

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

April 23, 2002

7:00 P.M.

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF APRIL, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

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

B. PUBLIC COMMENT

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

C. PLEDGE OF ALLEGIANCE

Mr. Donald Moore, a ninth grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Outstanding Volunteer and Employee Service Awards

Mr. Kennedy and the other Board members presented Outstanding Service Awards to the following: Volunteers and Employees - Allen Atkinson, Janet Crowther, Brett Charbeneau, Crystal Clay, Jenny Payne, Barry Trott, Roslyn Billups, Buster Canaday, Tony Conyers, Don Davis, in absentia, Greg Dohrman, in absentia, Larry Foster, Willie Howlett, Rose King, Ken Middlebrook, Linda Odell, Genevieve Owens, Bill Porter, and Rona Vrooman; Volunteer Teams - Family Mediation Program members: Diane Gilbert, in absentia, Daryl Parks, Eileen Rodden, Andrea Trotter, and Donald Vaden; the Junior Woman's Club of Williamsburg and Dr. Hardin Boyer; and Success and Achievement through Mentoring members: Ed and Barbara Anderson, Linda Tompkins, and Richard and Sandra Reid; Employee Volunteer Teams - Kevin Floyd, Audra Jeppson, Reverend Margaret Kutz, Iris Street, Dr. Barbara B. Richardson, Caroline Rhodes, Carol Schenk, and Reverend Robert Whitehead; and Roslyn Billups, Evangelina Bishop-Crump, Marlene Blakely, Anthony Conyers, Renee Dallman, Kevin Floyd, in absentia, Doris Heath, in absentia, Diane Jackson, Howard Mason, Windy McIlvain, Kelly Morton, Ronnie Nowak, Valerie Overton, Tom Pennington, Caroline Rhodes, Vicki Sprigg, Barbara Watson, Arthur Mallory, Jay Harrison, and representing the *All-Together Group*: Buzz Schmidt and Dr. Baker; Volunteers - Arlyne Derringe, Susan Gootzait, Henry J. Lewis, in absentia, Nancy Rivolta, in absentia, and 1st Sergeant Jerry L. Bristow.

E. PUBLIC COMMENT

1. Ms. Elizabeth Level, Regional Representative for Senator George Allen, extended an invitation to all citizens to provide input, comments, feedback, and suggestions for Senator Allen to her at the James City County Library the third Thursday of each month from 11 a.m. to 1 p.m.

2. Mr. Richard Bradshaw, James City County's Commissioner of the Revenue, reminded citizens, businesses, and manufacturers of upcoming tax filing deadlines, deadlines for citizens to apply for the Tax Relief program; and offered the assistance of the Commissioner of the Revenue's office staff in preparing the State tax forms.

3. Ms. Penny Pulley, 20 Mile Course, read a letter addressed to the Williamsburg-James City County School Board regarding the establishment of the Education Forum and invited the Board to attend the forum.

4. Mr. Ed Oyer, 139 Indian Circle, voiced concern that the Grove Interchange did not alleviate the Busch Gardens congestion on Route 60 E.

Mr. Kennedy recognized Don Hunt, member of the Planning Commission, in the audience.

F. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

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

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

1. Minutes

a. February 26, 2002, Work Session

b. March 26, 2002, Work Session

c. March 26, 2002, Regular Meeting

G. PUBLIC HEARINGS

1. Case No. AFD-1-98. Barrett's Ferry AFD-2002 Renewal

Mr. David Anderson, Planner, stated that Mr. Baxter Bell has applied to renew the four-year term of Barrett's Ferry Agricultural and Forestal District of approximately 210 acres, zoned A-1, General Agricultural, located at 1671 John Tyler Highway, further identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (43-2).

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on February 21, 2002.

The Planning Commission voted 7-0 to recommend approval of the renewal at its meeting on March 4, 2002.

Staff recommended the Board approve the continuance of the Barrett’s Ferry Agricultural and Forestal District for a period of four years with conditions.

Mr. Harrison requested a brief explanation of the Agricultural and Forestal District and the benefits of the District.

Mr. Anderson stated that the District is a voluntary program wherein the landowner offers not to develop their land for a set term and as an incentive, receives a tax break on the land within the District.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. Harrison made a motion to adopt the ordinance.

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

ORDINANCE NO. _____

BARRETT’S FERRY AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-98)

2002 RENEWAL

WHEREAS, the owner of the property comprising the existing 210.49-acre Barrett’s Ferry Agricultural and Forestal District has requested to renew the District for a period of four years; and

WHEREAS, James City County has completed a review of the Barrett’s Ferry Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Barrett’s Ferry Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its February 21, 2002, meeting recommended approval of the application; and

WHEREAS, the Planning Commission, following its public hearing on March 4, 2002, recommended approval of the application.

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

1. The Barrett's Ferry Agricultural and Forestal District is hereby continued for a period of four years beginning the 28th day of April 2002, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the District shall include the following parcels:

(43-2)(1-3) Baxter Bell 210.49 acres

provided, however, that all land within 50 feet of the existing right-of-way on the south side of Route 5, John Tyler Highway, shall be excluded from the District, and that all land within 25 feet of the existing right-of-way on the north side of Route 5, John Tyler Highway, be excluded from the District.

3. That pursuant to the Virginia Code, Section 15.2-4312, as amended, the Board of Supervisors requires that no parcel in the Barrett's Ferry Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically the following restrictions shall apply.

a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and, b) the subdivision does not result in a remnant parcel of less than 25 acres.

b. No land within the Barrett's Ferry Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District.

c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

2. Case No. AFD-12-86. Gospel Spreading Church AFD – Mikula Withdrawal

Ms. Jill Schmidle, Senior Planner, stated that Mr. Thomas Mikula and Mrs. Elva Mikula have applied to withdraw approximately 22.97 acres from the existing Gospel Spreading Church Agricultural and Forestal District, zoned R-8, Rural Residential, located at 2258 and 2264 Lake Powell Road, further identified as Parcel Nos. (1-40) and (1-39) on the James City County Real Estate Tax Map No. (48-3).

Staff found the withdrawal application meets all three criteria for the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area.

The Agricultural and Forestal District Advisory Committee voted 8-0 to approve the withdrawal at its meeting on February 21, 2002.

The Planning Commission voted 7-0 to approve the withdrawal at its meeting on March 4, 2002.

Staff recommended the Board approve the withdrawal request.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. McGlennon made a motion to approve the Ordinance authorizing the withdrawal.

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

ORDINANCE NO. _____

GOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT

(AFD-12-86) MIKULA WITHDRAWAL

WHEREAS, a request to withdraw approximately ±22.97 acres owned now or formerly by Thomas and Elva Mikula, identified as Parcel Nos. (1-40) and (1-39) on James City County Real Estate Tax Map No. (48-3) has been filed with the James City County Board of Supervisors; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its February 21, 2002, meeting, recommended the property be withdrawn by a vote of 8-0; and

WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Planning Commission and at its March 4, 2002, meeting recommended the property be withdrawn by a vote of 7 to 0; and

WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Board of Supervisors of James City County, Virginia; and

WHEREAS, the Board finds that the withdrawal request meets the criteria set forth in the Board of Supervisors' Withdrawal Policy for Agricultural and Forestal District Parcels Within the Primary Service Area, dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby removes that ±22.97 acres owned now or formerly by Thomas and Elva Mikula, as referenced herein from the 994.91-acre Gospel Spreading Church Agricultural and Forestal District.

3. Case No. SUP-1-02. VoiceStream Wireless Extension

Ms. Jill Schmidle, Senior Planner, stated that Ambre Blatter, VoiceStream Wireless, has applied on behalf of Jonathan C. Kinney for a special use permit to extend an existing 190-foot telecommunications tower twenty feet to allow for the co-location on the existing Alltel tower on 196 acres zoned A-1, General Agricultural, located at 10039 Old Stage Road, further identified as Parcel No. (1-10) on the James City County Real Estate Tax Map No. (4-1).

Staff found the proposed addition consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Planning Commission voted 7-0 to approve the proposal with conditions at its meeting on March 4, 2002.

Staff recommended approval of the resolution with the listed conditions.

Mr. McGlennon inquired if the Board could provide guidance regarding the type of lighting on the tower, and inquired how much taller the radio antenna would be above the tower structure.

Ms. Schmidle stated that the FAA regulates the tower lighting and that the radio antenna would extend an additional four feet above the tower structure.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. Goodson made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-1-02. VOICESTREAM WIRELESS EXTENSION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, Ms. Ambre Blatter has applied on behalf of Jonathan C. Kinney, Trustee, for a special use permit to extend an existing 190-foot telecommunications tower twenty feet, for an overall height of 210 feet, plus radio equipment cabinets located at 10039 Old Stage Road; and

WHEREAS, the proposed extension is shown on the plan prepared by GEM Engineering Company titled "VoiceStream Wireless - ATC/Norge," dated January 15, 2002; and

WHEREAS, the property is located on land zoned A-1, General Agricultural District, and can be further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (4-1); and

WHEREAS, the Planning Commission, following its public hearing on March 4, 2002, voted 7-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-1-02 as described herein with the following conditions:

1. All towers shall be designed and constructed for at least three users and shall be certified to that effect by an engineering report prior to final site plan approval.
2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or services the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
4. Following construction of the facility, certification by the manufacturer or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, and demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
5. The applicant shall allow other users to locate on the tower and site, and shall provide the County, upon request, verifiable evidence of having made good-faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.
6. Maximum height of all towers shall not exceed 210 feet, plus radio antenna equipment.
7. The tower shall have a finish that is grey in color. Lighting, beacons, and other similar devices shall be prohibited unless required by the FCC or FAA. When required by the FCC or FAA, a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
8. No advertising material or signs shall be placed on the tower.
9. Prior to installation of equipment other than that of the applicant's, an intermodulation study prepared by a licensed engineer shall be submitted to, and

approved by, the Planning Director or his designee, indicating that no interference with County-operated emergency communications equipment will take place.

10. If the use of the tower, or portions of the tower above the level of the uppermost equipment ceases, and the tower or said portion remains unused as a wireless communications facility or unused as a facility that supports public safety antenna for a period of six months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of any unused facility or part thereof prior to final site plan approval.
11. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option and negotiate in good faith with the County to install public communications equipment on the tower. Evidence of good faith negotiations shall include, but not be limited to, documented and executed lease agreements for similar agreements for public use on a privately owned tower. The County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.
12. A permanent Certificate of Occupancy shall be obtained within one year of approval of this special use permit, or the permit shall become void.
13. The tower shall be freestanding and shall not use guylines for support.
14. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material and/or color to that generally used on a single-family residence and shall be approved by the Director of Planning. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
15. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan prepared by the Timmons Group titled "360° Communications - Norge Site," dated March 24, 1997, and site plan prepared by GEM Engineering Company titled "VoiceStream Wireless - ATC/Norge," dated January 15, 2002. Such lease area shall remain free of all strictures until such time a second tower is constructed and the additional tower shall be subject to an administrative approval only. Said tower shall meet all requirements of this special use permit.
16. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.
17. Existing trees in the ravines of the parcel and along the parcel's Interstate 64 frontage shall be retained for screening purposes and shall not be timbered while a tower or towers remain on the property. These areas are identified as Areas 1 and 3 on the map entitled "HDWD MGMT AREA," prepared by Chesapeake Forest Products, dated February 1970.
18. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-3-02. Truswood Waterline Extension

Mr. Christopher Johnson, Senior Planner, stated that Kevin Rhind, Truswood Properties, LLC, and Mark Rinaldi, LandMark Design Group, have applied on behalf of the James City County Industrial Development Authority, Williamsburg Developments, Inc., BASF, Corp, and Truswood Properties, LLC., for a special use permit to allow for the construction of a 16-inch waterline between the James River Commerce Center and the Truswood property, located from Endeavor Drive, across BASF property, to the Truswood site, further identified as Parcel Nos. (1-3), (1-4), (1-5A), (1-17) and (1-45) on James City County Real Estate Tax Maps Nos. (59-4) and (59-2).

Staff found the proposal, with conditions, would not impact surrounding development and is consistent with the Comprehensive Plan.

The Planning Commission voted 6-0 to recommend approval of the project at its meeting on March 4, 2002.

Staff recommended approval of the application.

Mr. Kennedy opened the public hearing.

1. Mr. Mark Rinaldi, Senior Planner with LandMark Design Group and representing the applicant, stated that the applicant agrees with and accepts the conditions presented by the staff and requested approval of the application.

2. Mr. Sterling Nichols, Chairman of the County's Industrial Development Authority, requested the Board approve the proposal and stated the proposal will benefit the commerce park and the development of a second shell building thereby attracting industries to the site.

Mr. Kennedy closed the public hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-3-02. TRUSWOOD WATERLINE EXTENSION

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the applicant has requested a special use permit to allow for the construction of a 16-inch waterline to be constructed between the James River Commerce Center, through a portion of the BASF property, to the Truswood properties; and
- WHEREAS, the general alignment is shown on that certain plan entitled, "Conceptual Corridor Alignment 16" Water Transmission Main Extension," prepared by LandMark Design Group and dated February 5, 2002; and
- WHEREAS, the James River Commerce Center is currently zoned M-1, Limited Business/Industrial, and the BASF and Truswood properties are zoned M-2, General Industrial; and
- WHEREAS, the James River Commerce Center is designated for Mixed Use while the BASF and Truswood properties are designated for General Industry on the 1997 Comprehensive Plan Land Use Map; and
- WHEREAS, the properties in which the waterline extension would be located are (59-4)(1-3), (59-4) (1-4), (59-4)(1-5A), (59-2)(1-17) and (59-2)(1-45); and
- WHEREAS, on March 4, 2002, the Planning Commission recommended approval of the application by a vote of 6-0, with one abstention.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-3-02 as described herein with the following conditions:

1. Archaeological studies shall be performed in accordance with the James City County Archaeological Policy for all land disturbed within the "Proposed 16" water transmission main extension corridor," as identified on the Master Plan entitled "Conceptual Corridor Alignment - 16" water transmission main extension," prepared by LandMark Design Group and dated February 5, 2002.
2. Natural resource studies shall be performed in accordance with the James City County Natural Resource Policy for all land disturbed within the "Proposed 16" water transmission main extension corridor," as identified on the Master Plan entitled "Conceptual Corridor Alignment - 16" water transmission main extension," prepared by LandMark Design Group and dated February 5, 2002.
3. The location of any Resource Protection Area (RPA), RPA buffer, steep slope (i.e., slopes greater than 25 percent in grade) and/or wetland shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. The identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.

4. For all portions of the construction easement that have been cleared, but that do not need to remain clear after construction, as determined by the Planning Director, tree seedlings shall be planted in accordance with the Virginia Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Director of Planning. This reforestation plan shall be submitted within one year of clearing the easement. The reforestation of this easement shall be completed, as determined by the Director of Planning, within two years of clearing the easement. It shall be the responsibility of the developer to provide surety prior to final site plan approval for the pipeline construction guaranteeing implementation of the reforestation plan and to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.
5. The final location of the pipeline shall be approved by the Director of Planning. However, the final location of the pipeline and all construction related activity shall avoid previously undisturbed areas of the RPA and the RPA buffer. Should the pipeline alignment need to cross a previously undisturbed RPA or previously undisturbed RPA buffer, the pipeline shall be bored underground to avoid any aboveground disturbance. Previously uncleared portions of the RPA and RPA buffer shall remain generally undisturbed, except as determined by the Environmental Director.
6. Any crossing of the BASF sanitary sewer line and/or pump station, shall be reviewed and approved by the James City Service Authority.
7. Prior to the issuance of preliminary site plan approval, an agreement and plan, including implementation time lines, must be reviewed and approved by the James City Service Authority on how the two Truswood properties, Tax Map IDs: (59-4)(1-4) and (59-4)(1-5A), will be served with public sewer.
8. The project shall comply with all Virginia Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, as amended.
9. All required permits and easements, including necessary approvals from the Newport News Water Works, shall be obtained prior to the start of construction, as defined in the James City County Zoning Ordinance.
10. Construction, operation, and maintenance shall comply with all local, State, and Federal requirements, including all Newport News Water Works requirements.
11. A Land Disturbing Permit shall be obtained by the developer within 24 months of the date of this SUP or the permit shall be void.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. SUP-18-01. Waltrip Communications Tower (deferred from March 12, 2002)

Mr. Christopher Johnson, Senior Planner, stated that the applicant revised the application after the Board deferred the case on March 12. Due to the change in the proposal and that staff still finds the proposed tower not to be consistent or compatible with existing surrounding structures and zoning; not to be consistent

with the Comprehensive Plan, and does not meet the County's "Performance Standards for Wireless Communications Facilities," staff recommended the application be remanded back to the Planning Commission for consideration.

Mr. Kennedy opened the public hearing.

Mr. Goodson stated that several citizens wanted to speak to this issue and recommended they provide input to the Board when the case comes back before the Board.

Mr. Goodson made a motion to remand the case back to the Planning Commission.

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

6. Case No. SUP-5-02. Lafayette High School Temporary Classroom Trailers
- Case No. SUP-6-02. Jamestown High School Temporary Classroom Trailers
- Case No. SUP-7-02. Toano Middle School Temporary Classroom Trailers
- Case No. SUP-8-02. Clara Byrd Baker Elementary School Temporary Classroom Trailers
- Case No. SUP-9-02. D. J. Montague Elementary School Temporary Classroom Trailers

Mr. Christopher Johnson requested the Board hear the five cases together so that the Board would get only one staff report.

Mr. Brown requested that the cases be presented in bulk by the staff, but that the Board consider each application individually.

Mr. Christopher Johnson, Senior Planner, stated that the Schools have submitted a letter to withdraw Case No. SUP-7-02. Toano Middle School Temporary Classroom Trailers, and Case No. SUP-8-02. Clara Byrd Baker Elementary School Temporary Classroom Trailers which extended the time limit on existing classroom trailers. Without Board objection Mr. Johnson presented the remaining three cases for Board consideration.

Mr. Johnson stated that Michael E. Thornton, on behalf of the Williamsburg-James City County Public Schools, has applied for three special use permits to allow the placement of one new double trailer at Lafayette High School for temporary classrooms, one new double trailer at Jamestown High School for temporary classrooms, and a double trailer with associated handicapped accessible ramps at D. J. Montague Elementary School for a temporary classroom in accordance with Section 24-109 of the Zoning Ordinance of James City County.

Staff found the proposal to be consistent with surrounding zoning and development and consistent with the Comprehensive Plan.

Staff recommended approval of the three proposals with the condition that the permit shall be valid until July 1, 2006.

Mr. Kennedy opened the public hearing.

1. Mr. Michael E. Thornton, applicant, stated that he would answer any questions the Board may have regarding the applications.

Mr. Brown inquired about the annual rental or lease fee associated with each double trailer.

Mr. Thornton stated that the cost ranges from \$900 to \$1,100 per month/per double trailer.

Mr. Brown inquired about the installation costs associated with placing the trailers on site and associated costs for getting the trailers equipped with utilities and supplies.

Mr. Thornton stated that the estimated cost would be about \$175,000 to \$195,000.

Mr. Brown inquired about the financial contribution of the agency running the day care centers in the Schools.

Mr. Thornton stated that the agency does not make cash contributions.

Mr. McGlennon inquired how many classrooms would be added to the high schools with the addition of the double trailers.

Mr. Thornton stated that the high schools would gain two additional classrooms each.

Mr. Kennedy inquired if the need for the additional temporary trailers is driven by curriculum needs or by enrollment increases.

Mr. Thornton stated that he does not have information regarding that question and would be willing to obtain the information and relay it back to the Board.

Mr. Goodson inquired if a teacher would be assigned to a room in the temporary trailer, or if the classrooms would be utilized by rotating classes.

Mr. Thornton stated that he does not have information regarding that question and would be willing to obtain the information and relay it back to the Board.

Mr. Harrison stated that he thought the trailer requests were based on program needs, such as AVID moving to the high schools, more so than enrollment.

Mr. Kennedy and Mr. McGlennon requested clarification regarding the temporary trailers use as accommodation for curriculum needs due to additional programs being offered, or due to more class space needed to accommodate the enrollment in expanding classes.

2. Mr. Tony Dion, 102 Fairmont Drive, stated that the additional classrooms are being requested for accommodation of programs, stated concern that taxpayers are contributing towards day care, a program that is not a part of the Schools' mission statement, inquired how many trailers would be needed if the minimum class size of many classes were moved from 12 to 15 students, and thanked the Board for its questions addressed to the Schools regarding a third secondary facility.

3. Ms. Penny Pulley, 20 Mile Course, requested clarification regarding the AVID program.

Mr. Harrison stated that the AVID program is offered to students needing management skills to allocate their time and resources wisely in order to be successful in school.

Mr. McGlennon stated that several Commonwealth of Virginia schools have implemented the AVID program.

Ms. Pulley inquired if the AVID program is contributing to the need for additional classrooms.

Mr. Thornton stated that the Schools rely on instructional experts to guide them in space needs.

Mr. Kennedy inquired about the removal of trailers from the elementary school and if the desks, supplies, etc. could be reused in these proposed trailers.

Mr. Thornton stated that they would be reused.

The Board and applicant held a brief discussion regarding the hookups of utilities and other fixtures associated with the placement of trailers at the sites.

Mr. Kennedy closed the public hearing.

The Board and applicant discussed the impact of the daycare centers in the high schools, the impact of a deferral of the cases for two weeks on the School's deadlines, and outlining specific questions in writing to the Schools for consideration prior to the case coming back before the Board.

Mr. Kennedy deferred the cases to April 23, 2002.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, showed the Board a drawing provided by the Virginia Department of Transportation (VDOT) on the Grove interchange.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the proposed Budget for FY2003/2004 is available to citizens at the County Complex and on-line.

Mr. Wanner stated that on April 23, 2002, at 7 p.m. the Board will hold a public hearing on the proposed Budget, on April 30, May 2, and May 8, at 7 p. m., the Board will hold Budget Work Sessions, and it is anticipated that the Board will adopt the Budget at its meeting on May 14, 2002.

Mr. Wanner recommended the Board go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions.

J. BOARD REQUESTS AND DIRECTIVES - None

K. CLOSED SESSION

Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions.

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

Mr. Kennedy convened the Board into closed session at 8:39 p.m.

At 8:41 p.m. Mr. Kennedy 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, Harrison, Kennedy (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)(1), appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to appoint Peggy Boarman to an unexpired term on the Clean County Commission, term to expire on July 10, 2004; and to approve the appointments of Julie Leverenz and Lynne Filyaw-Boca to the Stormwater Management Advisory Committee.

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

L. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until 4 p.m. on April 23, 2002.

Mr. Harrison made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 8:43 p.m.

Sanford B. Wanner
Clerk to the Board

040902bs.min

**“Powhatan Village” Recorded Subdivision Name Change Request to “The Villages at Powhatan”
Staff Report for April 23, 2002, Board of Supervisors Consent Calendar**

This staff report is prepared by the James City County Planning Division to provide information to the Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
Board of Supervisors: April 23, 2002, 7:00 p.m.

SUMMARY FACTS

Land Owner/Developer: Centex Homes

Developer Contact: Eric Markowski - Phone (757) 312-9660

Current Legal Name: Powhatan Village

Desired Legal Name: The Villages at Powhatan

Location: North of News Road and East of Powhatan Secondary

Tax Maps and Parcel Nos.: (38-3)(1-21), (37-4)(1-11), (37-4)(1-12)

Primary Service Area: Inside

Number of Lots Recorded: 52 lots total (21 recorded lots in Phase 1 and 31 recorded lots in Phase 2)

Project Size: 209 lots total on 30.7 acres

Existing Zoning: All properties are zoned R-4, Planned Community Residential, and are part
of Powhatan Secondary Master Planned Community

Comprehensive Plan: Low-Density Residential

Staff Contact: Leah M. Nelson - Phone: (757) 253-6685

History:

This project is located on one of the few remaining undeveloped parcels within the Powhatan Secondary Master Planned Community. Earlier this year, Centex Homes submitted and received final site plan approval for 209 units on approximately 30 acres. The first two phases of the project received final subdivision approval. The plats were subsequently recorded at the James City County Courthouse.

Following recordation of the two plats, the developer requested a name change in the project. Section 19-54 (b) of the “Subdivision Ordinance of James City County” states that “names of existing streets or subdivision shall not be changed except by approval of the governing body.”

Staff Recommendation:

No County or State agencies have voiced any opposition to the name change. James City County Emergency Medical Services, Fire Department, Real Estate Assessments, and Development Management, were consulted along with the Virginia Department of Transportation (VDOT), and the James City Service Authority, and none had any concerns about the proposed name change. Staff has also received a letter (attached) from Centex Homes stating that all potential lot purchasers have been made aware of the name change. However, all lots are still owned by Centex Homes.

Staff recommends the Board of Supervisors approve this request to change the name of the “Powhatan Village” recorded subdivision to “The Villages at Powhatan.”

Leah M. Nelson

CONCUR:

O. Marvin Sowers, Jr.

LMN/gs
powvlg.wpd

Attachments:

1. Location Map
2. Letter requesting name change
3. Letter confirming name change to lot purchasers
4. Resolution

RESOLUTION

“POWHATAN VILLAGE” RECORDED SUBDIVISION NAME CHANGE REQUEST TO

“THE VILLAGES AT POWHATAN”

WHEREAS, all requirements for a name change to a recorded subdivision have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the name of the “Powhatan Village” recorded subdivision, as described below, be changed to “The Villages at Powhatan.”

Land Owner/Developer:	Centex Homes
Current Legal Name:	Powhatan Village
Desired Legal Name:	The Villages at Powhatan
Location:	North of News Road and East of Powhatan Secondary
Tax Maps and Parcel Nos.:	(38-3)(1-21), (37-4)(1-11), (37-4)(1-12)
Primary Service Area:	Inside
Number of Lots Affected:	52 lots total (21 recorded lots in Phase 1 and 31 recorded lots in Phase 2)
Project Size:	209 lots total on 30.7 acres

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of April, 2002.

powvlg.res

MEMORANDUM

DATE: April 23, 2002
TO: The Board of Supervisors
FROM: Katie Green, Colonial Community Corrections Administrator
SUBJECT: Revised Joint Exercise of Powers Agreement - Colonial Community Criminal Justice Board

In 1996, the member localities of Colonial Community Corrections adopted a Joint Exercise of Power Agreement creating the Colonial Community Criminal Justice Board (CCCJB). The purpose of this Agreement was to establish the purpose, organization, and responsibilities of the CCCJB.

Due to extensive changes in the Code of Virginia, the existing Joint Exercise of Powers Agreement is in need of revision. With the assistance of the James City County Attorney's office and the attorneys representing the participating localities, revisions were made to the attached document.

One proposed revision to the Agreement that is not required by the Code of Virginia changes the organization and composition of the CCCJB. Currently, the CCCJB consists of twelve members. Three members each are appointed by James City County and York County, two members each by the Cities of Williamsburg and Poquoson, and one each by New Kent County and Charles City County. The revised Joint Exercise of Powers Agreement states that each locality will appoint four members to the CCCJB and anticipates that mandated membership requirements will be met.

The CCCJB recommends approval of the revised Joint Exercise of Power Agreement. Staff also recommends approval of the attached resolution.

Katie Green

CONCUR:

Anthony Conyers, Jr.

KG/gs
ccjb.mem

Attachments

RESOLUTION

APPROVAL OF REVISIONS TO THE JOINT EXERCISE OF POWERS AGREEMENT -

COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, the revisions to the Joint Exercise of Powers Agreement reflect the changes in the Code of Virginia that establish the Community Criminal Justice Boards; and

WHEREAS, the attorneys representing the Counties of Charles City, James City, New Kent, and York, and the Cities of Poquoson and Williamsburg assisted in drafting the revisions to the Joint Exercise of Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the revised Joint Exercise of Powers Agreement for the Colonial Community Criminal Justice Board.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of April, 2002.

ccjb.res

MEMORANDUM

DATE: April 23, 2002
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: Landscaping - Monticello Avenue

The Virginia Department of Transportation (VDOT), through its revenue sharing match program, has \$300,000 available for enhanced landscaping for Monticello Avenue. They have agreed to let the County manage the program and will reimburse the County for up to \$300,000. The attached resolution identifies the \$300,000 in VDOT funds and appropriates that amount for road improvements.

Staff recommends approval of the attached resolution.

John T. P. Horne

JTPH/adw
landscape.mem

Attachment

RESOLUTION

LANDSCAPING - MONTICELLO AVENUE

WHEREAS, the Virginia Department of Transportation (VDOT) has agreed to reimburse up to \$300,000 for the landscaping of Monticello Avenue.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby agrees to amend the Capital Budget and appropriate the following:

Revenues:

From VDOT - Monticello Landscaping	<u>\$300,000</u>
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Expenditures:

Road Improvements - Monticello Avenue	<u>\$300,000</u>
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James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Secretary to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of April, 2002.

landscape.res

**SPECIAL USE PERMITS-5-02, 6-02, 9-02. Temporary Classroom Trailers
Staff Report for April 23, 2002, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Board of Supervisors to assist them in making a recommendation on these applications. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Board of Supervisors: Building C Board Room; County Government Complex
April 9, 2002, 7:00 p.m. (deferred)
April 23, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Michael E. Thornton, on behalf of Williamsburg-James City County Public Schools

Proposed Use: Placement of one new temporary classroom trailer at Lafayette High School, Jamestown High School, and D. J. Montague Elementary School.

Location: Lafayette High School - 4460 Longhill Road; Powhatan District
Jamestown High School - 3751 John Tyler Highway; Berkeley District
D.J. Montague Elementary School - 5380 Centerville Road; Powhatan District

Tax Maps and Parcel Nos.: Lafayette High School - (32-3)(1-1)
Jamestown High School - (46-1)(1-2D)
D. J. Montague Elementary School - (31-3)(1-49)

Parcel Size: Lafayette High School - R-2, General Residential; 50 acres
Jamestown High School - R-1, Limited Residential; 80 acres
D. J. Montague Elementary School - R-8, Rural Residential; 23 acres

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

These cases were deferred at the April 9, 2002, Board of Supervisors public hearing due to questions concerning school enrollment projections and curriculum options. As of this writing, no new information has been provided by the applicant to address issues raised by the Board. Staff continues to find these proposals consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board approve these proposals with the conditions listed in the attached resolution.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/OMS/gs
sup-5,6,9-02

Attachments:

1. Resolution
2. Site location map for Lafayette High School
3. Site location map for Jamestown High School
4. Site location map for D. J. Montague Elementary School

RESOLUTION

CASE NO. SUP-5-02. LAFAYETTE HIGH SCHOOL

CASE NO. SUP-6-02. JAMESTOWN HIGH SCHOOL

CASE NO. SUP-9-02. D.J. MONTAGUE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of these special use permit applications 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 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); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer 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); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at D.J. Montague Elementary School on property owned and developed by the applicant located at 5380 Centerville Road, and further identified as Parcel No. (1-49) on James City County Real Estate Tax Map No. (31-3).

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

These permits shall be valid until July 1, 2006.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of April,
2002.

sup5,6,9-02.res

MEMORANDUM

DATE: April 23, 2002
TO: The Board of Supervisors
FROM: Suzanne Mellen, Director of Budget and Accounting
SUBJECT: FY 2003/FY 2004 County Budget

The purpose of the public hearing is to invite public comment on any aspect of the budget, with the expectation that those public comments would become part of the agenda for the upcoming budget work sessions.

No action is expected of the Board at this meeting, but any questions would be helpful as we prepare for the budget work sessions. We expect to ask that the Board adopt the budget, as amended during the budget work sessions, at its meeting on May 14, 2002.

Suzanne Mellen

CONCUR:

John E. McDonald

SM/adw
fy03bud.mem

M E M O R A N D U M

DATE: April 23, 2002
TO: Board of Supervisors
FROM: Larry M. Foster, General Manager, James City Service Authority
SUBJECT: Case No. SO-1-02 - Subdivision Ordinance Amendment

Attached for your consideration is an ordinance increasing the water and sewer line inspection fee from \$0.62 per foot to \$1.43 per foot. The change is necessary to recover from the developer the inspection expenses incurred by the James City Service Authority. The fee increase would cover the actual costs incurred. This fee has not changed since April 1990. If approved by the Board, the new fee would be effective on July 1, 2002. On February 4, 2002, the Planning Commission unanimously approved these proposed changes.

Staff recommends approval of the attached ordinance.

Larry M. Foster

LMF/gb
so-1-02subdivord.mem

Attachment

ORDINANCE NO.

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 Article I, General Provisions, Section 19-15, Fees.

Chapter 19. Subdivisions

Article I. General Provisions

Section 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 subdivision shall be \$105.00 per plan plus \$60.00 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 per plan plus \$60.00 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.

- (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 ~~\$0.62~~ *\$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.

This ordinance shall become effective on July 1, 2002.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of April,
2002

M E M O R A N D U M

DATE: April 23, 2002

TO: The Board of Supervisors

FROM: Richard M. Miller, Fire Chief

SUBJECT: Ordinance Amendments - Chapter 4, Building Regulations, and Chapter 9, Fire Protection, Fire Department Fees

The attached Ordinances impose inspection fees for certain non-emergency services currently provided by the Fire Department. These fees are included in the submitted FY 2003/2004 biennial budget. The FY 2003/2004 proposed budget includes \$32,500 annually to recover some costs of the services provided.

The Fire Department currently charges for open burning and fireworks permits. The *Virginia Statewide Fire Prevention Code* allows for the permit fees. The existing fees partially offset the cost of permit processing, site inspection, and any complaint follow-up to ensure safe open burning sites and fireworks displays.

The Fire Department performs numerous non-emergency functions, mainly in the training and fire prevention arenas. Training costs are offset by charging student user fees when appropriate. Several fire prevention and administrative functions are regularly performed without cost recovery, including routine fire prevention inspections and certain building code inspections.

The proposed fees are as follows:

Routine Inspection Fees

The Fire Department conducts inspections for compliance with the *Virginia Statewide Fire Prevention Code (VSFPC)*, as adopted by James City County. The *VSFPC* and Section 27-98 of the *Code of Virginia*, allows for fees to be levied by the local government to defray costs of enforcement. Board-appointed fire marshals within the Fire Prevention Division perform the code enforcement inspections in public facilities. Routine inspections are comprehensive code enforcement inspections performed on a regular schedule with fire prevention and life safety being the primary target areas. The property owner will be billed upon inspection, not more than once per year. Current fire marshal staffing will not likely allow for more than a four-year inspection cycle. **A fee schedule is proposed for routine inspections: \$25 for buildings 10,000 square feet or less; \$75 for 10,001 to 50,000; \$150 for 50,001 to 100,000; and, \$300 for greater than 100,000 or for buildings with 12 or more tenant spaces.**

New Construction Inspection Fees

The Fire Department, in cooperation with the Code Compliance Division, performs certain building code inspections. The building official charges inspection fees for services provided; the Fire Department does not recover costs for similar services provided. Board-appointed fire marshals assist with fire protection system (fire sprinkler, kitchen range hood suppression, fire alarm, etc.) acceptance tests and with certificate of occupancy inspections (excluding one- and two-family dwellings). **The proposed fee: \$25 to be added to building permit fee schedule for commercial kitchen range hood systems, fire alarm systems, fire suppression systems, and certificates of occupancy requests.**

Proposed Administration of Fees

The Routine Inspection Fees are proposed to be billed upon inspection with payment required in 30 days. Delinquent accounts are proposed to be handled in an existing method by the County Attorney. New Construction Inspection Fees are proposed to be collected at the time of permit application with the Code Compliance Division. The same fees should be included in the total permit fees. All fees received are proposed to be deposited into the General Fund account.

Staff recommends approval of the attached Ordinances at the May 14, 2002, regular meeting.

Richard M. Miller

CONCUR:

Sanford B. Wanner

RMM/gs
ordinspectionfees.mem

Attachments

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 9-3, AMENDMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Fire Protection, is hereby amended and reordained by amending Section 9-3, Amendments, by adding Subsection (15), Routine fire inspections and fees.

Chapter 9. Fire Protection

Article I. Fire Prevention Code

Section 9-3. Amendments.

The fire prevention code is hereby amended, modified and changed as set out in the following subsections of this section.

(15) *Section F-109.4, Routine fire inspections and fee schedule, is hereby added:*

(a) *The fire department shall establish a routine fire inspection program for all structures in James City County other than those designated as exempt in section F-109.1, Inspection. "Routine fire inspections" shall mean any comprehensive inspections for the enforcement of the Virginia Statewide Fire Prevention Code, excluding inspections conducted based on complaint, observed violations, or new construction (building code) inspections. The fire official shall determine the frequency of such inspections.:*

(b) The fire department shall levy the following fees for routine fire inspections of public buildings. The square footage identified below also applies to multiple buildings on the same parcel as a cumulative total:

- 1. 10,000 square feet or less \$25*
- 2. 10,000 to 50,000 square feet 75*
- 3. 50,000 to 100,000 square feet 150*
- 4. greater than 100,000 square feet or buildings
with twelve (12) or more tenant spaces 300*

(c) The fees outlined in subsection (b) above shall not be charged to governmental agencies.

(d) Fees shall be charged to the building owner.

(e) The fees established by this section shall be due and payable from the date that a statement of accounting reflecting the charge is mailed by the county to the last known address of the building owner. The last known address shall be that address on file with the county assessor unless the fire department is aware of a more recent address. The charges established by this section shall be maintained in an open account in the name of the building owner. Any account that is more than thirty (30) days delinquent may be forwarded to the county attorney for collection. Should

legal action be required to collect such charges, the county also shall be entitled to attorney's fees equal to 25 percent of the total amount due.

(f) Routine fire inspection fees shall not be charged more often than once per year for each building inspected.

State Law Reference - Authority of county to adopt enforcement fees, Code of Va., § 27-98.

The effective date of this ordinance shall be July 1, 2002.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of April, 2002.

fireprotect.ord

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, 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, by adding Subsection (10), Fire department new construction inspection fees.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 2. Permit and Inspection Fees

Section 4-8. Generally.

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

(10) Fire Department New Construction Fees.

- a. In addition to fees collected for building code permits and inspections, a fee of \$25.00 shall be charged to the permit applicant for the following inspections when a fire department employee will participate in such inspections:
 1. Fire protection system acceptance tests (including fire alarm, fire sprinkler, standpipe, fire pump)
 2. Commercial range hood fire suppression system acceptance tests.

3.. Certificate of Occupancy inspections excluding single- and two-family residences.

State Law Reference - Authority of county to adopt fire prevention code enforcement fees, Code of Va., § 27-98.

The effective date of this ordinance shall be July 1, 2002.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of April, 2002.

fireconstfee.ord

MEMORANDUM

DATE: April 23, 2002

TO: The Board of Supervisors

FROM: Thomas R. Pennington, Director, Information Resources Management
Leo P. Rogers, Deputy County Attorney

SUBJECT: Lease Amendment - American Tower, L.P.

Attached for consideration is a resolution authorizing the County Administrator to sign an amendment to the Lease Agreement with American Tower, L.P. On February 27, 2001, the Board of Supervisors authorized a lease of 2,500 square feet of land at 101 Mounts Bay Road, the Government Center. Pursuant to the Lease Agreement, American Tower, L.P., has been paying the \$1,000 monthly rent. American Tower, L.P., is now looking to construct a tower on the site and the County is in the process of constructing a new building adjacent to the site. An amendment to the Lease Agreement is necessary in order to accommodate the access, utility, and construction needs of each of the parties.

The First Amendment to Lease Agreement modifies the site designated in the original Lease Agreement as shown on the attached drawing. Specifically, the changes to the Lease Agreement are as follows:

1. Approximately 15 square feet of the original leased site would be returned to the County for the construction of a new access road for both the County building and the American Tower, L.P., site;
2. Approximately 250 square feet at the front of the American Tower, L. P., site would be a shared use area. In this 4-foot wide by 62.5-foot long strip adjacent to the road, the County would install three fiber optic two-inch wide conduit pipes to provide data and communication services. American Tower, L.P., would be able to use this strip in a manner which is consistent with the County's use; and
3. An additional 400 square feet, a ten-foot by forty-foot area, would be added to the western side of the original site to provide compensation to American Tower, L.P. for the above reductions to the original site. This would allow American Tower, L.P., to develop the property as originally planned.

We recommend adoption of the attached resolution authorizing execution of the First Amendment to the Lease Agreement.

Thomas R. Pennington

Leo P. Rogers

TRP/tlc
tower.mem

Attachments

RESOLUTION

LEASE AMENDMENT - AMERICAN TOWER, L. P.

WHEREAS, James City County owns a 60 ± acre site commonly known as the Government Center, 101 Mounts Bay Road, and designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1) (the “Property”); and

WHEREAS, on February 27, 2001, the Board of Supervisors authorized the lease of 2,500 square feet of the Property (“Leased Site”) to American Tower, L.P.; and

WHEREAS, the County and American Tower, L.P. wish to amend the lease in order to coordinate construction of improvements and utilities of the Property and Leased Site; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should amend the Lease Agreement to a portion of the Property on the terms and conditions contained in the First Amendment to Lease Agreement dated April 23, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the First Amendment to Lease Agreement between James City County and American Tower, L.P. for a portion of the Property and such other memorandum, agreements, or other documents as may be necessary to effectuate the lease.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of April, 2002.

lease.mem