

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

April 27, 2004

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE - Members of the Grove Community Partnership Youth Soccer Teams

D. HIGHWAY MATTERS

E. PUBLIC COMMENT

F. CONSENT CALENDAR

1. Carry Forward Funds - Colonial Narcotics Enforcement Task Force
2. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Richard B. Prince, III

G. PUBLIC HEARINGS

1. FY 2005 - 2006 County Budget
 - a. An Ordinance to Amend and Reordain Chapter 3, Animal Control, of the Code of the County of James City, Virginia, by Amending Article III, Dog Licenses, Section 3-48, Annual Fee Imposed on Dogs and Kennels; and Section 3-49, Annual Dog License Fee; Exemption for Certain Dogs
 - b. An Ordinance to Amend and Reordain Chapter 4, Building Regulations, of the Code of the County of James City, Virginia, by Amending Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, Section 4-8, Generally
 - c. An Ordinance to Amend and Reordain Chapter 8, Erosion and Sediment Control, of the Code of the County of James City, Virginia, by Amending Section 8-5, Permits, Fees, Bonding, etc.
 - d. An Ordinance to Amend and Reordain Chapter 11, Health and Sanitation, of the Code of the County of James City, Virginia, by Amending Article II, Landfill Ordinance, Section 11-14, County Refuse Containers
 - e. 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
2. Offer and Conveyance of a Portion of Properties Located at 6450 Centerville Road and 5700 Warhill Trail to the State Board for Community Colleges
3. Case No. SUP-15-04. Lafayette High School Temporary Classroom Trailers
4. Case No. SUP-24-03. James City County Communications Tower

- CONTINUED-

H. BOARD CONSIDERATION

1. Adoption of Rules and Regulations for Riverview Sanitary District

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. RECESS

042704bos.age

MEMORANDUM

DATE: April 27, 2004
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Carry Forward Funds - Colonial Narcotics Enforcement Task Force

James City County acts as the fiscal agent for the regional Colonial Narcotics Enforcement Task Force. The Task Force has \$1,594 in carry forward funds from FY 2003 and the attached resolution appropriates those funds.

Staff recommends approval of the attached resolution.



David A. Daigneault

CONCUR:

Sanford B. Wanner

DAD/gs
CNETF.mem

Attachment

RESOLUTION

CARRY FORWARD FUNDS -

COLONIAL NARCOTICS ENFORCEMENT TASK FORCE

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional enforcement program known as the Colonial Narcotics Enforcement Task Force; and

WHEREAS, the Colonial Narcotics Enforcement Task Force has \$1,594 in carry forward funds from FY 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby makes the following appropriation to the FY 2004 General Fund Budget:

Revenue:

Carry Forward Funds (001-390-0700)	<u>\$1,594</u>
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Expenditure:

Police Department (001-062-0395)	<u>\$1,594</u>
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Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of April, 2004.

CNETF.res

MEMORANDUM

DATE: April 27, 2004

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, Deputy County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Richard B. Prince, III

Attached is a resolution for consideration involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized removal of vegetation from and grading of the Resource Protection Area (RPA).

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owner has entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and has guaranteed the implementation of the approved landscape plan to restore the impacted areas on their property before May 30, 2004.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$10,000. Staff and the property owner agreed to a recommended civil charge of \$750 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case. The water quality impact has been assessed as minor and the violation intent as minor.

Staff recommends the Board adopt the attached resolution establishing a civil charge for the RPA violation presented.

Darryl E. Cook

Leo P. Rogers

DEC/LPR/gb
RPrince_chg.mem

Attachment

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

CIVIL CHARGE - RICHARD B. PRINCE, III

- WHEREAS, Richard B. Prince, III, is the owner of a certain parcel of land, commonly known as 9206 Diascund Road, designated as Parcel No. (02-40) on James City County Real Estate Tax Map No. (1-33), hereinafter referred to as the ("Property"); and
- WHEREAS, on or about December 4, 2003, approximately 750 square feet of the Resource Protection Area on the Property was graded and the native vegetation was removed; and
- WHEREAS, Richard B. Prince, III, agreed to a Restoration Plan to replant six trees and six shrubs on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance; and
- WHEREAS, Richard B. Prince, III, has agreed to pay \$750 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and
- WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$750 civil charge from Richard B. Prince, III, as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

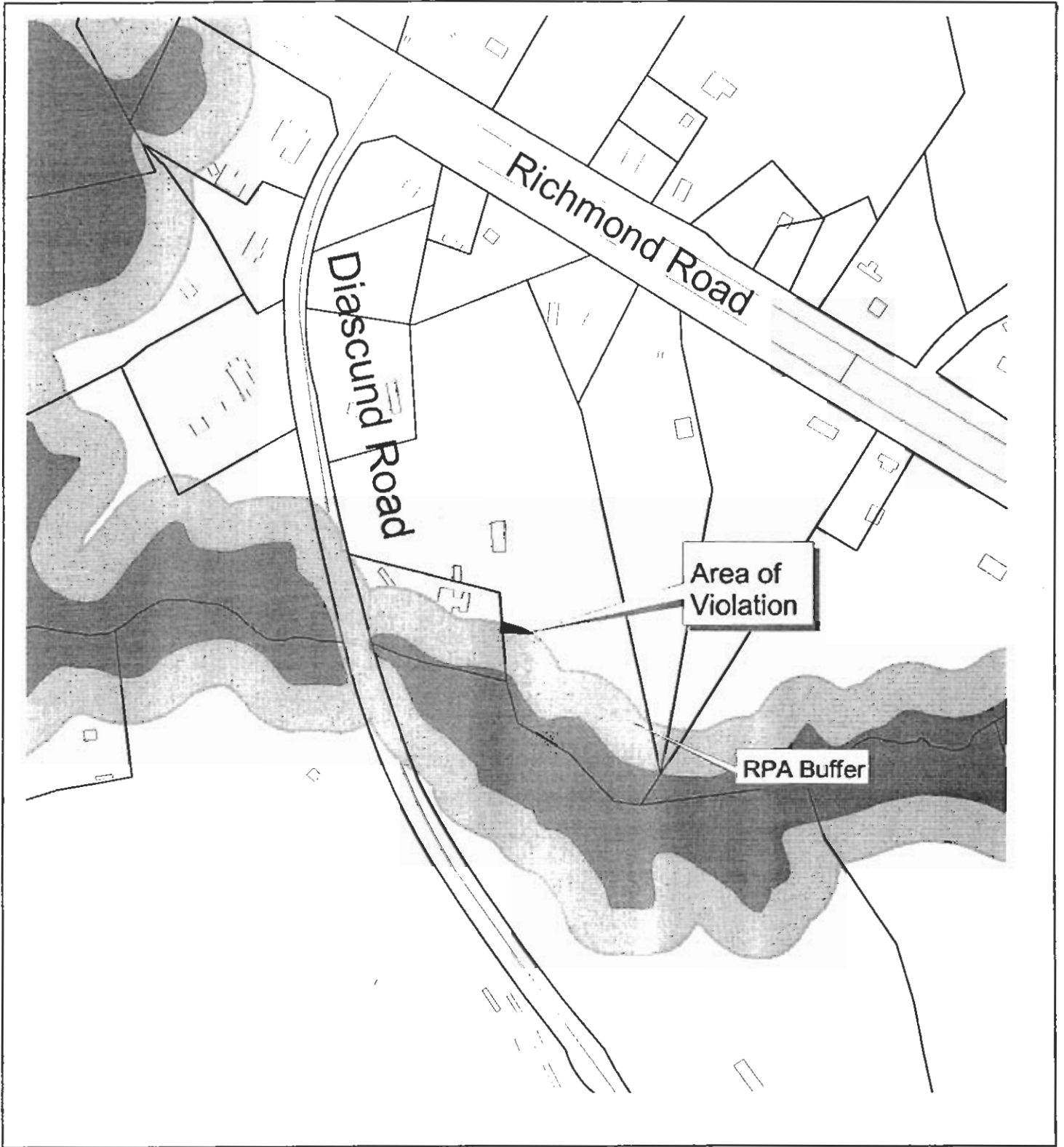
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

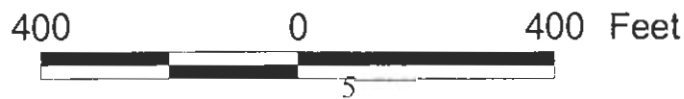
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of
April, 2004.

RPrince_chg.res



**CHESAPEAKE BAY ORDINANCE VIOLATION
RICHARD PRINCE - 9206 RICHMOND ROAD**



MEMORANDUM

DATE: April 27, 2004
TO: The Board of Supervisors
FROM: Suzanne Mellen, Director of Budget and Accounting
SUBJECT: FY 2005-2006 County Budget

The purpose of the Public Hearing is to invite public comment on any aspect of the proposed FY 05-06 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. The budget work sessions are scheduled for: Thursday, April 29; Tuesday, May 4; and Thursday, May 6. Staff expects to ask the Board to adopt the budget, as amended during the Budget Work Sessions, at its meeting on May 11, 2004.

Suzanne Mellen

CONCUR:

John E. McDonald

SM/gb
fy05bud.mem

MEMORANDUM

DATE: April 27, 2004

TO: The Board of Supervisors

FROM: Shirley Anderson, Animal Warden and Animal Control Supervisor

SUBJECT: An Ordinance to Amend and Reordain Chapter 3, Animal Control, of the Code of the County of James City, Virginia, by Amending Article III, Dog Licenses, Section 3-48, Annual Fee Imposed on Dogs and Kennels; and Section 3-49, Annual Dog License Fee; Exemption for Certain Dogs

Attached for consideration is a proposed ordinance to increase the annual dog license fee from \$4 to \$8, or to \$5 if the dog is spayed or neutered. The ordinance also increases the annual kennel license fee by \$5 for each category of kennel. These license fees have not been increased in 10 years. The proposed increases are intended to offset County costs.

In addition, there is a new provision in the proposed ordinance to authorize the issuance of multi-year dog licenses for up to three years. In order to obtain a multi-year dog license, the owner would need to pay a multiple of the annual fee and provide evidence of a valid rabies certificate for the license period.

Staff recommends adoption of the proposed ordinance.

Shirley Anderson

CONCUR:


David A. Daigneault

SA/gs
doglicfee.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, ANIMAL CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, DOG LICENSES, SECTION 3-48, ANNUAL FEE IMPOSED ON DOGS AND KENNELS; AND SECTION 3-49, ANNUAL DOG LICENSE FEE; EXEMPTION FOR CERTAIN DOGS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 3, Animal Control, is hereby amended and reordained by amending Section 3-48, Annual fee imposed on dogs and kennels; and Section 3-49, Annual dog license fee; exemption for certain dogs.

Chapter 3. Animal Control

Article III. Dog Licenses.

Sec. 3-48. Annual fee imposed on dogs and kennels.

There is hereby imposed an annual dog license fee upon all dog kennels and all dogs over the age of four months which are owned, possessed or kept in the county, as follows:

- (1) Male *or* female ~~and spayed/neutered~~ dogs ~~\$4.00~~ *\$8.00*
- (2) *Spayed/neutered dogs* *\$5.00*
- (~~2~~ 3) Kennel for up to ten dogs ~~10.00~~ *15.00*
- (~~3~~ 4) Kennel for up to 20 dogs ~~20.00~~ *25.00*

- (~~4~~ 5) Kennel for up to 30 dogs ~~30.00~~ 35.00

- (56) Kennel more than 30 dogs ~~45.00~~ 50.00

- (67) Duplicate for lost, destroyed or stolen tags 1.00

It shall be unlawful for any person to conceal or harbor any dog on which any required license fee has not been paid.

Cross reference-Duplicate license tags, § 3-47.

State law references-Amount of license tag, Code of Va., § 3.1-796.87; duplicate license tags, Code of Va., § 3.1-796.91.

Sec. 3-49. ~~Annual~~ Dog license fee; exemption for certain dogs.

(a) The license fee levied by section 3-48 shall be due on January first and payable not later than January thirty-first of each year. *However, a dog license may be issued for up to three years provided a multiple of the annual license fee is paid and the license does not extend beyond a valid multi-year rabies certificate.*

Payment of the license fee shall be made to the county treasurer or his designee.

(b) If a dog shall become four months of age or come into the possession of any person between January first and October thirty-first of any year, the license fee for the current calendar year shall be paid by the owner.

(c) If a dog shall become four months of age or come into the possession of any person between November first and December thirty-first of any year, the license fee for the succeeding calendar year shall be paid by the owner and this license shall protect the dog from the date of purchase.

(d) There shall be no charge for the tag of any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

State law references-Amount of license tag, Code of Va., § 3.1-796.87; when license tax payable, Code of Va., § 3.1-796.88.

This ordinance shall become effective July 1, 2004.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of April, 2004.

MEMORANDUM

DATE: April 27, 2004

TO: The Board of Supervisors

FROM: Douglas H. Murrow, Director of Code Compliance

SUBJECT: An Ordinance to Amend and Reordain Chapter 4, Building Regulations, of the Code of the County of James City, Virginia, by Amending Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, Section 4-8, Generally

Attached for consideration is an ordinance amendment to increase certain fees. This amendment increases the Building Permit Fees from \$0.11 to \$0.13 per square foot of finished property, from \$0.10 to \$0.12 per square foot of unfinished property and \$0.08 to \$0.10 per square foot of the gross floor area for relocated structures.

Staff recommends adoption of the attached ordinance.

Douglas H. Murrow

DHM/adw
chpt4.mem

Attachment

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, VIRGINIA UNIFORM STATEWIDE BUILDING CODE; DIVISION 2, PERMIT AND INSPECTION FEES, SECTION 4-8, GENERALLY.

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

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 2. Permit and Inspection Fees

Sec. 4-8. Generally.

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

(1) *Building Permits:*

- a. The minimum fee for any building permit shall be \$35.00.
- b. For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be ~~\$0.11~~ *\$0.13* per square foot.
- c. For the construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be ~~\$0.10~~ *\$0.12* per square foot of the exterior dimensions of the building.
- d. For the alteration or repair of any building or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one percent of the current value of all service, labor and materials.

- e. For the demolition or razing of any building or structure having a floor area greater than 200 square feet the fee shall be \$35.00.

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

- f. For the erection, placement or removal of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of ~~\$0.08~~ **\$0.10** per square foot of the gross floor area.
- g. For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be \$35.00.

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

This ordinance shall become effective July 1, 2004.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of April, 2004.

MEMORANDUM

DATE: April 27, 2004
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: An Ordinance to Amend and Reordain Chapter 8, Erosion and Sediment Control, of the Code of the County of James City, Virginia, by Amending Section 8-5, Permits, Fees, Bonding, etc.

Section 8-5. Permits, fees, bonding, etc., of the James City County Erosion and Sediment Control Ordinance is proposed to be amended to increase the fee schedule for single-family building permit applications from the current level of \$25 to \$75. This is to cover the cost of an Inspector position in the Environmental Division to process single-family permit applications, to handle perennial stream determinations, and to conduct erosion control inspections throughout the life of the building permit as required by State regulations.

Staff recommends adoption of the attached Ordinance.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/gs
erosamend.mem

Attachment

ORDINANCE NO.

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

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

Chapter 8. Erosion and Sediment Control

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

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

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

(c) Fees. The following administrative fee shall be paid to the county:

- (1) Residential subdivisions shall pay \$50.00 per lot at the time of submission of the erosion and sediment control plan;
- (2) Site plans and other land-disturbing activities shall pay \$600.00 per acre of disturbance for the first 15 acres plus \$400.00 per acre for each additional acre over 15 at the time of submission of the erosion and sediment control plan;
- (3) A ~~\$25.00~~ \$75.00 fee shall be required for each single-family residential structure at the time of submission of the building permit application.

This ordinance shall become effective July 1, 2004.

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

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of April, 2004.

sec8-5permitfee.ord

MEMORANDUM

DATE: April 27, 2004

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator

SUBJECT: An Ordinance to Amend and Reordain Chapter 11, Heath and Sanitation, of the Code of the County of James City, Virginia, by Amending Article II, Landfill Ordinance, Section 11-14, County Refuse Containers

Attached for consideration is a proposed ordinance to increase the Convenience Center user fee from \$3 to \$4 for each 60 gallons of bagged household refuse. This fee was last increased in 1998. The proposed fee increase is intended to offset County costs.

Staff recommends adoption of the proposed ordinance.

William C. Porter, Jr.

WCP/gs
convienctr.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, LANDFILL ORDINANCE, SECTION 11-14, COUNTY REFUSE CONTAINERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by amending Section 11-14, County refuse containers.

Chapter 11. Health and Sanitation

Article II. Landfill Ordinance

Sec. 11-14. County refuse containers.

Refuse containers shall be provided by the county at various locations to supplement existing private collection services as needed. The usage of said containers shall be governed by the following provisions and any other regulations as the board of supervisors or the manager may establish:

(b) *Convenience Center User Fees:*

- (1) Fees will be charged for the disposal of household refuse and garbage at the county convenience centers. A fee of ~~\$3.00~~ *\$4.00* shall be imposed for up to 60 gallons of bagged household refuse or the equivalent thereof. Each additional 60 gallons or portion thereof shall be charged an additional ~~\$3.00~~ *\$4.00* fee.
- (2) The county administrator or designee shall determine the charges for bulky items, such as appliances, furniture and mattresses and box springs. A schedule of these charges shall be posted at each center and a copy provided to each site user.
- (3) The county administrator or designee shall implement a system to collect fees for

Convenience Center users.

This ordinance shall become effective July 1, 2004.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of April, 2004.

sec11-14refuse.ord

MEMORANDUM

DATE: April 27, 2004

TO: The Board of Supervisors

FROM: Richard M. Miller, Fire Chief

SUBJECT: 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

Attached for consideration is a proposed ordinance to increase the E-911 tax from \$.075 to \$1.00 for each consumer of telephone service for each telephone line. Last year the Board reduced this tax from \$2.20 to \$.75 per line. The proposed increase is intended to partially offset County costs of service.

Staff recommends adoption of the proposed ordinance.

Richard M. Miller

RMM/gs
E911tax04.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 V, SPECIAL TAX FOR ENHANCED 911 EMERGENCY TELEPHONE SYSTEM, SECTION 20-25, TAX IMPOSED.

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 20-25, Tax imposed.

Chapter 20. Taxation

Article V. Special Tax for Enhanced 911 Emergency Telephone System

Sec. 20-25. Tax imposed.

Pursuant to the provisions of section 58.1-3813 of the Code of Virginia, there is hereby imposed a special tax of ~~\$0.75~~ **\$1.00** 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.

This ordinance shall become effective October 1, 2004.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of April, 2004.

MEMORANDUM

DATE: April 27, 2004

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Offer and Conveyance of a Portion of Properties Located at 6450 Centerville Road and 5700 Warhill Trail to the State Board for Community Colleges

The Board of Supervisors has been requested to adopt the attached resolution offering a 73.46-acre portion of the Warhill Tract to the State Board for Community Colleges as the location for the Historic Triangle Campus of Thomas Nelson Community College (TNCC). The 73.46 acres meets the State Board of Community Colleges stated requirement of at least 70 acres for the Historic Triangle Campus.

On July 2003, on behalf of the Board, I wrote the Chancellor of the Community College System requesting that the Community College System consider a portion of the Warhill Tract as the location for the Historic Triangle Campus. In October 2003 the Chancellor wrote that the State Board for Community Colleges approved in concept a portion of the Warhill Tract as the site for the Historic Triangle Campus. Additionally, the State Board gave authorization to TNCC and the Chancellor's staff to continue land acquisition negotiations to acquire the site.

Should the Board adopt the attached resolution, this would be the first step in the process of transferring the 73.46 acres to the State Board for Community Colleges. Prior to the transfer of the property, the Board and the State Community College Board would enter a dedication agreement. The dedication agreement would be the controlling document for the transfer of the property.

Following the Public Hearing, staff recommends adoption of the attached resolution.

Sanford B. Wanner

SBW/gb
comcoll.mem

Attachment

RESOLUTION

OFFER AND CONVEYANCE OF A PORTION OF PROPERTIES LOCATED AT 6450

CENTERVILLE ROAD AND 5700 WARHILL TRAIL TO THE STATE BOARD FOR

COMMUNITY COLLEGES

WHEREAS, James City County currently owns a certain parcel containing approximately 67.7 acres located at 6450 Centerville Road in the Powhatan District, designated as Tax Parcel No. 3210100013, and currently owns a certain parcel containing approximately 521.7 acres located at 5700 Warhill Trail in the Powhatan District, designated as Tax Parcel No. 3210100012; and

WHEREAS, the State Board for Community Colleges, on behalf of Thomas Nelson Community College, has indicated a desire to acquire a portion of the properties located at 6450 Centerville Road and 5700 Warhill Trail, for the purpose of constructing the new Historic Triangle Campus; and

WHEREAS, James City County desires to convey to the State Board for Community Colleges a portion of the aforementioned properties, said portion consisting of approximately 73.46 acres and further described in accordance with that certain plat made by AES Consulting Engineers dated April 14, 2004, entitled "Plat Showing Boundary Line Adjustment and Boundary Line Extinguishment Between Parcel 1 And Parcel 2, Warhill Tract and Subdivision Of Parcel 3 & Parcel 4 Warhill Tract," said parcel to be conveyed labeled as "Adjusted Parcel 2" and hereafter referred to as the "Campus Parcel"; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should offer to convey the Campus Parcel by Deed of Gift to the State Board for Community Colleges, with actual conveyance subject to acceptance of the offer by the State Board for Community Colleges with approval by the Governor, and subject to the Board of Supervisors approval of a Dedication Agreement between James City County and the State Board for Community Colleges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct Sanford B. Wanner, County Administrator, to offer to convey by Deed of Gift the aforementioned Campus Parcel to the State Board for Community Colleges to be utilized for the purpose of constructing the new Historic Triangle Campus.

BE IT FURTHER RESOLVED that the Board of Supervisors does hereby authorize and direct Sanford B. Wanner, County Administrator, to execute a deed and any other documents required to convey by Deed of Gift the Campus Parcel to the State Board for Community Colleges on behalf of Thomas Nelson Community College, such conveyance being subject to acceptance of the offer to convey by the State Board for Community Colleges with the approval by the Governor, and subject to the Board of Supervisors of James City County

approval of a Dedication Agreement between James City County and the State Board for Community Colleges.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of April, 2004.

comcoll.res

**SPECIAL USE PERMIT 15-04. Lafayette High School Temporary Classroom Trailers
Staff Report for April 27, 2004, Board of Supervisors Meeting**

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

Board of Supervisors:

Building F Board Room; County Government Center

April 27, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Bruce Abbott of AES Consulting Engineers

Land Owner:

Williamsburg - James City County Public Schools

Proposed Use:

Placement of two new classroom trailers at Lafayette High School

Location:

4460 Longhill Road; Powhatan District

Tax Map/Parcel No.:

(32-3)(1-1)

Zoning:

R-2, General Residential

Comprehensive Plan:

Federal, State, and County Land

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board approve the proposal with the condition listed in the attached resolution.

Staff Contact:

Christopher Johnson, Senior Planner - Phone: 253-6685

PROJECT DESCRIPTION

Mr. Bruce Abbott of AES Consulting Engineers, has applied on behalf of Williamsburg - James City County Public Schools to allow the placement of two temporary classroom trailers at Lafayette High School. Section 24-109 of the Zoning Ordinance requires the issuance of a special use permit by the Board of Supervisors for temporary classroom trailers accessory to an existing school.

Lafayette High School currently has five temporary classroom trailers located west of the main school building and received Board approval for a sixth classroom trailer on April 13, 2004. The School Board is requesting two additional classroom trailers with bathrooms to merge the Child Development Resources (CDR) classes, currently leasing space at Jamestown High School and Lafayette High School, into a single location. If this application is approved, Lafayette High School will have eight classroom trailers on-site when classes begin in the fall.

PUBLIC UTILITIES

Lafayette High School is located inside the Primary Service Area (PSA). Public water and sewer serve the area surrounding the school and the school itself.

COMPREHENSIVE PLAN

The Comprehensive Plan designates Lafayette High School as Federal, State, and County Land. The majority of land surrounding Lafayette High School is designated as Low-Density Residential. Examples of acceptable land uses in areas designated as Low-Density Residential include single-family homes, recreation areas, community-oriented public facilities, very limited commercial development, churches, and schools. Staff finds that the proposed use to be consistent with the Comprehensive Plan as they are accessory to a recommended land use.

CONCLUSIONS AND CONDITIONS

Staff finds the proposal to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. The applicant has requested a three-year time limit for the requested trailers. Staff recommends the Board of Supervisors approve this application with the following condition:

1. This permit shall be valid until July 1, 2007.

Christopher Johnson

CONCUR:

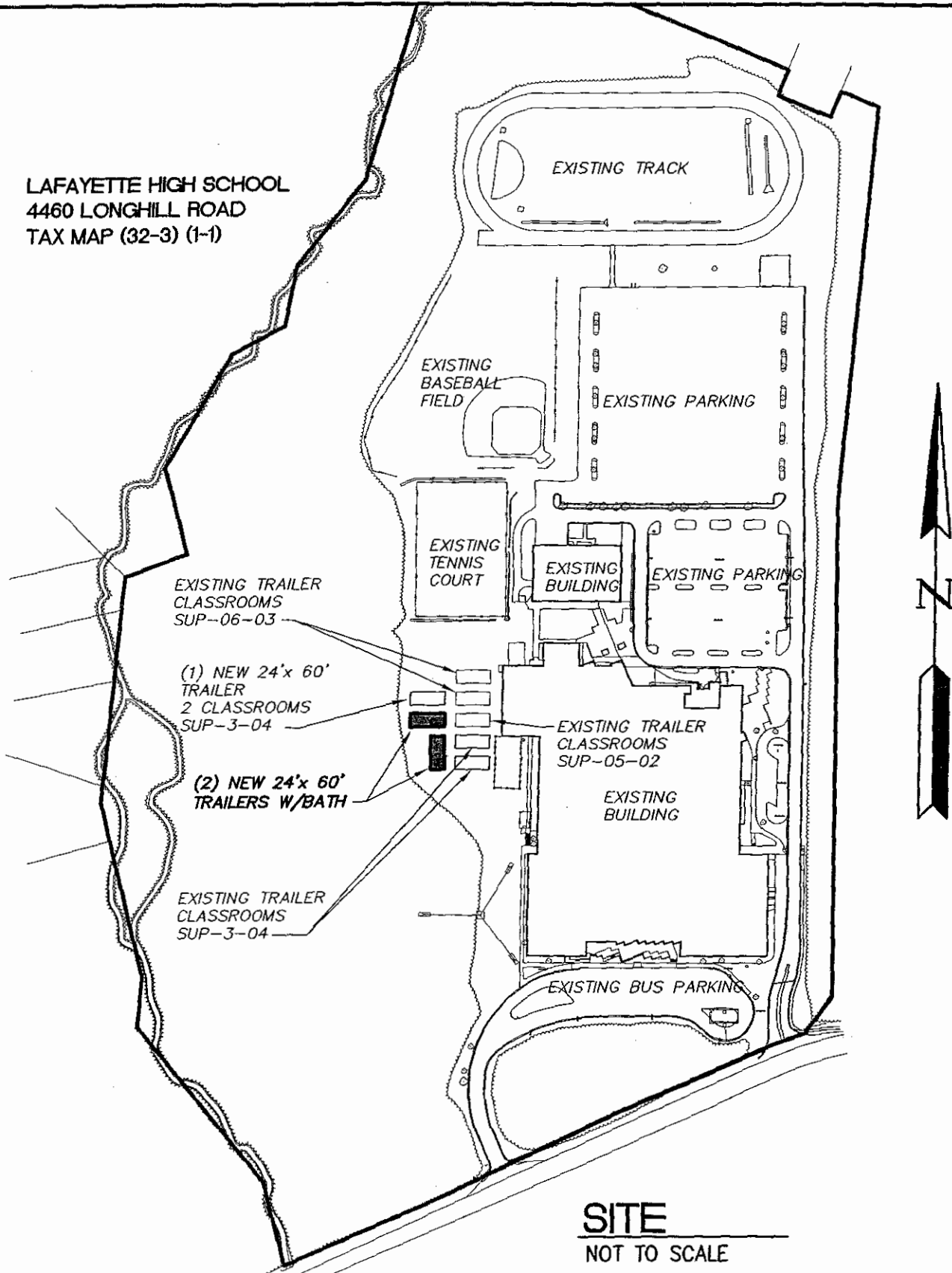
O. Marvin Sowers, Jr.

CJ/gs
sup-15-04.wpd

ATTACHMENTS:

1. Site Map for Lafayette High School
2. Resolution

LAFAYETTE HIGH SCHOOL
4460 LONGHILL ROAD
TAX MAP (32-3) (1-1)



SITE
NOT TO SCALE



Consulting Engineers

Engineers, Surveyors, Planners

Williamsburg, Virginia

TRAILER CLASSROOM
LAFAYETTE HIGH SCHOOL
WILLIAMSBURG / JAMES CITY COUNTY SCHOOLS

RESOLUTION

CASE NO. SUP-15-04. LAFAYETTE HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

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

WHEREAS, temporary classroom trailers accessory to an existing school may be permitted upon the
issuance of a special use permit by the Board of Supervisors; and

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

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

1. These permits shall be valid until July 1, 2007.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of
April, 2004.

sup-15-04.res

**SPECIAL USE PERMIT 24-03. James City County Communications Tower - Forge Road
Staff Report for the April 27, 2004, Board of Supervisors Meeting**

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 F Board Room; County Government Center

Planning Commission:

January 13, 2004 (deferred) 7:00 p.m.
February 2, 2004 (deferred) 7:00 p.m.
March 1, 2004 (deferred) 7:00 p.m.
April 5, 2004 7:00 p.m.
April 27, 2004 7:00 p.m.

Board of Supervisors:

SUMMARY FACTS

Applicant:

Richard M. Miller, James City County Fire Chief

Land Owner:

James City County (JCC)

Proposed Use:

140-foot communications tower serving as part of the JCC 800-MHz-trunked radio system

Location:

3135 Forge Road

Tax Map/Parcel:

(12-3)(1-27)

Zoning:

B-1, General Business

Comprehensive Plan:

Federal, State, and County Land

Primary Service Area:

Yes

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the County's Performance Standards for Wireless Communications Facilities and generally consistent with the 2003 Comprehensive Plan. In such cases where the proposal does not satisfy the criteria, exceptions have been made in order to design a communication system to serve the larger public safety need. Staff recommends the Board of Supervisors approve the special use permit application with the conditions listed in the attached resolution.

Staff Contact:

Matthew Arcieri

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On April, 5, 2004, the Planning Commission recommended approval of this case by a vote of 7-0.

PROJECT DESCRIPTION AND PROPOSED OPERATION

In FY 1996, James City County identified the need to replace the multiple radio systems used by various County agencies into one system. A Needs Assessment Study recommended the County seek licensing for a seven-channel trunked radio system in the 800-MHz. band. James City County has partnered with York County on this project in order to share costs and implement a regional system. On August 12, 2003, the Board of Supervisors authorized the County Administrator to enter into a contract with Motorola and York County for the design and implementation of the 800-MHz trunked radio system.

The new system will require nine communication sites in James City County, York County, Williamsburg, and Poquoson linked together by a looped microwave network. Four of these sites will be located in James City County:

- A 140-foot self-supporting tower replacing the existing 190-foot self-supporting tower at the County Emergency Operations Center (EOC) on Forge Road;
- A 280-foot self-supporting tower located adjacent to an existing 185-foot tower at the Virginia Peninsula Regional Jail on Merrimac Trail;
- A 380-foot guyed tower at the James City County Landfill on Jolly Pond Road; and
- A 380-foot self-supporting tower located adjacent to an existing 280-foot tower in the Hankins Industrial Park on Industrial Boulevard.

All four towers require special use permits. On February 10, 2004, the Board of Supervisors approved the towers at the Virginia Peninsula Regional Jail, James City County Landfill, and Hankins Industrial Park. Over the past three months the applicant has been working on the overall site layout of the EOC and was unable to finalize the tower location resulting in their request to defer action on that tower. Although the EOC tower is close to the Hankins tower, note that the EOC tower is unique from the three approved towers as it links the EOC into the looped microwave network located on the other towers. The approved towers transmit to units and personnel in the field. The remainder of this report will only discuss the tower at the EOC.

PUBLIC IMPACTS

Visual Impacts

- Based on visual observations of the existing 190-foot tall tower, portions of the new tower will be visible from surrounding residences as well as from Richmond Road and Forge Road.
- The new tower will be relocated adjacent to a new central dispatch facility. It will be approximately 170 feet from the side property line and 60 feet from the rear property line which places it closer to the rear of the property. The new tower will be 50 feet shorter than the existing tower. The new tower is 14 feet wide at its base, the same as the existing tower. The new tower will be mounted with two six-foot-wide microwave dishes.

TOWER POLICY

On May 26, 1998, the James City County Board of Supervisors adopted performance criteria for Wireless Communications Facilities (a copy of these standards is attached). In accordance with the Zoning Ordinance, it is recommended that all facilities substantially meet the provisions of the performance standards.

A. Co-location and Alternatives Analysis

Standards A1 and A2 call for the applicant to investigate and provide verifiable evidence of all possible alternatives for locating prior to making a request to construct new facilities. Working with Motorola and the Planning Division, the applicant worked to identify the potential for replacing existing towers or to co-locate on existing towers. The EOC tower will replace the existing tower and satisfies this standard.

Standards A3 and A4 call for a new tower to be sited to allow for the construction of a second tower and that all towers be designed to accommodate as many co-locations as possible. The tower at the EOC will replace the existing tower serving the central dispatch facility and therefore is not designed for co-location. Staff also finds that, due to the size of the property, locating a second tower on this site is not feasible and would create additional negative visual impacts.

B. Location and Design

Standard B1 states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. Towers should be compatible with the use, scale, height, size, design, and character of surrounding existing and future uses while protecting the character of the County's scenic resource corridors and their view sheds. Although there will be impacts on the County's scenic resource corridors and their view, the EOC tower's reduced height decreases these impacts and is generally consistent given that this tower will be replacing an existing tower.

Standard B2 states that new towers should have minimal intrusion on residential areas and on scenic resource corridors. The tower should only be visible off-site when viewed through surrounding trees that have shed their leaves. For areas designated rural lands in the Comprehensive Plan within 1,500 feet of the tower, these same standards apply. For areas more than 1,500 feet from the towers, no more than the upper 25 percent of the tower should be visible.

Based on visual observations of the existing tower, the new tower will be visible from surrounding residences as well as from Richmond Road and Forge Road. Despite the fact that this tower is replacing an existing tower and reduces the impact, staff finds that this tower does not satisfy standard B2.

Standards B3 and B4 state that the tower should be less than 200 feet to avoid lighting. Taller heights may be acceptable where views of the towers from residential areas and public roads are very limited. The tower will be 140 feet tall and replaces a 190-foot tower. The EOC tower meets this standard.

Standard B5 states that towers should be freestanding and not supported with guy wires. The EOC tower meets this standard.

C. Buffering

Standards C1 and C2 state that towers should be placed in a manner that maximizes buffering from existing trees, including maintaining a recommended 100-foot-wide buffer around the site, and that access roads should be designed in a manner that provides no off-site view of the tower base and facilities.

The EOC tower will be located adjacent to a new central dispatch building to be built in conjunction with development of the 800-MHz Radio System. Ordinance requirements call for a 50-foot building setback and a 35-foot landscaped area between the EOC site and adjacent properties. While the location of the EOC tower does not satisfy the 100-foot wooded buffer standard, given the existing tower and the landscaping requirements of the Zoning Ordinance, there will be minimal new negative visual impacts.

COMPREHENSIVE PLAN

Ē The site is designated State, Federal, and County Land.

Staff Comments: The proposed tower is consistent with this designation.

Ē By developing a regional system with York County, the proposal also satisfies Goal 4 of the Public Facilities element, “Emphasize efficient facilities and service delivery systems and develop public facilities as components of regional systems where feasible.”

CONCLUSIONS & CONDITIONS

Staff finds the proposal generally consistent with the County’s Performance Standards for Wireless Communications Facilities and generally consistent with the 2003 Comprehensive Plan. In such cases where the proposal does not satisfy the criteria, exceptions have been made in order to design a communication system to serve the larger public safety need. Staff recommends the Board of Supervisors approve the special use permit application with the conditions listed in the attached resolution. On April, 5, 2004, the Planning Commission recommended approval of this case by a vote of 7-0.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/gb
sup-24-03_042704

ATTACHMENTS:

1. Unapproved Planning Commission Minutes
2. Location Map
3. Existing Tower Pictures
4. County Performance Standards for Wireless Communications Facilities
5. Site Layout (under separate cover)
6. Resolution

Unapproved Minutes from April 5 Planning Commission

SUP-24-03 - Communications Tower - 3135 Forge Road

Mr. Matt Arcieri presented the staff report. Mr. Richard Miller has applied on behalf of James City County for a special use permit to construct and operate a communications tower at **3135 Forge Road** (EOC Building). The Parcel is zoned B-1, General Business and designated Federal, State and County Lands on the Comprehensive Plan Land Use Map. The property can be further identified as Parcel No. (1-27) on JCC Real Estate Tax Map No. (12-3). The tower will be 144 feet tall. Staff found the application consistent and recommended approval.

Mr. Billups asked if any standards had been put in place for communications towers.

Mr. Arcieri responded that staff uses Board-adopted standards for communications facilities and that these regulations guided consideration of these towers.

Mr. Poole spoke to the evolution of the tower standards and their use in this instance.

Mr. Hunt discussed other changes neighbouring localities had made to their communications ordinances.

Mr. McCleary spoke to the concerns of the citizens regarding the site location and acknowledged the concerns of local citizens that the convenience center would have to be moved.

Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole closed the public hearing.

Mr. Hunt motioned to approve. Mr. Kale Seconded.

Mrs. Wildman remarked that it was consistent with the County's performance and voiced her support.

Mr. McCleary commended Mr. Miller and his staff on their efforts to work with citizens.

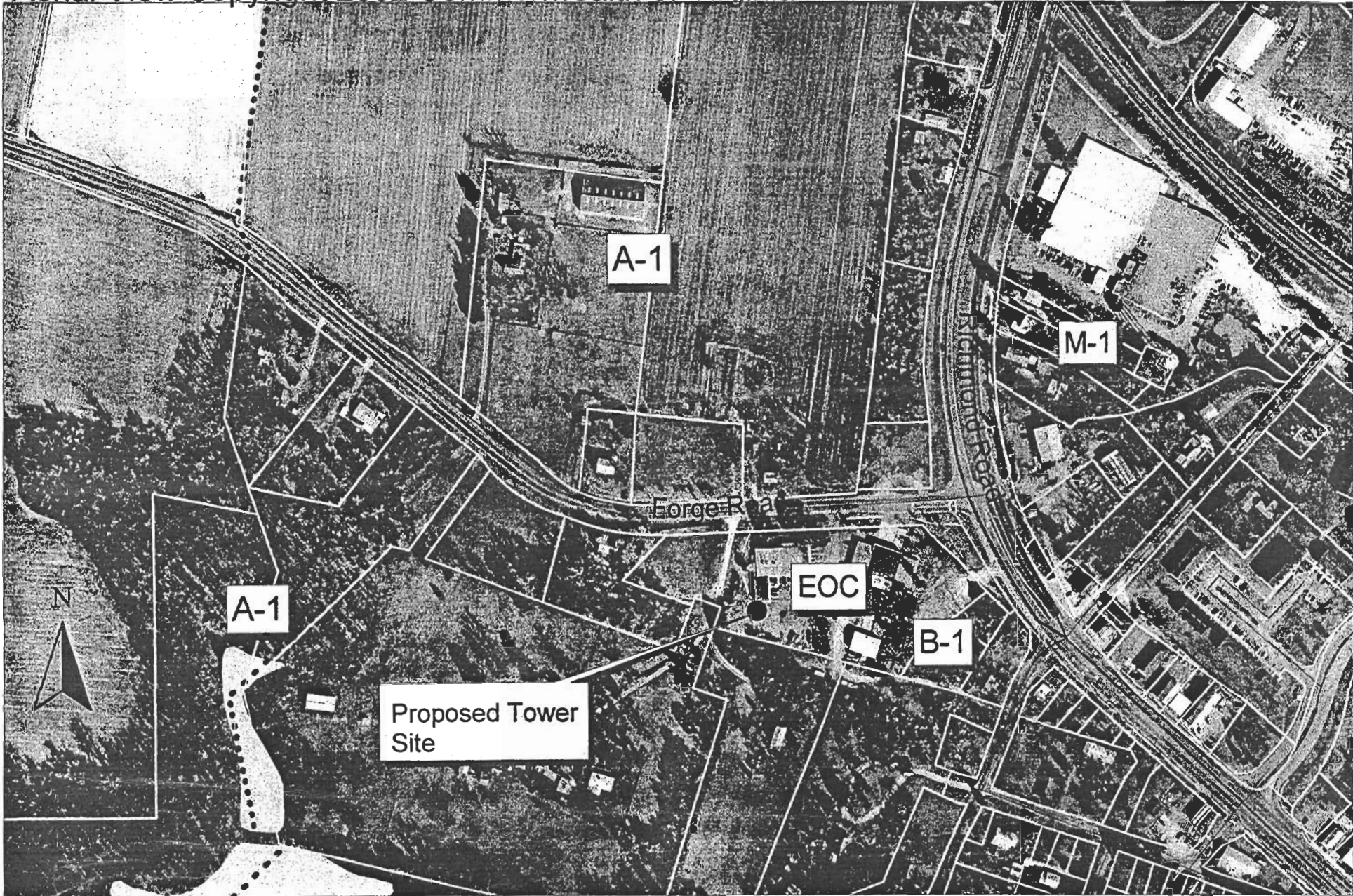
Mr. Kale commented on how well this project had been developed and credited Mr. Miller and his staff on their willingness to work with other localities in moving this project forward.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

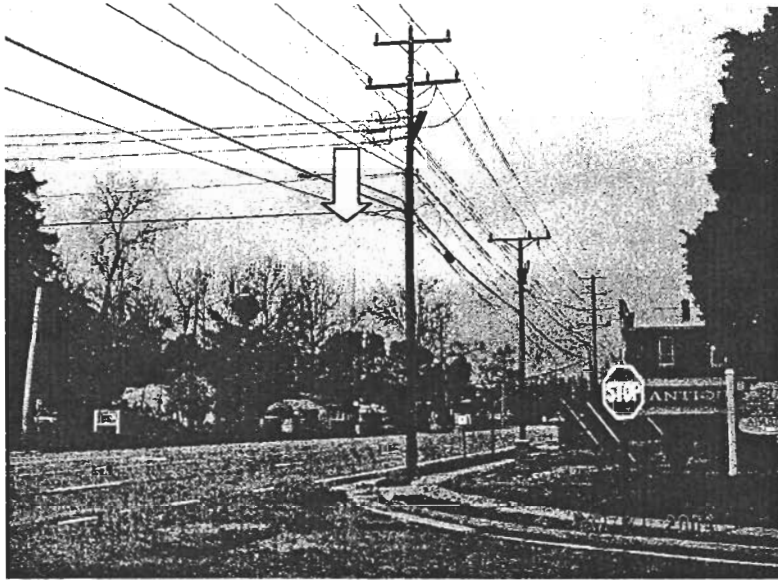
SUP-24-03, JCC Communication Tower JCC Emergency Operations Center (Forge Road)



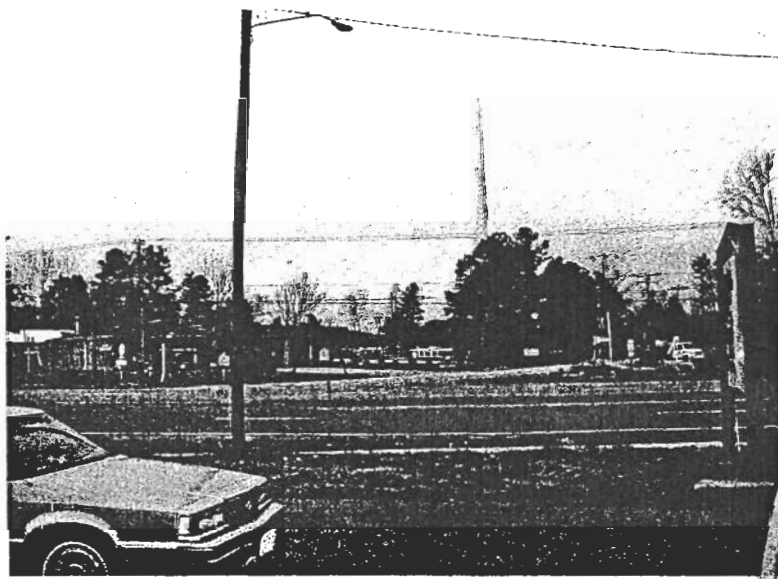
Aerial View Copyright 2002 Commonwealth of Virginia



Existing EOC Tower

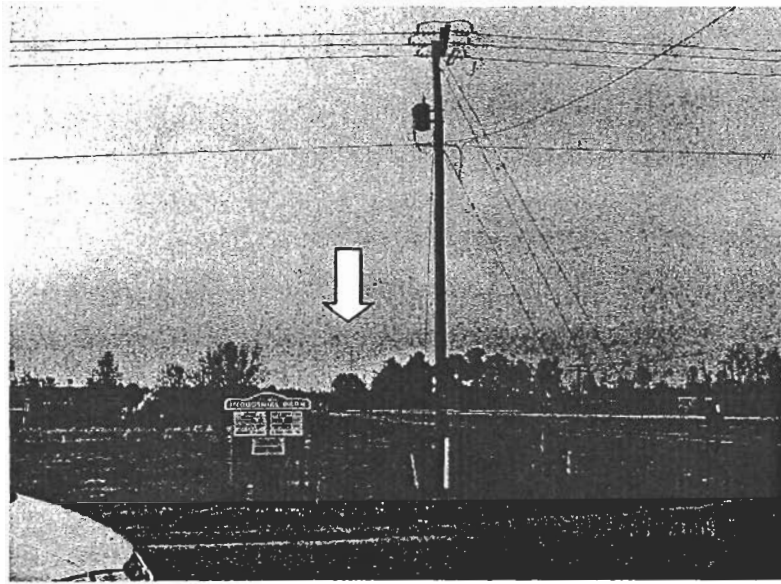


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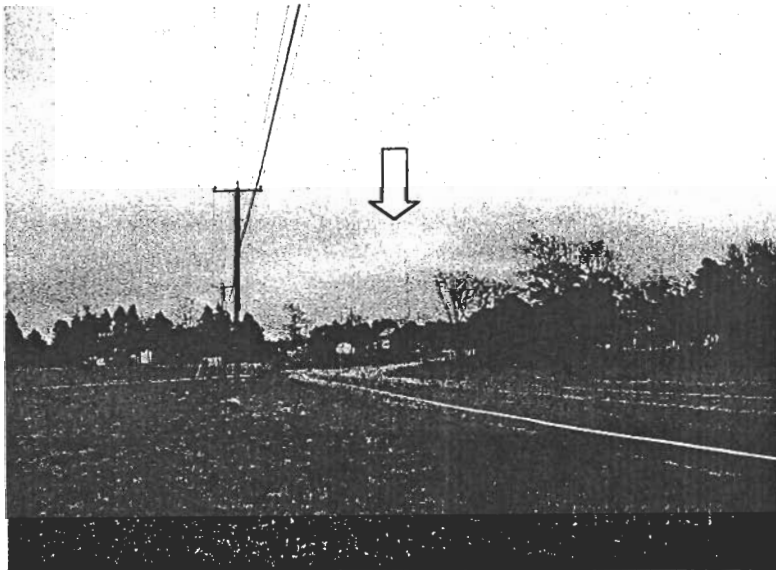


Facing EOC across Richmond Road

Existing EOC Tower



From entrance to Hankins Industrial Park



From Forge Road

PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
MAY 26,1998

In order to maintain the integrity of James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, tower mounted wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, or a building mounted WCF, or a system that uses lower antenna heights than proposed.

The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.
3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

B. Location and Design

1. Towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) Towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the tower would be located; and (2) towers should be located and designed in a manner that protects the character of the County's scenic resource corridors and historic and scenic resource areas and their view sheds.
2. Towers should be located and designed consistent with the following criteria:

Proposed Location of Tower

Impact Criteria

a. Within a residential zone or residential designation in the Comprehensive Plan

Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resource areas or roads in such areas, or scenic resource corridor

For areas designated rural lands in the Comprehensive Plan that are within 1500 feet from the tower, the same standards apply. For rural lands more than 1500 feet from the tower, no more than the upper 25% of the tower should be visible

b. Within a historic or scenic resource area or within a scenic resource corridor

Same criteria as above

c. Within a rural lands designation in the Comprehensive Plan

Same criteria as above

d. Within a commercial or in an industrial designation in the Comprehensive Plan

Same criteria as above

Notes for the above table:

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed tower is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.
2. A tower will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.

4. Towers should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the tower from residential areas and public roads are very limited. At a minimum, towers 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.

C. Buffering

1. Towers should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the tower base or related facilities.
2. Towers should be buffered from adjacent land uses and public roads as much as possible. The following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or scenic resource corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the WCF.
 - b. In or adjacent to all other areas, at least a 50 foot wide-vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

RESOLUTION

CASE NO. SUP-24-03. JAMES CITY COUNTY COMMUNICATIONS TOWER -

FORGE ROAD

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, antennas and towers in excess of 60 feet in height are a specially permitted use in the B-1, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 5, 2004, recommended approval of Case No. SUP-24-03 by a 7-0 vote to permit the construction and operation of a 140-foot-tall tower as part of the James City County 800-MHz trunked radio system at the James City County Emergency Operations Center on 3135 Forge Road and further identified as Parcel No. (1-27) on James City County Real Estate Tax Map No. (12-3).

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. 24-03 as described herein with the following conditions:

1. This Special Use Permit shall be valid for a total of one tower. The maximum height of the tower shall not be greater than 140 feet. The tower site shall be developed generally in accordance with the site layout titled "Special Use Permit Plan for 140' Cellular Tower on the James City County Property" dated December 1, 2003, and revised March 19, 2004, with minor changes approved by the Director of Planning.
2. Final building design, location, orientation, and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
3. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit, or the permit shall become void.
4. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, 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 the number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.

5. The tower shall have a finish that is grey in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
6. No advertising material or signs shall be placed on the tower.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of April, 2004.

sup-24-03.res

MEMORANDUM

DATE: April 27, 2004

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority
Frank M. Morton, III, County Attorney

SUBJECT: Adoption of Rules and Regulations for Riverview Sanitary District

In November 2003, the Board in its role as Directors of the James City Service Authority (JCSA), agreed to take over the ownership of the Riverview Plantation Water System. The water system, which is privately owned, has had ongoing operational challenges and in September and October received two “boil water” notices from the Virginia Department of Health. As an incentive for the JCSA to take over the water system, the Riverview Homeowners Association (HOA) agreed to purchase and give the water system to the JCSA. Currently, the transfer of the water system is awaiting approval by the State Corporation Commission, which is expected at any time.

The JCSA has been in discussion with the HOA for several months about the possibility of assuming responsibility for the Riverview Water System. During the discussion, the JCSA had an engineering assessment of the water system performed. In summary, the assessment indicated that a new water source was needed for the water system and that the water distribution system would need replacement within six to eight years. The total costs of the improvements were estimated to be \$1.2 million.

To offset some of the costs, the Board agreed to assess a \$5,000 fee for those connecting to the acquired water system. In order to be able to legally collect the \$5,000 fee, it was necessary to establish a Sanitary District, as set forth in VA Code Section 15.2-2400, et. seq. On March 1, 2004, Circuit Court Judge Samuel T. Powell signed the order establishing the Riverview Sanitary District of James City County, Virginia (“District”). The Board of Supervisors is empowered to establish the rules and regulations governing the Sanitary District.

Pursuant to the attached resolution, the James City Service Authority will operate the water system and administer the Sanitary District. The JCSA’s Regulations Governing Utility Service provides guidelines for the JCSA to serve its customers. With the exception of the establishment of the connection fees, the JCSA Regulations can provide guidance for the administration and operation of the District, as discussed above. The connection fee structure established in the JCSA’s regulations is different from those required for the Sanitary District.

Staff recommends that the Board approve the attached resolution adopting the JCSA’s Regulations Governing Utility Service as the operating guidelines for the Riverview Plantation Sanitary District with the exception of Sections 32 C 1 and 2, which establish water connection fees. The guidelines for connecting to the Riverview Water System are provided in the resolution.

Larry M. Foster

CONCUR:

Frank M. Morton, III

LMG/FMM/gs
rivervwadopt.mem

Attachment

RESOLUTION

ADOPTION OF RULES AND REGULATIONS FOR RIVERVIEW SANITARY DISTRICT

WHEREAS, on March 1, 2004, the James City County Circuit Court, by order, established the Riverview Sanitary District of James City County ("District") for the purpose of improving water service to the Riverview Plantation Subdivision; and

WHEREAS, the Board of Supervisors hereby agrees to delegate the responsibility of the day-to-day operations of the District to the James City Service Authority (JCSA); and

WHEREAS, to offset a portion of the estimated \$1.2 million in costs to improve the District water system, the Board of Supervisors ("Board") has agreed to assess all current and future property owners served by the system a \$5,000 connection fee; and

WHEREAS, the District requires operating guidelines for the day-to-day administration of the water system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the JCSA's Regulations Governing Utility Service as the operating guidelines for the District excepting Sections 32 C 1 and 2, which establish water system connection fees. The Board also agrees to delegate to the JCSA the day-to-day operations of the District. The connection fees for the Riverview Plantation Water system shall be as follows:

- All properties connecting to the Riverview Sanitary District Water System, including both existing customers of Riverview Plantation Water System and any future new customers shall pay a connection fee of \$5,000.
- If the \$5,000 fee is not paid or arrangements are not made to pay the fee within 180 days from the date of the connection to the system, a lien shall be placed on the property for the full amount of the connection fee.
- Any property owner currently connected to the Riverview Water System can, on request, enter into a payment program with the JCSA to allow deferred payments for up to 60 months at a rate of prime plus 2 percent. The rate will be recalculated on July 1 of each year if the loan has an outstanding balance.
- Any property owner connecting to the water system in the future can defer payments in accordance with Section 2G of the JCSA's Regulation Governing Utility Service; current terms require 25 percent down with the balance to be paid over up to 48 months at an 8 percent interest rate.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of
April, 2004.

riverwadopt.res