

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE **22ND** DAY OF APRIL, **2003**, AT **7:00** P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, **101** MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jay T. Harrison, Sr., **Chairman**, Berkeley District
 Bruce C. **Goodson**, Vice Chairman, Roberts District
 John J. **McGlennon**, **Jamestown** District
 Michael J. Brown, **Powhatan** District
 James G. Kennedy, Stonehouse District

Sanford B. Wanner, County Administrator
 Frank M. Morton, III, County Attomey

B. MOMENT OF SILENCE

Mr. **Goodson** requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

M. Stephens Davis, a home-school student, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. James City County Volunteer Appreciation Week – April 27 – ~~May~~ 3, 2003

Mr. **Harrison** recognized April 27–May 3, 2003, as National Volunteer Appreciation Week and presented Certificates of Appreciation to Reverend Randy Gamer, Donald Greenhow, George Holsteine, and Donald Parker for their contribution to the County through volunteer work.

E. HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation, stated that the main entryway to Governor's Land has been fixed and will be overlaid, and that the staff of the County and the Virginia Department of Transportation (VDOT) are working on an agreement for the authorization of certain County staff to remove unauthorized signs from the VDOT right-of-ways.

Mr. Kennedy thanked Mr. Hicks and VDOT for working with the County on an agreement regarding the removal of unauthorized signs in VDOT right-of-ways.

Mr. Kennedy requested VDOT address the uneven pavement in front of Toano Middle School

Mr. Larry Foster, General Manager of the James City Service Authority (JCSA), stated that the staff of the Service Authority and VDOT are working together to address the pavement issue.

Mr. Harrison thanked Mr. Hicks and VDOT staff for their responsiveness and turnaround time in addressing road concerns.

F. PUBLIC COMMENT

1. Mr. Harold Baker, 3013 Sooth Court, thanked the Board for its support with the bathhouse facility at the pool located at Eastern State Hospital.

Mr. Harrison thanked Mr. Baker and the Williamsburg Aquatic Club for the partnership opportunities.

2. Mr. John Hughes, 6 Hiawatha Court, stated that he is a candidate for the Commissioner of the Revenue and commented on recent discovery that the Short-Term Rental Tax has not been collected in twelve years and recommended the legislation needs to be cleaned up and properly administered.

3. Mr. Ed Oyer, 139 Indian Circle, requested the Board not entertain the School's request for sports facilities at the proposed third high school facility, requested the County provide temporary storage of household chemicals to alleviate the congestion during the one-day spring household chemical collection.

4. Mr. Richard Bradshaw, Commissioner of the Revenue, provided the Board with a brief overview of the Short-Term Rental Tax and the types of businesses that would be impacted by the collection of the tax, and stated that notices to businesses have been sent informing them that effective July 1, 2003, the tax will be collected and that newspaper ads will be placed to notify citizens of the tax collection.

Mr. Harrison inquired if surrounding jurisdictions collect the tax and if the anticipated revenue to be collected by the County.

Mr. Bradshaw stated that surrounding jurisdictions do collect the tax.

Mr. Goodson inquired as to why the tax was not collected previously.

Mr. Bradshaw stated that it was an oversight on his part but steps have been taken to correct the oversight.

Mr. Bradshaw reminded citizens, businesses, and manufacturers of upcoming tax filing deadlines and the deadlines for citizens to apply for the Tax Relief program.

G. CONSENT CALENDAR

Mr. Kennedy made a motion to adopt the items on the Consent Calendar.

On a roll call, the vote was: AYE: **McGlennon**, Brown, **Goodson**, Kennedy, Harrison (5). NAY: (0).

1. Minutes –

- a. March 25, 2003. Work Session
- b. March 25, 2003. Regular Meeting
- c. April 8, 2003, Regular Meeting

2. James City County Volunteer Appreciation Week - April 27 - May 3, 2003R E S O L U T I O NJAMES CITY COUNTY VOLUNTEER APPRECIATION WEEK - APRIL 27 - MAY 3, 2003

- WHEREAS, April 27-May 3, 2003, has been designated as National Volunteer Appreciation Week; and
- WHEREAS, volunteers enhance our quality of life, promote community involvement, generate civic pride, preserve our environment, and support our families; and
- WHEREAS, volunteers work in partnership with James City County staff and in 2002 contributed 69,526 hours valued at \$1,149,960; and
- WHEREAS, the citizens of James City County are deserving of recognition for their commitment and hard work to make a real difference in the lives of their fellow citizens.
- NOW, THEREFORE, BE IT RESOLVED by the Board of **Supervisors** of James City County, Virginia, that it hereby designates the week of April 27-May 3, 2003, as Volunteer Appreciation Week and calls its significance to all of our citizens.

3. Chesapeake Bay Restoration Fund GrantR E S O L U T I O NCHESAPEAKE BAY RESTORATION FUND GRANT

- WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and
- WHEREAS, funds are needed to provide an enriching and SOL-based environmental component to the Division's Total Rec Camp Program.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$5,040 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the **summer** camp program.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the **Grant/Special** Project Fund:

Revenues:

From the Commonwealth	<u>\$5,040</u>
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Expenditures:

Chesapeake Bay Restoration Grant	<u>\$5,040</u>
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4. Mental Health Month

RESOLUTION

MENTAL HEALTH MONTH

WHEREAS, mental illness will strike one in four Americans in a given year without regard to age, gender, race, **ethnicity**, religion, or economic status; and

WHEREAS, one in five children suffers from a diagnosable mental illness, emotional, or behavioral disorder, and one in ten has a serious disorder, which, if **left** untreated, can lead to school failure, substance abuse, and even suicide; and

WHEREAS, the causes of brain disorder are not fully understood, but the illnesses are treatable and recovery is possible if those affected receive effective treatment, advocacy, and support; and

WHEREAS, the Colonial **Services** Board, sewing the citizens of James City County, celebrates National Mental Health Month each year in May to raise awareness of mental health, mental illness, and discrimination against people with mental illness; and

WHEREAS, community treatment is an individual's best hope to develop his or her potential.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, does hereby proclaim the month of May 2003 as Mental Health Month.

H. BOARD CONSIDERATIONS

1. Temporary Classroom Trailers (Deferred from April 8, 2003)

- a. Case No. SUP-5-03. Jamestown High School
- b. Case No. SUP-6-03. Lafayette High School
- c. Case No. SUP-7-03. Clara Byrd Baker Elementary School
- d. Case No. SUP-8-03. Stonehouse Elementaw School

Mr. Christopher Johnson, Senior Planner, stated that these four cases were deferred from the Board's meeting held on April 8, 2003, and stated that Michael E. Thomton applied on behalf of the **Williamsburg**-James City County Public Schools for four special use **permits** to allow the placement of two new temporary classroom trailers at **Lafayette** High School and Jamestown High School, and one new temporary classroom trailer at Clara Byrd Baker Elementary School and Stonehouse Elementary School in accordance with Section 24-109 of the Zoning Ordinance.

Staff continued to find the proposal consistent with surrounding zoning and development and consistent with the Comprehensive plan.

Staff recommended the Board approve the applications with conditions

The Board and staff continued discussion on the use of existing and future facilities for student education, concerns about adding new programs without adequate facility space, and program vs. enrollment facility needs.

Mr. Brown stated **concern** regarding the schools offering on-site day care centers while there are ongoing community discussions regarding a third high school or a new educational facility.

Mr. Kennedy requested clarification regarding a comment he heard that the day care in Lafayette High School will be discontinued next year.

Mr. Michael E. Thornton, applicant, stated that he was not aware of any plans to discontinue the program next year at Lafayette High School.

Mr. Kennedy requested a retreat with the Schools to discuss the expansion of Jamestown High School and the inability of Schools to continue to add programming without running out of educational facility space.

Mr. McGlennon made a motion to adopt SUP-5-03 and SUP-6-03, the two Elementary School Temporary Classroom Trailer applications.

Mr. McGlennon made a motion to adopt SUP-7-03 and SUP-8-03, the two High School Temporary Classroom Trailer applications.

Mr. Harrison requested a roll call vote on the two High School Temporary Classroom Trailer applications.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Kennedy, Harrison (4). NAY: Brown (1).

R E S O L U T I O N

CASE NO. SUP-5-03. JAMESTOWN HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow two temporary classroom trailers at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of temporary classroom trailers as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

R E S O L U T I O N

CASE NO. SUP-6-03. LAFAYETTE HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow two temporary classroom trailers at Lafayette High School on property owned and developed by the applicant located at 4460 Longhill Road and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of temporary classroom trailers as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

Mr. Harrison requested a roll call vote on the two Elementary School Temporary Classroom Trailer applications.

On a roll call vote, the vote was: AYE. McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

RESOLUTION

CASE NO. SUP-7-03. CLARA BYRD BAKER ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILER

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at Clara Byrd Baker Elementary School on property owned and developed by the applicant located at 3131 Ironbound Road and further identified as Parcel No. (1-58) on James City County Real Estate Tax Map No. (47-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of a temporary classroom trailer as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006,

RESOLUTION

CASE NO. SUP-8-03. STONEHOUSE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILER

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at Stonehouse Elementary School on property owned

and developed by the applicant located at 3651 Rochambeau Drive and further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (13-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permits for the placement of a temporary classroom trailer as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006,

2. FY 2004 County Budget

- a. Case No. ZO-2-03/SO-1-03, Zoning and Subdivision Fee Changes
- b. Ordinance Amendment – Chapter 4, Building Regulations, to Increase Certain Fees
- c. Ordinance Amendment – Chapter 8, Erosion and Sediment Control, to Increase Certain Fees and to Add a \$25.00 Fee for Single-Family Dwellings

Ms. Suzanne Mellen, Director of Budget and Accounting, provided the Board with an overview of the proposed FY 2004 Budget, Zoning and Subdivision fee changes, ordinance changes, and the County's fiscal goals for FY 2004.

Mr. McGlennon made a motion to adopt the Ordinances for Zoning and Subdivision Fee changes.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

Mr. McGlennon made a motion to adopt the Ordinance amendments for Chapter 4, Building Regulations, to Increase Certain Fees.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

Mr. McGlennon made a motion to adopt the Ordinance amendments for Erosion and Sediment Control.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

Mr. Brown made a motion to adopt the Community Action Agency portion of the proposed appropriation resolution for the FY 2004 Budget.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, (4). NAY: (0). ABSTAIN: Harrison (1).

Mr. McGlennon made a motion to adopt the remainder of the proposed appropriation resolution for the FY 2004 Budget.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

RESOLUTIONRESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2003, and ending June 30, 2004, and a five-year Capital Improvements Program; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2003, and ending June 30, 2004, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations.

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

1. The following amounts are hereby appropriated in the FY 2003-2004 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

	<u>FY 2004</u>
General Property Taxes	\$ 68,751,836
Other Local Taxes	15,077,500
Licenses, Permits and Fees	6,736,750
Fines and Forfeitures	220,000
Revenue from Use of Money and Property	535,000
Revenue from the Commonwealth	18,990,236
Revenue from the Federal Government	14,000
Charges for Current Services	3,115,343
Miscellaneous Revenues	<u>69,820</u>
TOTAL REVENUES	<u>\$113,510,485</u>

GENERAL FUND EXPENDITURES

	<u>FY 2004</u>
Administrative	\$ 1,155,711
Elections	260,387
Human Resource	1,274,722
Financial Administration	3,214,440
Public Works	3,812,543
Information Resource Management	1,717,336
Development Management	3,619,326
Judicial	2,391,453
Public Safety	14,014,983
Community Services	5,165,919
Coutributious - Other	1,929,039
Library and Arts Center	3,637,976
Health Services	1,106,907
Regional Jail	1,266,373
Nondepartmental	3,571,802
WJCC Schools	52,558,723

Contribution - School Debt Service	9,765,500
Contribution - Capital Projects Fund	1,190,000
Contributions - Other Funds	<u>1,857,345</u>
TOTAL EXPENDITURES	<u>\$113,510,485</u>

The appropriation for education includes \$52,540,273 as a local contribution to the Williamsburg-James City County Schools operations.

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

TAX RATES

Real Estate on each \$100 assessed value	\$0.87
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00
Transportation Improvement District Real Estate on each \$100 assessed value Budget	\$0.00

CAPITAL PROJECTS BUDGET

General Fund

Fund Balance	\$1,178,076
Contribution to Capital Projects Budget	\$1,178,076

Capital Projects Fund

Revenues and Other Fund Sources:

Estimated Prior Year General Fund Balance	\$1,178,076
Contribution - General Fund	1,190,000
Proffers	100,000
Grants:	
VA Recreation Trails Fund	150,000
Land/Water Conservation	125,000
State Ambulance Grants	<u>60,000</u>
	<u>\$2,803,076</u>

Expenditures:

Community Development	\$1,035,000
Parks and Recreation	740,000
Community Services	849,076
Public Safety	<u>179,000</u>
	<u>\$2,803,076</u>

DEBT SERVICE BUDGET

From General Fund - Schools	\$ 8,605,000
From General Fund - Other	1,753,000
State School Literary Fund	162,000
2-Cent Real Estate Tax Investment	<u>1,160,000</u>
Total Debt Service Fund Revenues	<u>\$11,680,000</u>
Current Year Expenditures	\$10,654,851
To Fund Balance - Capital Reserve	<u>1,025,149</u>
Debt Service Fund Disbursements	<u>\$11,680,000</u>

VIRGINIA PUBLIC ASSISTANCE FUNDRevenues:

From the Federal Government/Commonwealth	\$ 3,450,297
From the General Fund	1,257,441
Comprehensive Services Act	174,050
Revenue Maximization	256,170
Other	<u>325,652</u>

Total Virginia Public Assistance Fund Revenues	<u>\$ 5,463,610</u>
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Expenditures:

Administration and Assistance	\$ 5,267,246
Revenue Maximization	<u>196,364</u>

Total Virginia Public Assistance Fund Expenditures	<u>\$ 5,463,610</u>
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COMMUNITY DEVELOPMENT FUNDRevenues:

General Fund	\$ 433,741
Grants	1,491,584
Generated Program Income	75,000
Fund Balance	<u>310,000</u>

Total Community Development Fund Revenues & Fund Balance	<u>\$ 2,310,325</u>
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Expenditures:

Administration and Programs	<u>\$ 2,310,325</u>
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Total Community Development Fund

Expenditures	<u>\$ 2,310,325</u>
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SPECIAL PROJECTS/GRANTS FUND

Revenues:

Colonial Drug Task Force	\$ 27,000
Transfer from CIP Road Access	114,650
Transfer from General Fund	8,934
Revenues from the Commonwealth	<u>388,350</u>

\$ 538,934

Expenditures:

Colonial Drug Task Force	\$ 27,000
Litter Control Grant	8,700
Records Processing Grant	13,000
James River Industrial Road Access Grant	454,500
Victim of Crimes Grant	<u>35,734</u>

\$ 538,934

3. The County Administrator be authorized to transfer funds and personnel from **time** to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to **carry** out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
4. The County Administrator be authorized to administer **the** County's Personnel Policy and Pay **Plan** as previously adopted by the Board of Supervisors. There will be a salary increase based on either the employee's salary or the midpoint of **the** pay range with variable increases based on performance and funded at an average of 3.5 percent, granted to employees in FY 2004.
5. The County Administrator be authorized to transfer **funds** to and **from the** Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
6. All outstanding encumbrances in all County funds at June 30, 2003, shall be **an** amendment to the FY 2004 budget, and appropriated to the FY 2004 budget to the **same** department and account for which they were encumbered in the previous year.
7. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

The Board thanked the County Administrator and staff for following the Board's guidance in developing the FY 2004 Budget.

3. To Authorize the Acquisition, by Voluntary Conveyance or Condemnation, of a Certain Easements Across, 1321 Jamestown Road, James City County, Virginia, Owned by Sarah H. Armstead, Trustee, and Letitia Hanson, for Public Purposes. To Wit: Easements Related to a Public Water Supply System

Mr. Larry Foster, General Manager of the JCSA, stated that in order to assure that the discharge line will be in place to dispose of the by-product of the Groundwater Treatment Facility, an easement must be acquired over 1321 Jamestown Road in the near future. Staff has **been** working with the property owners and their agent for an extended period of time but they have not been successful in reaching an agreement. Staff recommended the Board approve the resolution authorizing the County to pursue the easement's acquisition of the property through its right of condemnation.

Mr. Morton stated that **staff has** distributed an amended resolution and plat for the acquisition and also stated that currently there are no negotiations.

Mr. Kennedy made a motion to approve the resolution,

On a roll call vote, the vote was: AYE: **McGlennon, Brown, Goodson, Kennedy, Harrison** (5). NAY: (0).

A RESOLUTION TO AUTHORIZE THE ACQUISITION, BY
VOLUNTARY CONVEYANCE OR CONDEMNATION, OF CERTAIN
EASEMENTS ACROSS PROPERTY AT 1321 JAMESTOWN ROAD,
JAMES CITY COUNTY, VIRGINIA, OWNED BY SARAH H. ARMISTEAD,
TRUSTEE, AND LETITIA HANSON, FOR PUBLIC PURPOSES,
TO WIT: EASEMENTS RELATED TO A PUBLIC WATER SUPPLY SYSTEM

WHEREAS, the James City Service Authority is constructing a desalinization plant which will require a concentrate discharge line; and

WHEREAS, the concentrate discharge line needs to cross certain real property commonly **known** as 1321 Jamestown Road and designated as Parcel No. (1-24) on James City County Real Estate Tax Map No. (46-2) (the "Property"); and

WHEREAS, in the opinion of **the** Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of easements across the Property for the installation, operation, maintenance **and/or** removal of an underground liquid transmission pipeline and utility services related to a public water supply system, for public purposes and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

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

1. The acquisition of the hereinafter described property for water supply system purposes is declared to be a public necessity and to constitute an authorized public

undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by § 15.2-1900, Code of Virginia (1950), as amended.

2. The County elects to use the procedures set forth in §§ 33.1-119 through 33.1-132, as authorized by §15.2-1904A, Code of Virginia (1950), as amended.
3. A public necessity exists that the County enter **upon** and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent to so enter and take the property under those powers granted the Commonwealth Transportation Commissioner pursuant to §§ 33.1-119 through 33.1-132, Code of Virginia (1950), as amended.
4. The County Attorney **and/or** the law firm of Randolph, Boyd, **Cherry** and **Vaughan** be **and they** are hereby authorized and directed to acquire by voluntary acquisition or, if **necessary**, by condemnation in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Article 7 (§ 33.1-89 *et seq.*), Code of Virginia (1950), as amended, the hereinafter described property.
5. The names of the present owners of the property to be acquired are:
Sarah H. Armistead, Trustee with the Power of Sale Under the Will of Robert T. Armistead and Letitia Hanson.
6. A substantial description of the property is:

(1) a 20'-wide easement in perpetuity for the installation, operation, maintenance **and/or** removal of an underground liquid transmission pipeline and related utility services, and (2) two adjacent 10'-wide temporary construction easements to provide access to the permanent easement area during construction that will expire upon completion of construction, (3) two adjacent 40'-wide temporary construction easements to provide construction staging of equipment during construction that will expire upon completion of construction over, upon, across, and under the following described property, to-wit:

All those certain pieces or portions of land lying and situate in Berkeley Magisterial District, James City County, Virginia, shown and designated as "20' PERMANENT UTILITY EASEMENT FOR THE EXCLUSIVE USE OF J.C.S.A." and "10' TEMP. CONSTRUCTION EASEMENTS" and "40' TEMP. CONST. ESMTS." on that certain plat entitled "PLAT OF EASEMENT FOR CONVEYANCE TO JAMES CITY SERVICE AUTHORITY FROM THE ROSA ARMISTEAD ESTATE dated January 9, 2003 and revised April 16, 2003, prepared by AES Consulting Engineers, of Williamsburg, Virginia; said plat being attached hereto, for a more complete description of the easements herein conveyed.

The Grantors shall retain the right to place one or more roads, constructed to meet or exceed applicable Virginia Department of Transportation standards, across the easements granted herein, provided that the top of any pipeline placed by the Grantee therein remains at least 36 inches below the surface of any such road and further provided that any such road shall cross the easement at an approximate right angle (90°).

7. Just compensation is estimated to be \$6,700.00 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of § 15.2-1903(A), Code of Virginia (1950), as amended, have been met.

9. In the event any of the property described in Paragraph 6 of this resolution has been conveyed, the County Attorney **and/or** the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.
10. That an emergency is declared to exist and this resolutionshall be effect from the date of its passage.

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that **the** Board recess while the JCSA Board of Directors holds a brief meeting, and then the Board should reconvene into Open Session to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards **and/or** Commissions.

Mr. Wanner stated that the Williamsburg Aquatic Club has requested an additional \$60,000 for locker room improvements at the pool located at Eastern State Hospital and recommended the Board approve a resolution appropriating the \$60,000 from the Capital Contingency Fund.

Mr. **McGlennon** made a motion to approve the appropriation resolution

On a roll call vote, the vote was: AYE: **McGlennon**, Brown, **Goodson**, Kennedy, **Harrison** (5). NAY: (0).

RESOLUTION

BUDGET TRANSFER - EASTERN STATE HOSPITAL POOL

WHEREAS, the James City County Board of Supervisors has been asked by representatives of the **Williamsburg** Aquatics Club (WAC) to provide an additional \$60,000, in addition to \$150,000 previously appropriated, towards the costs of locker rooms at the pool at Eastern State Hospital; and

WHEREAS, the major beneficiaries of this additional investment will be the swim teams at Jarnestown and Lafayette High Schools who, with appropriate locker, shower and rest room facilities, could begin to use the Eastern State Hospital pool for both practices and meets.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of **James** City County, Virginia, that \$60,000 in funds **currently** in the Capital Budget Contingency be added to previously appropriated funds for locker rooms at the Eastern State Hospital pool.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated concern that a 72-hour notification of timbering is not sufficient time to mitigate possible impacts to Resource Protection Areas.

Mr. Morton stated that the General Assembly denied the request for longer time frames for timbering notifications.

Mr. Harrison inquired about the status of the house that burnt down on Route 5

Mr. Home stated that there is no Code violation associated with the site and staff is pursuing the option of cleaning up the site through the Blight Abatement Program.

Mr. Harrison recessed the Board for the JCSA Board of Directors meeting at 8:03 p.m.

Mr. Harrison reconvened the Board at 8:08 p.m.

L. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

Mr. Harrison noted that the Regional Issues Committee met and voted to meet more frequently in an effort to address more regional issues.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

Mr. Harrison convened the Board into Closed Session at 8:09 p.m

At 8:55 p.m. Mr. Harrison reconvened the Board into Open Session

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed 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 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed 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 closed 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 2.2-3711(A)(3) to consider the acquisition of a parcel of property; and Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to appoint **Lynn Bagli** to the unexpired term on the Colonial Group Home **Commission**, term to expire on February 28,2006; and to appoint Rosalind Dodd to the Social Service Advisory Board effective July 1,2003, term to expire on June 30,2007.

(0). On a roll call vote, the vote was: AYE: **McGlennon**, Brown, **Goodson**, Kenedy, **Harrison** (5). NAY:

M. ADJOURNMENT

Mr. McGlennon made a motion to adjourn

(0). On a roll call vote, the vote was: AYE: McGlennon, Brown, **Goodson**, Kennedy, Harrison (5). NAY:

At 9:04 p.m. Mr. **Harrison** adjourned the Board until 7 p.m. on May 13,2003.


Sanford B. Wanner
Clerk to the Board

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APR 22 2003

ORDINANCE NO. 31A-212

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND **REORDAIN** CHAPTER 24, **ZONING**, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, **Zoning**, is hereby amended and **reordained** by amending Section 24-7, Administrative fees.

Chapter 24. Zoning

Article I. In General

Sec. 24-7. Administrative fees.

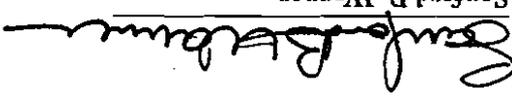
Fees shall be charged at the time of application to offset the wst of making inspections, issuing permits, advertising notices and other expenses incident to the administration of **this** chapter or to the filing or **processing** of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning	\$800.00 \$1,200.00 plus \$40.00 \$50.00 per acre, not to exceed \$15,000.00
(2) Applications for special use permits:	
a. Generally (General special use permits processed with a rezoning shall pay a rezoning fee only)	\$600.00 \$1,000.00 plus \$20.00 \$30.00 per acre, not to exceed \$5,000.00
b. Manufactured home on an individual lot	100.00
c. Family subdivision under section 24-214.	100.00
d. Amendment to a special use permit	200.00 400.00
e. Wireless communications facilities under division 6	1,500.00

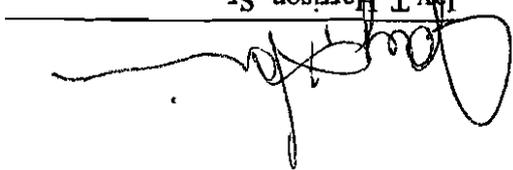
Ordinance to Amend and **Reordain**
 Chapter 24. Zoning
 Page 2

- (3) Master plan review:
- a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (**PUD's** with 400 acres or more shall pay a rezoning fee only) 200.00
 - b. Revision of approved plan:
 1. Residential Cluster 75.00
 2. R-4, PUD, Mixed Use 150.00
- (4) Site Plan Review:
- a. Administrative review:
 1. Residential structures or improvements, ~~\$300.00~~ **\$600.00**, plus \$60.00 per residential unit.
 2. Nonresidential structures or improvements, ~~\$300.00~~ **\$600.00**, plus \$0.024 per sq. ft. of building area.
 3. Mixed Use structures or improvements, ~~\$300.00~~ **\$600.00**, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.
 - b. Planning commission review:
 1. Residential structures or improvements, ~~\$900.00~~ **\$1,800.00**, plus \$60.00 per residential unit.
 2. Nonresidential structures or improvements, ~~\$900.00~~ **\$1,800.00** plus \$0.024 per sq. ft. of building area.
 3. Mixed Use structures or improvements, ~~\$900.00~~ **\$1,800.00**, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.
 - c. Amendment to an approved plan:
 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
 2. Nonresidential structures or improvements, \$100.00, plus ~~\$0.004~~ **\$0.004** per sq. ft. of building area.
 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus ~~\$0.004~~ per sq. ft. of nonresidential building area.
 4. Residential or **nonresidential structures** or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.
 - d. Zoning administrator and fire department review only, \$20.00.
- (5) Sign permits, ~~\$4.00~~ **\$5.00** per square foot of gross sign area.
- (6) Appeals to the board of zoning appeals, \$250.00
- (7) Application for a height limitation waiver to the board of supervisors, \$200.00
- (8) **Application** for administrative variance, \$100.00

ATTEST:


Sanford B. Wanner
Clerk to the Board

AYE	MCGLENNON
AYE	BROWN
AYE	GOODSON
AYE	KENNEDY
AYE	HABXISON


Jay T. Harrison, Sr.
Chairman, Board of Supervisors

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April, 2003.

APR 22 2003

ORDINANCE NO. 30A-29

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND **REORDAIN** CHAPTER 19, **SUBDIVISIONS**, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-15, FEES

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, **that** Chapter 19, Subdivisions, is hereby amended and **reordained** by amending Section 19-15, Fees.

Chapter 19. Subdivisions

Article I. General Provisions

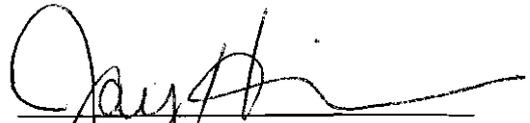
Sec. 19-15. Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. **The** following fees shall be charged and collected as provided below:

- (1) **General plan review.** There shall be a fee for the examination of every plan reviewed by the agent or commission. For all subdivisions that do not require public improvements, the fee for a major or minor subdivisions shall be ~~\$105.00~~ **\$200.00** per plan plus ~~\$60.00~~ **\$70.00** per lot for each lot over two lots in the subdivision plat. For all subdivisions that require public improvements, the fee for a major or minor subdivision shall be ~~\$135.00~~ **\$250.00** per plan plus ~~\$60.00~~ **\$70.00** per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions **which** have undergone site plan review shall be \$50.00. The fee shall be submitted to the agent at the time of filing the plat for review. Any check shall be payable to the James City County treasurer.

Ordinance to Amend and Reordain
Chapter 19. Subdivisions
Page 2

- (2) *Inspection fee for water and sewer lines.* There shall be a fee for the inspection by the service authority of public water and sewer system installations. Such fee shall be \$1.43 per foot for every foot of sewer main or water main constructed and shall be submitted at the time of filing an application for a land disturbance permit.


 Jay T. Harrison, Sr.
 Chairman, Board of Supervisors

ATTEST:


 Sanford B. Wanner
 Clerk to the Board

SUPERVISOR	VOTE
MCLENNON	AYE
BROWN	AYE
GOODSON	AYE
KENNEDY	AYE
HARRISON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April, 2003

APR 22 2003

ORDINANCE NO. 81A-13

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, VIRGINIA UNIFORM STATEWIDE BUILDING CODE; DIVISION 2, PERMIT AND INSPECTION FEES, SECTION 4-8, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by **amending** Section 4-8, Generally.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 2. Permit and inspection fees

Sec. 4-8. Generally

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

(1) Building Permits:

- a. The minimum fee for any **building** permit shall be ~~\$25.00~~ **\$35.00**
- b. For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and

Ordinance to Amend and **Reordain**
 Chapter 4. Building Regulations
 Page 2

at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be **\$0.11** per square foot,

- c. For the construction of a garage, **barn**, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be **\$0.10** per square foot of the exterior dimensions of the building.
- d. For the alteration or repair of any **building** or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one percent of the current value of all **service**, labor and materials.
- e. For the demolition or razing of any **building** or structure having a floor area greater than **200** square feet the fee shall be ~~\$25.00~~**\$35.00**.

No fee shall be charged for a **permit** to raze a building with a floor area of **200** square feet or less.

- f. For the erection, placement or removal of a building or structure, in part or in whole **from** one location to another, or into or out **of the** county or to a new location within the same lot or parcel of land, the fee shall be at the rate of \$0.08 per square foot of the gross floor area.
- g. For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be ~~\$25.00~~**\$35.00**

A BUILDING PERMIT FEE SHALL BE DOUBLE FOR ANY CONSTRUCTION THAT HAS COMMENCED BEFORE A PERMIT IS OBTAINED

Ordinance to Amend and Reordain
 Chapter 4. Building Regulations
 Page 3

(2) *Plumbing Permits.*

- a. The **minimum** fee for any **plumbing** permit shall be ~~\$25.00~~ **\$35.00**
- b. For the **installation** of each **plumbing** fixture or appliance, the fee shall be ~~\$4.00~~ **\$7.00**
- c. For the installation of the water distribution system in each **building**, the fee shall be ~~\$4.00~~ **\$15.00**.
- d. For the **connection** of any **building** drain to a public or private **sanitary** sewage **disposal** system, the fee shall be ~~\$4.00~~ **\$7.00**.
- e. For each sewer (sanitary or storm), manhole (**sanitary** or **storm**), roof drain or other **similar device**, the fee shall be ~~\$4.00~~ **\$7.00**

(3) *Electrical Permits:*

- a. The **minimum** fee for any **electrical** permit shall be ~~\$25.00~~ **\$35.00**
- b. For the installation of each electrical **service** system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:

	<u>Single Phase</u>	<u>Three Phase</u>
0-60 amps	\$25.00 \$35.00	\$25.00 \$35.00
61-100 amps	25.00 35.00	30.00 40.00
101-150 amps	30.00 45.00	35.00 50.00
151-200 amps	35.00 50.00	40.00 55.00

Ordinance to Amend and Reordain
 Chapter 4. Building Regulations
 Page 4

Over 200 amps, plus
~~\$10.00~~ ~~\$15.00~~ for each additional
 50 amps or fraction thereof
 over 200 amps ~~35.00~~ ~~50.00~~ ~~40.00~~ ~~55.00~~

c. For the installation of a temporary service, or the reconnection of a mobile home, the fee shall be ~~\$25.00~~ ~~\$35.00~~.

d. For increasing the size of the electrical service to any building structure, or mobile home, the fee shall be ~~\$25.00~~ ~~\$35.00~~ for service up to and including 200 amperes; or ~~\$25.00~~ ~~\$35.00~~ plus ~~\$10.00~~ ~~\$15.00~~ for each 50 amperes or fraction thereof over 200 amperes. For relocation of any existing service for which the size is not increased, the fee shall be ~~\$25.00~~ ~~\$35.00~~. No additional fee shall be charged for outlets when the size of the service is increased.

e. For the addition to any existing electrical installation, the fee shall be based on the number of outlets to be installed at the following rates:

1-100 outlets ~~\$25.00~~ ~~\$35.00~~
 Over 100 outlets, plus ~~\$0.10~~ ~~.20~~ for each outlet over 100 ~~25.00~~ ~~35.00~~

(4) **Mechanical and Gas Permits:**

a. The minimum fee for any mechanical or gas permit shall be ~~\$25.00~~ ~~\$35.00~~

b. Basic permit fee:

1. First \$1,000.00 value ~~25.00~~ ~~\$35.00~~
 2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof ~~25.00~~ ~~\$35.00~~

Ordinance to Amend and Reordain
Chapter 4. Building Regulations
Page 5

- c. For the replacement, repair or alteration of mechanical systems or equipment in existing buildings, structures or additions thereto:

- 1. First \$1,000.00 value ~~25.00~~\$35.00
- 2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof ~~25.00~~\$35.00

EXCEPTIONS: Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required.

- d. Fuel piping permit fee: 0.005 x \$1,000.00 of valuation or fraction thereof. Note: Fee applies when permit is issued for **fuel** piping work only.

- e. E.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit fee (total water capacity in gallons):

- 0-500 ~~25.00~~\$35.00
- 501-2,000 ~~30.00~~40.00
- Over 2,000, plus \$1.00 per 10,000 gallons ~~30.00~~40.00

- f. Tanks and associated piping for flammable liquids permit fee (capacity in gallons):

- 0-10,000 ~ \$ 2 0 . 0 0
- 10,001-20,000 ~~20.00~~25.00
- 20,001-50,000 ~~25.00~~30.00
- Over 50,000, plus \$5.00 per 25,000 gallons or fraction thereof ~~25.00~~30.00

- g. For the removal of storage tanks, the **minimum** fee shall be ~~\$25.00~~\$35.00

- h. For fire suppression systems, the permit fee shall be (includes standpipes):

Ordinance to Amend and **Reordain**
 Chapter 4. Building Regulations
 Page 6

1. New construction: Same **as** basic fee in subsection **((b)(1))** above.
 2. All others: Same as basic fee in **subsection ((b)(1))** above.
- i. Elevators, dumbwaiters, moving stairways, moving walks, **manlifts** or special hoisting and conveying equipment **permit** fee:
1. New construction: Same as basic fee in subsection **(b)(1)** above.
 2. All others: Same as basic fee in subsection **(b)(1)** above.
- j. Permit reissuance fee: Permits beconung invalid, as specified by the Code, may be reissued up to a period of five years and charged a fee of ~~\$10.00~~**15.00** for each six-month **period**.

(5) Elevator Inspections:

- a. The fee for a semiannual elevator inspection shall be \$35.00
- b. Reinspection: When an inspector **is** required to make a reinspection of an elevator for the convenience of the owner of the elevator or because the elevator fails to pass the inspection, there shall be a ~~\$25.00~~**35.00** reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

(6) Plan Review Fee:

- a. The fee for the review of building plans shall be \$10.00 for each 1,000 square feet of floor space, or part thereof, reviewed. Such review fee shall be paid at the office of building inspections prior to the plan review or at the discretion of the building official, at the time of permit issuance.
- b. Revised plans: There shall be no fee for the review of revised building plans **unless** such plans are substantially different than the original plans and necessitate the issuance of additional review

Ordinance to Amend and Reordain
 Chapter 4. Building Regulations
 Page 7

comments. Such revised plans shall be subject to an additional fee equal to the fee provided for in subsection (a) above.

(7) ***Certificate of Occupancy inspection:***

- a The fee for an inspection for a **certificate** of occupancy shall be ~~\$25.00~~**\$35.00**
- b. No certificate of occupancy shall be issued until all inspection fees have been paid

(8) ***Mobile Home Installation Fee:***

- a The fee for the inspection of the **installation** of a **mobile** home shall be ~~\$40.00~~**\$50.00**.
- b. The fee for the inspection of the mobile home installation shall supersede any fee **otherwise** required for the inspection for an electrical or plumbing permit for that mobile home.

- (9) ***Reinspection:*** When any building, electrical, mechanical or plumbing inspector is required to make a reinspection **of work** or a mobile home for the convenience **of the** contractor, subcontractor or mobile home owner because of incomplete, inadequate or improper work or **in**stallation, or because the inspector could not obtain reasonable access to the work or mobile hom to be inspected, there shall be a ~~\$25.00~~**\$35.00** reinspection fee for each reinspection, except as otherwise provided herein. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April, 2003

Sanford B. Wanner
Clerk to the Board

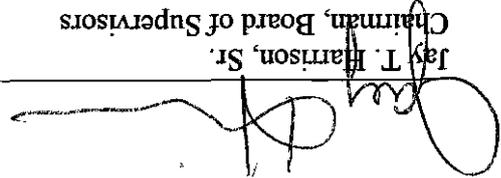


ATTEST:

AYE
AYE
AYE
AYE
BROWNNON
GOODSON
KENNEDY
HABBISON

SUPERVISOR
VOTE

Jay T. Harrison, Sr.
Chairman, Board of Supervisors



Chairman, Board of Supervisors

APR 22 2003

ORDINANCE NO. 85A-15

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND **REORDAIN** CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 8-5, PERMITS, FEES, BONDING ETC.

BE IT ORDAINED by the Board of Supervisors of the County of James City, **Virginia**, that Chapter 8, Erosion and **Sediment** Control, is hereby amended and **reordained** by amending Section 8-5, Permits, fees, bonding, etc.

Chapter 8. Erosion and Sediment Control

Sec. 8-5. Permits, fees, bonding, etc.

(a) Agencies authorized under any other law to issue grading, building, or other **permits** for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment **control** plan and certification that the plan will be followed.

(b) No person may engage in any landdisturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this chapter, **and has** paid the fees and posted the required bond.

(c) Fees. The following administrative fee shall be paid to the **county at the time of submission of the erosion and sediment control plan**

(1) **Residential subdivisions shall pay \$25.0050.00 per lot at the time of submission of the erosion and sediment control plan;**

(2) **All Site plans and other land-disturbing activities shall pay \$300.00600.00 per acre of disturbance for the first 15 acres plus \$200.00400.00 per acre for each additional acre over 15 at the time of submission of the erosion and sediment control plan, and**

~~(3)~~ **A \$25.00 fee shall be required for each single-family residential structure at the time of submission of the building permit application.**

(d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

Ordinance to Amend and Reordain
Chapter 8. Erosion and Sediment Control
Page 2

(e) **Performance surety.** All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit, any combination thereof, or other legal arrangements as is acceptable to the county attorney, to ensure **that** measures could be taken by the county at the applicant's expense should the applicant fail, **after** proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity.

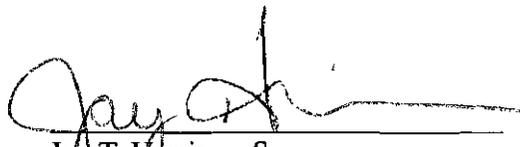
The amount of the **performance** surety shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated **administrative** costs and **inflation** which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within 60 days of adequate stabilization, as determined by the environmental division, in any project or section of a project, such performance surety, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

(f) Any land-disturbing permit shall contain a right of entry to allow the manager or his designees access to the property until a **final** inspection determines that the land is adequately stabilized.

(g) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for **such** permits.

(h) Any approved erosion and sediment control plan shall become null and void one year after the date of issuance of the land-disturbing permit, and no **further** work subject to this chapter shall be allowed unless and until an additional or updated erosion and sediment control plan has been submitted and approved in accordance with the provisions of this chapter or unless all requirements of the approved control plan have been completed in less than one year in accord with such plan and verified by the on-site inspection by the manager.


Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
KENNEDY	AYE
HARRISON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April, 2003