigger level or has not declined, the board of supervisors, county administrator, or his designee may implement additional restrictions as are determined necessary.

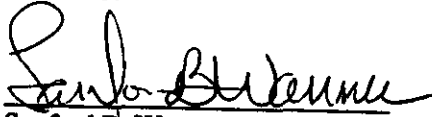
The County Administrator may revoke water conservation and drought management efforts earlier than prescribed in the Plan if deemed appropriate.

Ordinance to Amend and Reordain
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Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June,
1998.

wtrshort.ord

JUN 23 1998

ORDINANCE NO. 141A-10

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, CABLE COMMUNICATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, FRANCHISE CONDITIONS, SECTION 5-13, FRANCHISE FEE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5, Cable Communications, of the Code of the County of James City, Virginia, is hereby amended and reordained by amending Article V, Franchise Conditions, Section 5-13, Franchise fee.

Chapter 5. Cable Communications

Article V. Franchise Conditions

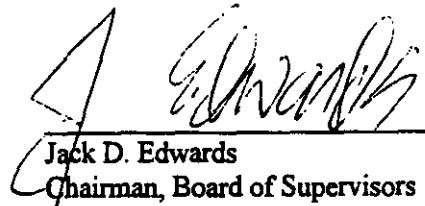
Sec. 5-13. Franchise fee.

(a) In consideration of the grants contained herein, a grantee shall pay ~~monthly~~ quarterly to the county a sum ~~franchise fee in an amount~~ equal to five percent of the gross ~~monthly~~ quarterly revenues. Such payment shall be made to the treasurer (payable to James City County) ~~not later than the 20th day of the following calendar month on or before the 30th day of each of the months of April, July, October, and January for the quarters ending March 31, June 30, September 30, and December 31.~~ The ~~monthly~~ quarterly franchise fee shall be in addition to any other payment, charge, permit fee or bond owed to the county by the grantee and shall not be construed as payment in lieu of personal or real property taxes levied by the state, county or local authorities. Grantee agrees to provide for review by the Commissioner of the Revenue a statement of the gross monthly revenues by the ~~20th~~ 30th day of the following ~~calendar month~~ calendar month following each quarter, which should be certified under oath by an officer of the grantee.

Ordinance to Amend and Reordain
Chapter 5. Cable Communications
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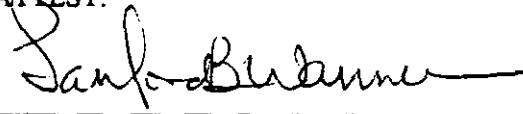
(b) In the event that any payment is not made on or before the required date, the county shall assess a penalty of ten percent of the amount due plus interest on such payments from the due date at the annual rate of 18 percent. Should legal action be required to correct such fee(s), penalties and interest, the county also shall be entitled to attorney's fees equal to 25 percent of the total amount due.

State law reference--Authority of county to license cable television systems. Code of Va., § 15.2-967.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 1998.

JUN 23 1998

ORDINANCE NO. 80A-5

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-7.1, LAND USE ASSESSMENT; ARTICLE VI, REAL ESTATE ASSESSMENT, SECTION 20-27, ANNUAL ASSESSMENT AND REASSESSMENT OF REAL ESTATE; AND SECTION 20-28, DEADLINE FOR APPEAL OF ASSESSMENT TO DEPARTMENT OF REAL ESTATE ASSESSMENT AND BOARD OF EQUALIZATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-7.1, Land use assessment; Section 20-27, Annual assessment and reassessment of real estate; and Section 20-28, Deadline for appeal of assessment to department of real estate assessment and board of equalization.

Chapter 20. Taxation

Article I. In General

Sec. 20-7.1. Land use assessment.

The County of James City declares that the preservation of real estate devoted to agricultural or horticultural uses within its boundaries is in the public interest; and therefore, such qualifying real estate shall be taxed in accordance with the provisions of article 4 of chapter 32 of title 58.1 of the Code of Virginia, 1950, as amended, (hereinafter referred to as the Code) and pursuant to the terms of this section.

- (1) *Application by property owner of any real estate:*
 - a. The owner, as defined in section 58.1-3234 of the Code, meeting the criteria set forth in sections 58.1-3230 and 58.1-3233 of the Code, may on or before ~~November~~ May 1st of each year apply to the commissioner of the revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use under the

procedures set forth in section 58.1-3236 of the Code. Such application shall be on forms provided by the state department of taxation and supplied by the commissioner of the revenue and shall include such additional schedules, photographs and drawings as may be required by the commissioner of the revenue.

Article VI. Real Estate Assessment

Sec. 20-27. Annual assessment and reassessment of real estate.

Pursuant to section 58.1-3253 of the Code of Virginia, 1950, as amended, there shall be an annual assessment and reassessment and equalization of assessments of all real estate in the county, such real estate to be assessed as of ~~January~~ July 1 of each year.

~~State law reference Code of Va. §58.1-3011.~~

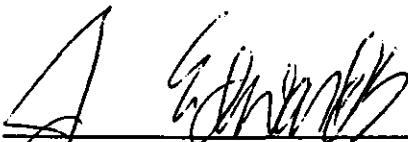
Sec. 20-28. Deadline for appeal of assessment to department of real estate assessment and board of equalization.

Any property owner or lessee of real property in the county shall have the right to appeal any assessment thereof to the county's department of real estate assessment at any time prior to ~~February~~ August 1 of the year for which the assessment was made or 30 days after the mailing date of the assessment notice, whichever is later. Any appellant remaining unsatisfied with the action taken on appeal may further appeal to the county's board of equalization by making application at any time prior to ~~March~~ September 1 of the year for which the assessment was made or 30 days after the deadline for review by the county's department of real estate assessment, whichever is later. Any appeal not timely filed shall not be considered.

Ordinance to Amend and Reordain
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State law reference-Code of Va., §58.1-3378.

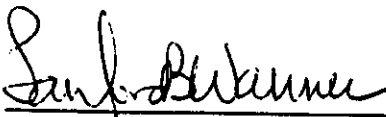
This Ordinance shall become effective on July 1, 1998.



Jack D. Edwards
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 1998.