

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 25, 2002

7:00 P.M.

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2. July – Recreation and Parks Month

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 - a. Historic Triangle Bicycle Advisory Committee Appointments
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N. ADJOURNMENT

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director, Division of Parks and Recreation
SUBJECT: July - Recreation and Parks Month

The National Recreation and Park Association has designated July as Recreation and Parks Month. Events highlighting the benefits of parks and recreation will be scheduled throughout the month.

Staff recommends approval of the attached resolution.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/adw
julyrecrepark.mem

Attachment

RESOLUTION

JULY - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities touch the lives of individuals, families, and groups, positively impacting the health of our citizens and the social, economic, and environmental quality of our community; and

WHEREAS, parks, greenways, open spaces, and trails provide a welcome respite from our fast-paced lifestyles while simultaneously protecting and preserving our natural environment; and

WHEREAS, July 2002 has been designated as Recreation and Parks Month by the National Recreation and Park Association and the James City County Parks and Recreation Advisory Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and recognizes that they are essential to the quality of life.

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 25th day of June, 2002.

julyrecpark.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Streets in Settlers Mill, Section 6

Attached is a resolution requesting acceptance of certain streets in Settlers Mill, Section 6 into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/adw
settersmill0650c.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN SETTLERS MILL, SECTION 6

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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 25th day of June, 2002.

settersmill0650c.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: Anthony Conyers, Jr., Manager of Community Services
SUBJECT: Resolution of Appreciation – Edward T. Overton, Jr.

Edward T. Overton, Jr., Unit Director of the James City County Virginia Cooperative Extension Office, has announced his retirement effective July 1. Mr. Overton is only the fourth County agent in the 95 years that Virginia Cooperative Extension has operated in James City County.

Mr. Overton has served Virginia Cooperative Extension for 31 years, 22 of those years in James City County. In his position, he has been charged with developing, implementing, and evaluating educational programs that address priority concerns, needs, and issues.

During his tenure, Mr. Overton has worked with the County farmers to maintain a profitable and sustainable agricultural industry. His efforts have resulted in higher yields, better management of costs of production, higher quality and safer farm products, improved marketing skills, and agricultural diversification. Mr. Overton helped found the James City Growers Cooperative Marketing Association.

In addition, Mr. Overton developed and implemented programs to protect water quality and enhance water conversation. His efforts have resulted in practice changes that used fertilizer and pesticide products more effectively and reduced negative effects of nutrients and pesticides on the environment. The Turf Love Urban Nutrient Management Educational Program and the Weather Based Integrated Pest Management Advisory Programs are two model initiatives that Mr. Overton developed to protect water quality.

Mr. Overton has also recruited, trained, and managed volunteers to provide a vast amount of services to the community. Examples include 4-H, the Extension Leadership Council, the County Fair, and Master Gardeners. The Master Gardeners alone have volunteered 130,000 hours since their inception to helping Extension provide educational programs and services to more than 90,000 clientele over the past 19 years.

Staff recommends that the Board adopt the resolution of appreciation.

Anthony Conyers, Jr.

AC/gb
overton.mem

Attachment

RESOLUTION OF APPRECIATION

EDWARD T. OVERTON, JR.

WHEREAS, Edward T. Overton, Jr., Unit Director of the James City County Virginia Cooperative Extension Office, is retiring; and

WHEREAS, Ed has served Virginia Cooperative Extension for 31 years and has served James City County for 22 of those years; and

WHEREAS, during his tenure, Ed worked to maintain a profitable and sustainable agricultural industry; developed a Master Gardener program; endeavored to protect water quality and enhance water conservation; and recruited, trained, and managed numerous volunteers; and

WHEREAS, Ed constantly demonstrated the highest level of dedication and professionalism in his job.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and honors Edward T. Overton, Jr., for his 22 years of dedicated service to the citizens of James City.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby wish Edward T. Overton, Jr. a long, healthy, and happy retirement.

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 25th day of June, 2002.

overton.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: Kenneth W. Middlebrook, Deputy Chief of Police
SUBJECT: Carry Forward Funds – DCJS Grant for Records Management System

The Department of Criminal Justice Service (DCJS) awarded a Records Management Grant during FY 02 to the Police Department in the amount of \$134,900 (\$101,175 DCJS funds and \$33,725 in matching funds). The grant was accepted on January 8, 2002, by the Board of Supervisors. Since that time, a bid process has been completed by the Purchasing Department and the vendor was only recently selected. Therefore, no funds will be expended by June 30, 2002. It is requested that \$134,900 be declared a continuing appropriation into the FY 03 Budget.

Staff recommends approval of the attached resolution.

Kenneth W. Middlebrook

CONCUR:

Sanford B. Wanner

KWM/gb
DCJSgrant.mem

Attachment

RESOLUTION

CARRY FORWARD FUNDS – DCJS GRANT

WHEREAS, the Police Department applied for and received a grant from the Department of Criminal Justice Services for a new Records Management System in the amount of \$134,900 in FY 2002; and

WHEREAS, the Board of Supervisors approved the acceptance of the grant and the necessary matching funds on January 8, 2002; and

WHEREAS, the Police Department will not expend any grant funds by June 30, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declare \$134,900 as a continuing appropriation from the FY 02 Police Department's budget (001-062-0530) to be carried forward to the FY 03 Budget for the purpose of installing the Records Management System.

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 25th day of June, 2002.

DCJSgrant.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: Kenneth W. Middlebrook, Deputy Chief of Police
SUBJECT: Carry Forward Funds - Bulletproof Vest Partnership Program Grant

The Bulletproof Vest Partnership Program approved \$4,094.56 in grant funds during FY 2002. The grant was accepted by the Board of Supervisors on July 24, 2001. Of these funds, only \$949.68 will be spent by June 30, 2002. The grant funds are eligible to be continued for a period of four years from the date awarded. Therefore, it is requested that \$3,144.88 be declared a continuing appropriation into the FY 03 Budget.

Staff recommends that the attached resolution be approved.

Kenneth W. Middlebrook

CONCUR:

Sanford B. Wanner

KWM/gb
vest.mem

Attachment

RESOLUTION

CARRY FORWARD FUNDS - BULLETPROOF VEST PARTNERSHIP PROGRAM

WHEREAS, the Police Department applied for and received a grant from the Bulletproof Vest Partnership Program in the amount of \$4,094.56 in Fiscal Year 2002; and

WHEREAS, the Board of Supervisors approved the acceptance of the grant and the necessary matching funds on July 24, 2001; and

WHEREAS, the Police Department will not expend all grant funds by June 30, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declares \$3,144.88 as a continuing appropriation from the FY 2002 Police Department's Budget (001-062-035) to be carried forward to the FY 2003 budget year for the purpose of purchasing additional bulletproof vests for police officers.

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 25th day of June, 2002.

bulletvest.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: M. Ann Davis, Treasurer
SUBJECT: Destruction of Paid Personal Property Tax Tickets

Attached is a resolution requesting approval to destroy paid personal property tax tickets from 1995 and 1996.

Staff recommends the Board adopt the attached resolution.

M. Ann Davis

MAD/gb
PPtaxtickets.mem

Attachment

RESOLUTION

DESTRUCTION OF PAID PERSONAL PROPERTY TAX TICKETS

WHEREAS, the Code of Virginia §58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§42,1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid personal property tax records from 1995 and 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the paid personal property tax records from 1995 and 1996.

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 25th day of June, 2002.

PPtaxtickets.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: M. Ann Davis, Treasurer
SUBJECT: Destruction of Paid Real Estate Tax Tickets

Attached is a resolution requesting approval to destroy paid real estate tax tickets from 1995 and 1996.

Staff recommends the Board adopt the attached resolution.

M. Ann Davis

MAD/gb
REtaxtickets.mem

Attachment

RESOLUTION

DESTRUCTION OF PAID REAL ESTATE TAX TICKETS

WHEREAS, the Code of Virginia §58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§42,1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid real estate tax records from 1995 and 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the paid real estate tax records from 1995 and 1996.

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 25th day of
June, 2002.

REtaxtickets.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Title V Grant

The Virginia Department of Criminal Justice Services has awarded James City County's Division of Parks and Recreation a \$64,487 Title V Delinquency Prevention Incentive Matching Grant.

The purpose of the grant is to assist with the establishment of a new after-school program at the County's two community centers for referred middle school students. The program, "Beyond the Bell," will provide at-risk youth with a safe, supervised program that addresses the risk factors of academic failure, substance abuse, lack of social ties, and lack of parental involvement. All program participants will be admitted based on referrals from teachers, counselors, social services staff, school resource officers, court services staff, or other appropriate referral sources. Referred youth will be screened, and those with the highest prevalence of risk factors and lowest prevalence of protective factors will be selected for the program.

The grant funds will be used to pay the salary and benefits of two full-time limited-term Senior Recreation Leaders to conduct the program, and for the purchase of two curricula to be used. The County will match the grant with two part-time Recreation Leaders (one at each site) that are currently in the budget, and with \$16,050 from the General Operating fund for supplies, snacks, and quarterly dinners. Funds awarded combined with existing budgeted funds and positions will be sufficient to run the program with an annual estimated cost of \$97,039.

"Beyond the Bell" directly supports the County's Youth Strategic Plan.

Staff recommends approval of the attached resolution accepting the \$64,487 grant for the "Beyond the Bell" program, and to appropriate the funds as described above.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gb
GrantV.mem

Attachment

RESOLUTION

TITLE V GRANT

WHEREAS, the Virginia Department of Criminal Justice Services has made matching funds available for the development of youth-at-risk programs; and

WHEREAS funds are needed for two full-time limited term Senior Recreation Leaders to operate a new middle school after-school program at the County's two community centers for referred youth-at-risk.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$64,487 grant awarded by the Virginia Department of Criminal Justice Services and creates the two full-time limited term positions for the "Beyond the Bell" program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation in the FY 03 Budget:

Revenues:

From the Commonwealth	<u>\$64,487</u>
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Expenditures:

Full-time limited term salaries (0011610110)	\$41,600
Fringe benefits (0011610150)	20,787
Operating supplies (0011610318)	<u>2,100</u>
	<u>\$64,487</u>

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 25th day of June, 2002.

GrantV.res

MEMORANDUM

DATE: June 25, 2002

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Resolution Encouraging All County Residents and Businesses to Follow Outdoor Water Use Regulations

Attached is a resolution requested by the Board at its meeting on June 11, 2002, to encourage citizens who obtain potable water from Newport News Water Works or private wells to follow the outdoor water use guidelines included in the Emergency Ordinance approved by the Board of Supervisors on June 11, 2002.

Staff recommends approval of the resolution.

Larry M. Foster

LMF/adw
wtrsave.mem

RESOLUTION

ENCOURAGING COUNTY RESIDENTS AND BUSINESS TO

FOLLOW OUTDOOR WATER USE REGULATIONS

WHEREAS, the James City Service Authority's water system has been experiencing significant water demands; and

WHEREAS, these water demands have significantly surpassed historical levels and placed undue stress on the water system; and

WHEREAS, as a result of the sustained levels of water demand and a deep concern for the extended stress on the system causing a well facility failure further exacerbating the problem, the Board of Supervisors approved an Emergency Ordinance regulating the days and hours for outdoor water use for James City Service Authority customers; and

WHEREAS, many County residents obtain their water from Newport News Water Works, private wells or other water sources that are not subject to the provisions of the Emergency Ordinance.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that those citizens in James City County not subject to the provisions of the Emergency Ordinance adhere to the spirit and guidelines in the Emergency Ordinance to reduce confusion on who can use water for outdoor uses, maintain equity for all citizens, and conserve water.

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 25th day of June, 2002.

watersave.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: Lisa Meddin, Water Conservation Coordinator
SUBJECT: Water Conservation Guidelines

Most rezonings and special use permit applications include proffers or conditions to address water conservation practices to be incorporated into the proposed development to reduce water consumption. These include prohibition of irrigation wells and irrigation systems, limits on the amount of turf, etc. In recent cases involving rezonings or special use permits, applicants have asked for guidelines defining expectations.

Attached are Water Conservation Guidelines that will address this request. The Water Conservation Committee has reviewed and provided input for the document.

Staff recommends the Board approve the attached resolution endorsing the Water Conservation Guidelines.

Lisa Meddin

CONCUR:

Larry F. Foster

LM/gs
WtrConsGuide.mem

Attachments

RESOLUTION

WATER CONSERVATION GUIDELINES

WHEREAS, applications to rezone land or for a special use permit have proffers or conditions that require the applicant to incorporate water conservation techniques into the proposed development; and

WHEREAS, guidelines have been developed by staff and the Water Conservation Committee to assist applicants in defining what can be incorporated in a water conservation plan for a development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, endorses the attached Water Conservation Guidelines to assist applicants in rezoning and special use permit cases in developing a water conservation plan for their proposed development.

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 25th day of June, 2002.

WtrConsGuide.res

MEMORANDUM

DATE: June 25, 2002
TO: The Board of Supervisors
FROM: Richard B. Hanson, Housing and Community Development Administrator
SUBJECT: Section 8 Housing Choice Voucher Administrative Plan and Agency Plan

The James City County Office of Housing and Community Development (OHCD) has been designated as the Public Housing Agency (PHA) responsible for operation of the Section 8 Housing Choice Voucher Program within James City County since July 2001. Previously, OHCD was a Section 8 administrative agent of the statewide PHA, the Virginia Housing Development Authority. PHAs are required to adopt an Administrative Plan which states local policies on the wide range of matters for which Federal law and HUD regulations provide discretion to the PHA. The Quality Housing and Work Responsibility Act of 1998 introduced a number of reforms of Federal housing assistance programs and also required that a PHA which administers public housing and/or Section 8 rental assistance must submit a Five-Year and Annual PHA Agency Plan.

HUD provides a template for the Agency Plan and a Desk Guide which provides comprehensive instructions on the development of the Agency Plan and submission requirements. The Agency Plan is designed to provide an overview of PHA policies, programs, initiatives, and strategies for meeting local housing needs and goals. Utilizing U.S. Census data, 1990 Comprehensive Housing Strategy Data Set and 2002 population projection data, an estimate of low- and moderate-income County renter households with housing needs was developed and included in the Agency Plan. The estimates of County rental families with housing problems are:

- # 512, 78% of extremely low-income renter families (below 30% of the areawide median household income)
- # 581, 85% of very low-income renter families (30 to 50% of the areawide household median income)
- # 538, 48% low- to moderate-income families (51% to 80% of the areawide household median income)

Affordability is the primary problem and is so designated in the Agency Plan. Currently, Section 8 housing assistance payments are being made to 57 different landlords on behalf of 173 participants in the James City County's Housing Choice Voucher Program. Our waiting list totals 337 and it should be noted that the waiting list has been open for only one two-week period in the last two years.

The Agency Five - Year Plan indicates James City County's intention of applying for additional rental vouchers as well as leveraging private or other public funds to create additional housing opportunities. Among the other stated objectives is to encourage increased participation of Section 8 participants in the Family Self-Sufficiency Program as well as participation in County homeownership counseling and savings programs.

The Agency Plan summarizes a number of the discretionary policies which are included in the more detailed Administrative Plan. Among these discretionary policies are:

- # Screening of criminal and drug related activity, more extensively than required by Federal regulations, including State criminal record checks on all new participants and additions to an existing participants household.

- # Applicants on the waiting list are offered assistance based solely on the date and time of their initial application except for one (1) special purpose vouchers which currently include mainstream vouchers for persons with disabilities, family unification vouchers, and welfare to work vouchers and (2) a preference granted for applicants involuntarily displaced due to disaster or government action.
- # The payment standard currently set by James City County for housing assistance payments is 100% of the Fair Market Rent established by HUD for the Hampton Roads metropolitan area. The Agency Plan indicates that James City County intends to review the adequacy of this payment standard at least annually and make adjustments within allowable HUD thresholds based both on success rates of voucher holders in obtaining housing and rent burdens of participant households.
- # James City County has established \$25 as the minimum rent to be paid within the allowable Federal limits of \$0 to \$50.
- # The Plan indicates that James City County currently does not offer a Section 8 Homeownership Program, but intends to investigate the feasibility of establishing such a program.

James City County's Administrative Plan contains 20 chapters and was developed utilizing a template which OHCD purchased from a well regarded vendor. Within this template were hundreds of discretionary options. Staff was generally guided by goals and policies outlined in our Agency Plan as well as the goal of developing local policies which support self-sufficiency and require accountability by County staff, participants, and landlords to meet their respective obligations.

Staff was prepared the Administrative Plan and the Agency Plan and provided opportunities for public review and comment in accordance with HUD regulations. A Resident Advisory Board made up of current Housing Choice Voucher participants was appointed and supported the major policies included in the Agency Plan and the Administrative Plan.

Staff recommends that the Board of Supervisors adopt the attached resolution to approve the Administrative Plan and authorize the Chairman to execute the attached PHA Certifications of Compliance with the PHA Plans and Related Regulations.

Richard B. Hanson

CONCUR:

Anthony Conyers, Jr.

RBH/gb
section8.mem

Attachments

RESOLUTION

SECTION 8 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN AND AGENCY PLAN

WHEREAS, the James City County Office of Housing and Community Development has been designated as the Public Housing Agency (PHA), VA-041, and authorized to operate the Section 8 Housing Choice Voucher Program within James City County; and

WHEREAS, a PHA which operates the Section 8 Housing Choice Voucher Program must adopt an Administrative Plan which states local policies on matters for which the PHA has discretion; and

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 created the Public Housing Agency Five-Year and Annual Plan (Agency Plan) requirement; and

WHEREAS, the Office of Housing and Community Development has prepared the Administrative Plan and the Agency Plan and provided opportunities for public review and comment in accordance with U.S. Department of Housing and Urban Development (HUD) regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the Administrative Plan for the Section 8 Housing Choice Voucher Program dated June 25, 2002, authorizes the submission of the Administrative Plan and the Agency Plan to HUD, and authorizes the Chairman of the Board of Supervisors to execute the PHA Certifications of Compliance with the PHA Plans and Related Regulations form.

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 25th day of June, 2002.

section8.res

**SPECIAL USE PERMIT-11-02. Kristiansand Sewer Extension
Staff Report for June 25, 2002, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and 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
Planning Commission: June 3, 2002, 7:00 p.m.
Board of Supervisors: June 25, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Danny Poe, on behalf of the James City Service Authority (JCSA)
Land Owner: Virginia Department of Transportation (VDOT) and JCSA

Proposed Use: Construction of 2,000 feet of gravity sewer mains and lateral connections.

Location: Kristiansand subdivision including portions of Nina Lane, Troll's Path, Viking Road, and Haradd Lane.

Tax Map and Parcel No.: (23-2) (1-51A)-JCSA Property

Primary Service Area: Inside

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-2, General Residential
East: R-2, General Residential and LB, Limited Business
South: R-2, General Residential
West: R-2, General Residential

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to extend public sewer to an existing residential development where there is already some public sewer access consistent with the Comprehensive Plan and the surrounding zoning. As there are already septic tank systems and drainfields that have failed, JCSA has requested that this application be considered for adoption at the June 25 Board of Supervisors meeting. On June 3, 2002, the Planning Commission voted unanimously to approve this special use permit application. Staff recommends the Board of Supervisors approve the special use permit application with conditions listed in the staff report.

Project Background and Description

The Kristiansand neighborhood was developed in late 1960's and early 1970's. Public sewer was not available at the time, and on-site septic systems were employed. In the mid-1970's, the James City Service Authority (JCSA) constructed a pump station and gravity collection system, subsidized by a federal grant, to serve a portion of the Kristiansand development as well as a portion of the Route 60 corridor in Toano. In 1989, several of the septic systems began failing and the JCSA extended gravity sewer to serve approximately 24 residential units, primarily along Rondane Place. The public sewer system was designed to allow for future extension to other streets within the neighborhood, with the anticipation that additional septic systems would fail.

In 2001, there were inquiries from residents in the project area about possible extension of the public sewer system because their septic systems were failing. JCSA conducted a survey to determine how many property owners in the project area would be interested in connecting to a public sewer if the system were extended. Greater than 50 percent of the residents responded that they would connect if a public sewer were made available. JCSA proceeded to appropriate funds for design and construction to address the potential health risk created by failing drainfields in the Kristiansand neighborhood.

Thus, JCSA has applied for a special use permit that is required to extend a public sewer within Kristiansand. Upon approval and construction of the public sewer, it would then be each individual homeowner's decision whether to connect to the public sewer system or not. Public water is already available within the Kristiansand subdivision.

Surrounding Zoning and Development

The Kristiansand subdivision is zoned R-2, General Residential. There is adjacent property zoned LB, Limited Business to north that in turn borders property zoned B-1, General Business, on Richmond Road.

Physical Features and Environmental Considerations

JCSA proposes to extend gravity sewer mains and service lateral connections totaling approximately 2,000 feet on portions of Nina Lane, Troll's Path, Viking Road, and Haradd Lane. The attached location maps illustrate the overall sewer extension locations as well as the specific locations of the sewer mains. The sewer mains would all be located within the VDOT right-of-way at the quarter point of the road (*between the centerline of the road and the edge of the pavement*), within JCSA easements or on JCSA property, thus the environmental considerations are minimal. Additionally, the Kristiansand neighborhood is relatively flat with typical landscaping found in residential subdivisions.

Staff has drafted special use permit conditions to ensure that existing vegetation is protected as well as the residential homes. Also, special use permit conditions are proposed to restrict the hours of construction between 7:00 a.m. and 5:00 p.m., Monday thru Friday, with vehicular access being maintained at all times to mitigate any negative impacts of the construction upon the local citizens.

Public Utilities

The proposed sewer extension is located within the Primary Service Area (PSA). The Primary Service Area defines areas presently provided with public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years. This proposal is consistent with the PSA policy of efficiently delivering public utilities within the PSA.

Comprehensive Plan

Kristiansand is designated as low-density residential on the Comprehensive Plan Land Use Map. Properties designated Low-Density Residential are intended for residential development with densities generally one-unit per acre or less located within the PSA where public utilities and services exist, or are expect to expanded to serve the area over the next twenty years. Staff finds the proposed sewer extension consistent with the Comprehensive Plan.

Recommendation

Staff finds this proposal to extend a public sewer to an existing residential development where there is already some public sewer access consistent with the Comprehensive Plan and the surrounding zoning. As there are already septic tank systems and drainfields that have failed, JCSA has requested that this application be considered for adoption at the June 25 Board of Supervisors meeting. On June 3, 2002, the Planning Commission voted unanimously to approve this special use permit application. Staff recommends the Board of Supervisors approve the special use permit application with conditions listed below:

1. Construction, operation, and maintenance of the sewer extension shall comply with all local, State, and Federal requirements.
2. 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.
3. For sewer construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed sewer extension not create adverse effects on the public health, safety, comfort, or convenience, or value of the surrounding property and uses thereon.
4. Vehicular access to all residences along the affected right-of-ways, including Nina Lane, Troll's Path, Viking Road, and Haradd Lane shall be maintained at all times.
5. All construction activity on the sewer extension shall occur between 7:00 a.m. and 5:00 p.m., Monday through Friday.
6. The applicant shall avoid removing trees and bushes along the sewer extension corridor, except as shown on the approved site plan. Trees and bushes damaged during construction shall be replaced with a tree or bush of equal type as approved by the Planning Director.
7. Start of construction, as defined in the James City County Zoning Ordinance, shall have commenced within twenty-four months of this special use permit approval, or the permit shall be void.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/gs
sup-11-02.wpd

Attachments:

1. Unapproved Planning Commission Minutes
2. Site Location Map
3. Sewer Main Extension Maps
4. Resolution

RESOLUTION

CASE NO. SUP-11-02. KRISTIANSAND SEWER 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 extension of public sewer services is a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 3, 2002, recommended approval of Case No. SUP-11-02 by a vote of 7 to 0 to permit the extension of public sewer services to a portion of the Kristiansand subdivision within Virginia Department of Transportation right-of-way, the James City Service Authority (JCSA) easements or on JCSA property located at 201 Haradd Lane further identified as Parcel No. (1-51A) on James City County Real Estate Tax Map No. (23-2).

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. 11-02 as described herein with the following conditions:

1. Construction, operation, and maintenance of the sewer extension shall comply with all local, State, and Federal requirements.
2. 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.
3. For sewer construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed sewer extension not create adverse effects on the public health, safety, comfort, or convenience, or value of the surrounding property and uses thereon.
4. Vehicular access to all residences along the affected right-of-ways, including Nina Lane, Troll's Path, Viking Road, and Haradd Lane, shall be maintained at all times.
5. All construction activity on the sewer extension shall occur between 7:00 a.m. and 5:00 p.m., Monday through Friday.
6. The applicant shall avoid removing tree and bushes along the sewer extension corridor, except as shown on the approved site plan. Trees and bushes damaged during construction shall be replaced with a tree or bush of equal type as approved by the Planning Director.

7. Start of construction, as defined in the James City County Zoning Ordinance, shall have commenced within 24 months of this special use permit approval, or the permit shall be void.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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 25th day of June, 2002.

Sup-11-02.res

MEMORANDUM

DATE: June 25, 2002

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services

SUBJECT: An Ordinance to Amend Chapter 20, of the James City County Code to provide a Tax on Local Telecommunication Service.

Section 20-25 of the Code of James City County, Virginia, as authorized by the Code of Virginia, would establish a tax, per month, not to exceed \$1.20 on telecommunications services. This is known as a consumer utility tax and would be imposed on customers, including cellular phone customers within James City County. This tax would be billed to telecommunication customers and collected by the service provider who would then remit the proceeds monthly.

Section 20-70 and 20-71 of the Code of James City County, Virginia, would reduce the current E-911 tax from \$2.20 per month to \$0.75 per month. The purpose of this proposal is to reduce the current taxes paid, through the E-911 tax, on residential and commercial land lines in the County to an amount equal to the E-911 tax paid by wireless and cellular phone users to the State.

This is not a tax revenue initiative, but a revenue-neutral redesign of the County's taxes on telecommunication services. It attempts to equalize the monthly tax burden on all telecommunication service users without distinguishing between land-lines and wireless users.

The monthly tax rate on a land-line phone would drop from \$2.20 a month to a total of \$1.95. The monthly tax on wireless or cellular service would increase from \$0.75 per month to the same \$1.95, although the County would only collect \$1.20 directly.

The County has the legal authority to impose a consumer utility tax not to exceed 20 percent of the first \$15 of a residential phone bill (up to \$3 a month), and there is no ceiling on the taxable portion of non-residential users. The proposed County tax establishes a ceiling of \$1.20 a month on all users, residential or commercial.

These ordinance amendments would go into effect on November 1, 2002. This takes into consideration a 120-day notice to the telecommunications companies required by State law.

Staff recommends that the Board approve the attached Ordinance.

John E. McDonald

CONCUR:

Sanford B. Wanner

JEM/gs
TeleTax.mem

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, SPECIAL TAX FOR ENHANCED 911 EMERGENCY TELEPHONE SYSTEM, SECTION 20-25, TAX IMPOSED, AND ADDING ARTICLE X, TAX ON LOCAL TELECOMMUNICATION SERVICE, SECTION 20-70, DEFINITIONS; SECTION 20-71, LEVY, AMOUNT OF TAX ON LOCAL TELECOMMUNICATION SERVICE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article V, Special Tax for Enhanced 911 Emergency Telephone System, Section 20-25, Tax imposed, and adding Article X, Tax on Local Telecommunication Service, Section 20-70, Definitions; and Section 20-71, Levy; Amount of tax on local telecommunication service.

Chapter 20. Taxation

Article V. Special Tax for Enhanced 911 Emergency Telephone Service

Sec. 20-25. (Effective ~~September~~ *November 1, 2001 2002*) Tax imposed.

Pursuant to the provisions of Section 58.1-3813.1 of the Code of Virginia, there is hereby imposed a special tax of ~~\$2.20~~ *\$1.20* per month on each consumer of telephone service for each telephone line provided by any corporation subject to the provisions of chapter 26 of title 58.1 of the Code of Virginia;

provided, however, that this tax is not imposed on federal, state or local government agencies. The definitions provided in article 4, chapter 38 of title 58.1 shall apply to this article.

Article X. Tax on Local Telecommunication Service*

Sec. 20-70. Definitions

(a) *Local telecommunication service. Subject to the exclusions stated in this article, includes without limitation, the two-way local transmission of messages through use of switched local telephone services; telegraph services; teletypewriter; local cellular mobile radio telecommunication services; specialized mobile radio; stationary two-way radio; or any other form of two-way mobile and portable communications.*

(b) *Local telephone service. Subject to the exclusions stated in this article, includes any services subject to federal taxation as local telephone service as that term is defined in section 4252 of the Internal Revenue Code of 1986, as amended, or any successor statute. As it applies to an E-911 system, "local telephone service" shall mean switched local exchange access service.*

(c) *Mobile local telecommunication service. Any two-way mobile or portable local telecommunication service, including cellular mobile radio telecommunication service and specialized mobile radio.*

**State law reference - Authority of County to impose and regulate a tax on local telecommunication service, Code of Va., § 58.1-3812.*

(d) Mobile service consumer. A person having a telephone number for mobile local telecommunications service who has made a taxable purchase of such service or on whose behalf another person has made a taxable purchase of such service.

(e) Mobile service provider. Every person engaged in the business of selling mobile local telecommunication services to consumers.

(f) Public safety agency. A functional division of a public agency, which provides firefighting, police, medical or other emergency services or a private entity, which provides such services on a voluntary basis.

(g) Public safety answering point. A communications facility operated on a 24-hour basis which first receives E-911 calls from persons in an E-911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer or relay E-911 calls to appropriate public safety agencies.

(h) Residential consumer. As it relates to local telecommunications service. Any person furnished service classified as "residential" under tariffs filed with the state corporation commission. A residential consumer shall not include any consumer of mobile local telecommunication service.

(i) Service address. The location of the telecommunication equipment from which the telecommunication is originated or at which the telecommunication is received by a consumer. However, if the service address is not a defined location, as in the case of mobile telephones, maritime systems, air-to-ground systems and the like, "service address" shall mean the location of the subscriber's primary use of the telecommunication equipment within the licensed service area. A mobile service provider may obtain a

signed statement from a consumer indicating which county, city or town within the licensed service area is the location of the consumer's primary use of the telecommunication equipment. A mobile service provider shall be entitled to rely absolutely on a consumer's signed statement and shall remit the taxes collected to the county, city or town identified by the consumer. In the absence of a signed statement by a consumer, a mobile service provider shall identify the county, city or town of the consumer's primary use and shall remit the tax to such county, city or town based on any other reasonable method, including, without limitation, the consumer's billing address, service address or telephone number within the licensed service area.

(j) Service provider. Every person engaged in the business of selling local telecommunication services to consumers or delivering electricity services to consumers.

(k) Taxable purchase. The acquisition of telecommunication services for consumption or use; however, "taxable purchase" does not include; (i) the provision of telecommunications among members of an affiliated group of entities by a member of the group for their own exclusive use and consumption and; (ii) the purchase of telecommunications for resale in the subsequent provision of telecommunications, including, without limitation, carrier access charges, right of access charges and charges for use of intercompany facilities; however, the acquisition of telecommunications by a provider of enhanced services is not the purchase of telecommunications for resale, even when the cost of the telecommunications is separately stated to the purchaser of the enhanced services, as long as the primary object of the purchase of the telecommunications by the provider is for the provision of enhanced services and not telecommunications. A person may make tax-free purchases of telecommunications for resale if the person provides to the service provider a sworn affidavit indicating that the person's purchases are nontaxable sales for resale.

Sec. 20-71. Levy; Amount of tax on local telecommunication service.

(a) There is hereby imposed and levied by the county upon each and every taxable purchase by a consumer of local telecommunication service provided that the consumer's service address is located within the county a tax in the amount of ten percent of the gross charge made by the service provider against the consumer with respect to each and every taxable purchase; provided, however, that:

(1) In any case any monthly bill submitted by any service provider for residential, commercial, or industrial service shall exceed \$12.00 for a residential consumer, there shall be no tax computed on so much of such bill as shall exceed \$12.00; and

(2) In any case any monthly bill submitted by any service provider to a consumer for mobile local telecommunication service shall exceed \$12.00, there shall be no tax computed on so much of such bill as shall exceed \$12.00.

All such taxes shall be computed to the nearest whole cent. Bills shall be considered monthly bills if submitted 12 times per year for periods of approximately one month each.

(b) A service provider of local telecommunication services shall collect the tax from the consumer by adding the tax to the monthly gross charge for such services and the tax shall be paid by the consumer to the service provider at the time the gross charge shall become due and payable under the agreement between the consumer and the service provider. The tax shall, when collected, be stated as a distinct item separate and apart from the monthly gross charge. Until the consumer pays the tax to the service provider, the tax shall constitute a debt of the consumer to the county. If any consumer refuses to pay the tax, the service provider shall notify the county. After the consumer pays the tax to the service provider, the taxes collected shall be deemed to be held in trust by the service provider until remitted to the county.

(c) Such reports and remittance shall be made on or before the twentieth day of each month, covering the amount of tax collected during the preceding month. The treasurer shall have the power and the duty of collecting the taxes imposed and levied hereunder and shall cause the same to be paid into the general treasury for the county. If any seller whose duty it is to do so shall fail or refuse to file any report required by this article or to remit to the treasurer the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the treasurer a penalty in the amount of ten percent thereof and interest thereon at the rate of ten percent per annum, which shall be computed upon the taxes and penalty from the date such taxes are due and payable.

(d) Any consumer shall be entitled to a refund from the county equal to the amount of any tax the consumer paid to a jurisdiction outside of the state if such tax was legally imposed in such other jurisdiction; however, the amount of credit or refund shall not exceed the tax paid to the county on such purchase.

This ordinance shall become effective November 1, 2002.

Ordinance to Amend and Reordain
Chapter 20. Taxation
Page 7

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 25th day of June, 2002.

telecom.ord

MEMORANDUM

DATE: June 25, 2002

TO: The Board of Supervisors

FROM: Leo P. Rogers, Deputy County Attorney

SUBJECT: An Ordinance to Amend Chapter 1, General Provision, Section 1-13, of the James City County Code by Providing a Courthouse Fee on Criminal and Traffic Cases.

Attached is a proposed ordinance which adds a \$5.00 fee to be imposed as part of the costs for each criminal or traffic case in the local district or circuit courts where the defendant is convicted. The funds collected from this fee will be held in a separate account for the Board of Supervisors to disburse to the Sheriff's Office to fund courthouse security. The FY 03 Budget realizes \$30,000 in revenue from this fee. This fee will expire on July 1, 2004, unless reauthorized by the General Assembly and readopted by the Board of Supervisors.

In addition, the proposed ordinance adds a \$25.00 processing fee to be imposed following a conviction in the local district or circuit courts for an individual admitted to a County, City, or regional jail. The funds collected from this fee will be held in a separate account for the Board of Supervisors to disburse to the Sheriff's Office to defray the costs of processing persons into the jail.

The Board appropriated \$30,000 in fee revenue in the FY 2003 Budget to the Sheriff's Office to account for this ordinance change.

The County Attorney's Office has worked with the City Attorney for Williamsburg to insure that each jurisdiction considers an ordinance with the same language. Williamsburg adopted its ordinance on June 14, 2002. If adopted by the Board of Supervisors, the County ordinance shall become effective on July 1, 2002.

I recommend adoption of the proposed Ordinance.

Leo P. Rogers

CONCUR:

Frank M. Morton, III

LPR/adw
jailcourtfec.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 1-13, COURTHOUSE FEE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-13, Courthouse maintenance; court security and jail processing fees.

Chapter 1. General Provisions

Sec. 1-13. Courthouse fee *maintenance; court security and jail processing fees.*

(a) A fee of \$2.00 shall be assessed and imposed as part of the costs incident to each civil action and each criminal and/or traffic case in the district or circuit courts *for the City of Williamsburg and County of James City*. This fee shall be in addition to all other fees prescribed by law. The clerk of the court shall remit fees collected under this section to the treasurer of the county. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors for the construction, renovation or maintenance of the courthouse, jail or court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

(b) A fee of \$5.00 shall be assessed as part of the costs incident to each criminal or traffic case prosecuted in the district or circuit courts for the City of Williamsburg and County of James City in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard and shall be remitted to the treasurer of the county. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors to

the county sheriff's office for the funding of courthouse security personnel. The provisions of this subsection shall expire on July 1, 2004.

(c) A processing fee of \$25.00 shall be assessed by the district and circuit courts for the City of Williamsburg and the County of James City on any individual admitted to a county, city or regional jail following conviction in such court. Such fee shall be ordered as a part of court costs collected by the clerk, deposited into the account of the county treasurer. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors to the sheriff's office to defray the costs of processing arrested persons into the local or regional jails.

State law reference-Assessment for courthouse construction, renovation or maintenance as part of fees incident to criminal or traffic cases, Code of Va., § 17.1-281; *§ 53.1-120 and § 15.2-1613.1.*

This ordinance shall become effective July 1, 2003.

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 25th day of June, 2002.

MEMORANDUM

DATE: June 25, 2002

TO: The Board of Supervisors

FROM: Richard Bradshaw, Commissioner of the Revenue
Leo P. Rogers, Deputy County Attorney

SUBJECT: An Ordinance to Amend Section 20-13.5 of the James City County Code by providing an Exemption from Personal Property Tax for Specially Equipped Motor Vehicles

Attached for your consideration is a proposed ordinance to expand the personal property tax exemption for vehicles specially equipped to provide transportation for disabled persons. The Department of Motor Vehicles will not issue a handicap license plate unless the disabled person is the owner of the vehicle. The proposed ordinance extends the exemption where the vehicle is regularly used to transport a person who is disabled. The Commissioner of the Revenue will make a determination as to which vehicles qualify based on the definition of "disabled" provided in the State Code.

We recommend adoption of the proposed Ordinance.

Richard Bradshaw

Leo P. Rogers

LPR/adw
disabordi.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, PERSONAL PROPERTY TAX, BY AMENDING SECTION 20-13.5, EXEMPTION FROM PERSONAL PROPERTY TAX FOR SPECIALLY EQUIPPED MOTOR VEHICLES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-13.5, Exemption from personal property tax for specially equipped motor vehicles.

Chapter 20. Taxation

Article III. Personal Property Tax

Section 20-13.5. Exemption from personal property tax for specially equipped motor vehicles.

(a) Motor vehicles specially equipped to provide transportation for physically handicapped individuals shall be exempt from personal property taxation if such motor vehicle is licensed with special plates pursuant to section 46.2-731 of the Code of Virginia, as amended; *or the owner of the vehicle demonstrates to the commissioner of the revenue that the vehicle is regularly used to transport a person who is disabled, as defined in Virginia Code Section 58.1-3506.3, as amended, and that such disabled person resides in the household of the vehicle owner.*

State law reference - Code of Va, § 58.1-3506.1.

Ordinance to Amend and Reordain
Chapter 20. Taxation
Page 2

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 25th day of June,
2002.

personproptax03.ord

MEMORANDUM

DATE: June 25, 2002

TO: The Board of Supervisors

FROM: Leo P. Rogers, Deputy County Attorney

SUBJECT: An Ordinance to Amend Chapter 13 of the James City County Code; Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug

The attached Ordinance incorporates by reference into the James City County Code, the 2002 amendments made by the General Assembly to the D.W.I. and traffic laws. County police are charging traffic offenders under the County Code which must be amended to reflect the State's changes to the applicable D.W.I. and traffic laws. To continue this procedure, it is necessary that the Ordinance be amended.

Staff recommends adoption of the attached Ordinance.

Leo P. Rogers

CONCUR:

Frank M. Morton, III

LPR/adw
DWIord2.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE X, TAX ON LOCAL TELECOMMUNICATION SERVICE, SECTION 20-67, DEFINITIONS; SECTION 20-68, LEVY, AMOUNT OF TAX ON LOCAL TELECOMMUNICATION SERVICE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, Article X, Tax on Local Telecommunication Service, is hereby amended and reordained by adding Section 20-67, Definitions; and Section 20-68, Levy; Amount of tax on local telecommunication service.

Chapter 20. Taxation

Article X. Tax on Local Telecommunication Service

Sec. 20-67. Definitions

- (1) *Local telecommunication service. Subject to the exclusions stated in this article, includes without limitation, the two-way local transmission of messages through use of switched local telephone services; telegraph services; teletypewriter; local cellular mobile radio telecommunication services; specialized mobile radio; stationary two-way radio; or any other form of two-way mobile and portable communications.*
- (2) *Local telephone service. Subject to the exclusions stated in this article, includes any services subject to federal taxation as local telephone service as that term is defined in section 4252 of the Internal Revenue Code of 1986, as amended, or any successor*

statute. As it applies to an E-911 system, "local telephone service" shall mean switched local exchange access service.

- (3) Mobile local telecommunication service. Any two-way mobile or portable local telecommunication service, including cellular mobile radio telecommunication service and specialized mobile radio.*
- (4) Mobile service consumer. A person having a telephone number for mobile local telecommunications service who has made a taxable purchase of such service or on whose behalf another person has made a taxable purchase of such service.*
- (5) Mobile service provider. Every person engaged in the business of selling mobile local telecommunication services to consumers.*
- (6) Public safety agency. A functional division of a public agency, which provides firefighting, police, medical or other emergency services or a private entity, which provides such services on a voluntary basis.*
- (7) Public safety answering point. A communications facility operated on a 24-hour basis which first receives E-911 calls from persons in an E-911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer or relay E-911 calls to appropriate public safety agencies.*
- (8) Residential consumer. As it relates to local telecommunications service. Any person furnished service classified as "residential" under tariffs filed with the state corporation commission. A residential consumer shall not include any consumer of mobile local telecommunication service.*
- (9) Service address. The location of the telecommunication equipment from which the telecommunication is originated or at which the telecommunication is received by a consumer. However, if the service address is not a defined location, as in the case of mobile telephones, maritime systems, air-to-ground systems and the like, "service address" shall mean the location of the subscriber's primary use of the telecommunication equipment within the licensed service area. A mobile service provider may obtain a signed statement from a consumer indicating which county, city or town within the licensed service area is the location of the consumer's primary use of the telecommunication equipment. A mobile service provider shall be entitled to rely absolutely on a consumer's signed statement and shall remit the taxes collected to the county, city or town identified by the consumer. In the absence of a signed statement by a consumer, a mobile service provider shall identify the county, city or town of the consumer's primary use and shall remit the tax to such*

county, city or town based on any other reasonable method, including, without limitation, the consumer's billing address, service address or telephone number within the licensed service area.

- (10) Service provider. Every person engaged in the business of selling local telecommunication services to consumers or delivering electricity services to consumers.*
- (11) Taxable purchase. The acquisition of telecommunication services for consumption or use; however, "taxable purchase" does not include; (i) the provision of telecommunications among members of an affiliated group of entities by a member of the group for their own exclusive use and consumption and; (ii) the purchase of telecommunications for resale in the subsequent provision of telecommunications, including, without limitation, carrier access charges, right of access charges and charges for use of intercompany facilities; however, the acquisition of telecommunications by a provider of enhanced services is not the purchase of telecommunications for resale, even when the cost of the telecommunications is separately stated to the purchaser of the enhanced services, as long as the primary object of the purchase of the telecommunications by the provider is for the provision of enhanced services and not telecommunications. A person may make tax-free purchases of telecommunications for resale if the person provides to the service provider a sworn affidavit indicating that the person's purchases are nontaxable sales for resale.*

Sec. 20-68. Levy; Amount of tax on local telecommunication service.

(a) There is hereby imposed and levied by the county upon each and every taxable purchase by a consumer of local telecommunication service provided that the consumer's service address is located within the county a tax in the amount of ten percent of the gross charge made by the service provider against the consumer with respect to each and every taxable purchase; provided, however, that:

- (1) In any case any monthly bill submitted by any service provider for residential service shall exceed \$15.00 for a residential consumer, there shall be no tax computed on so much of such bill as shall exceed \$15.00; and*
- (2) In any case any monthly bill submitted by any service provider for commercial or industrial service shall exceed \$100.00 for a commercial or industrial consumer, there shall be no tax computed on so much of such bill as shall exceed \$100.00; and*
- (3) In any case any monthly bill submitted by any service provider to a consumer for mobile local telecommunication service shall exceed \$30.00, there shall be no tax computed on so much of such bill as shall exceed \$30.00.*

All such taxes shall be computed to the nearest whole cent. Bills shall be considered monthly bills if submitted 12 times per year for periods of approximately one month each.

(b) A service provider of local telecommunication services shall collect the tax from the consumer by adding the tax to the monthly gross charge for such services and the tax shall be paid by the consumer to the service provider at the time the gross charge shall become due and payable under the agreement between the consumer and the service provider. The tax shall, when collected, be stated as a distinct item separate and apart from the monthly gross charge. Until the consumer pays the tax to the service provider, the tax shall constitute a debt of the consumer to the county. If any consumer refuses to pay the tax, the service provider shall notify the county. After the consumer pays the tax to the service provider, the taxes collected shall be deemed to be held in trust by the service provider until remitted to the county.

(c) A service provider shall remit to the county on or before the last day of the month the amount of tax billed during the preceding month to consumers with a service address in the county.

(d) Any consumer shall be entitled to a refund from the county equal to the amount of any tax the consumer paid to a jurisdiction outside of the state if such tax was legally imposed in such other jurisdiction; however, the amount of credit or refund shall not exceed the tax paid to the county on such purchase.

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 25th day of June, 2002.

MEMORANDUM

DATE: June 25, 2002

TO: The Board of Supervisors

FROM: Needham S. Cheely, III, Director, Division of Parks and Recreation

SUBJECT: 2002 Greenway Master Plan

On February 27, 2001, the Board of Supervisors approved the methodology for developing the Greenway Master Plan. For the past 16 months, the Division of Parks and Recreation and the Planning Department have been working with the Parks and Recreation Advisory Commission and the Board appointed Greenway Steering Committee, a Citizen Advisory Group of key stakeholders, interested citizens, and staff to produce the 2002 Greenway Master Plan. On March 5, 2002, the Greenway Steering Committee completed its task and endorsed the draft Greenway Master Plan. This Plan was forwarded to the Park and Recreation Advisory Commission for their review and endorsement.

A public hearing was held on April 17 during the Parks and Recreation Advisory Commission's regular meeting to gather public comment and discuss the plan. The Greenway Master Plan was then forwarded to the Planning Commission and presented to the Commission by the Parks and Recreation Advisory Commission on May 6 to receive Planning Commission questions and comments. The Parks and Recreation Advisory Commission unanimously endorsed the plan on May 15 and passed a motion recommending the Board of Supervisors approve the Plan.

The Greenway Master Plan involved sustained citizen input throughout the 16-month process through various public meetings, focus groups, public presentations, direct mailings and e-mails, newspaper articles, video presentations, and an information hotline for citizens to make comments and/or request information. This plan incorporates those ideas and concerns identified during plan development. The compilation of greenway benefits, citizen input, research, and technical information has been provided and shown to enhance the community character and the quality of life for James City County citizens.

The format of the document includes the Executive Summary and the FYI newsletter that were designed to function as two stand-alone handout documents giving readers quick access to information highlighting the Plan. The table of contents also gives readers a quick education about planning issues and greenway planning elements. This main body of the document will serve as the foundation, upon which future plan revisions will be built.

Staff recommends approval of the 2002 Greenway Master Plan, action plan, and maps as presented.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

Alan Robertson
Chairman, Parks and Recreation
Advisory Commission

NSC/adw
2002grmspln.mem

Attachments

RESOLUTION

2002 GREENWAY MASTER PLAN

WHEREAS, the Board of Supervisors appointed the Greenway Steering Committee in March 2001 to take an active role with staff in the development and review of technical information for the Greenway Master Plan; and

WHEREAS, the Greenway Steering Committee worked 12 months to prepare the Plan, endorsed the Greenway Master Plan with the Action Plan funding mechanism and maps; and

WHEREAS, the James City County Parks and Recreation Advisory Commission, following a public hearing on the Plan, endorsed the Greenway Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the 2002 Greenway Master Plan

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 25th day of June, 2002.

greenwayMP02.res