

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

May 11, 2004

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE - Ashley Hannah, an eighth-grade student at Toano Middle School

D. PRESENTATION

1. May is Bike Month

E. PUBLIC COMMENT

F. CONSENT CALENDAR

1. Minutes
 - a. April 13, 2004 - Regular Meeting
 - b. April 27, 2004 - Work Session
 - c. April 27, 2004 - Regular Meeting
2. Chesapeake Bay Restoration Fund Grant
3. May is Bike Month
4. Allocation of Additional Funds for Columbia Drive Project
5. Appropriation - Establishment of a Full-Time Operations/Special Trips Supervisor Position for Williamsburg Area Transport
6. Department of Motor Vehicles Mini-Grant Awards

G. PUBLIC HEARINGS

1. Conveyance of Property Located at 150 Carriage Road
2. Case Nos. Z-15-03/MP-13-03/HW-2-03. Stonehouse Station at Norge (Continued from April 13, 2004)
3. Case No. SUP-9-04. Chesapeake Bank SUP Amendment
4. Ordinance Amendment - Chapter 20, Taxation, Article II, Exemption of Certain Persons from Real Estate Taxes, Section 20-11, Amount of Exemption
5. Ordinance Amendment - Chapter 20, Taxation, Article IV, Transient Lodging Tax, Section 20-14, Tax Levied, and Section 20-15, Definitions

H. BOARD CONSIDERATIONS

1. Resolution of Appropriation - FY 2005 Budget (Deferred from April 27, 2004)

- CONTINUED -

2. Ordinance Amendment - Chapter 3, Animal Control, Article III, Dog Licenses, Section 3-48, Annual Fee Imposed on Dogs and Kennels; and Section 3-4, Annual Dog License Fee; Exemption for Certain Dogs, to increase fees and provide for multi-year licenses (Deferred from April 27, 2004)
3. Ordinance Amendment - Chapter 4, Building Regulations, Article I, Virginia Uniform Statewide Building Code, Section 4-8, Generally; to increase certain fees (Deferred from April 27, 2004)
4. Ordinance Amendment - Chapter 8, Erosion and Sediment Control, Section 8-5, Permits, Fees, Bonding, Etc.; to increase fee (Deferred from April 27, 2004)
5. Ordinance Amendment - Chapter 11, Health and Sanitation, Article II, Section 11-14, County Refuse Containers; to increase fee (Deferred from April 27, 2004)
6. Ordinance Amendment- Chapter 20, Taxation, Article V, Section 20-25, Tax Imposed, to increase E911 tax (Deferred from April 27, 2004)
7. Revisions to Chapter 2, Employment Practices, and Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual
8. FY 2005 Strategic Management Plan

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Board of Zoning Appeals
 - b. Cable Communications Advisory Committee
 - c. Parks and Recreation Advisory Commission
 - d. Regional Issues Committee
 - e. Williamsburg Area Destination Marketing Committee

M. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF APRIL, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Chairman, Berkeley District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

J. Michael Boley and Chase Boley, students at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

Mr. Goodson recess the Board for a Williamsburg Area Transport Board of Directors meeting at 7:04 p.m.

Mr. Goodson reconvened the Board at 7:30 p.m.

D. RECOGNITION

1. James City County Volunteer Recognition Week, April 18-24, 2004

Ms. Carol Schenk, Personnel Assistant, accepted a resolution on behalf of the volunteers for their commitment and hard work to make a difference in the lives of their fellow citizens.

E. PRESENTATION

1. Community Reforestation Project - Brian Noyes, Colonial Soil and Water Conservation District

Mr. Brian Noyes, Colonial Soil and Water Conservation District, introduced Ms. Leanne DuBois, Virginia Cooperative Extension.

Ms. Dubois provided an overview of the contributors and sponsors of the Community Reforestation Project, overview of the project's outcome, and stated that the level of interest in the project resulted in the need to order additional trees.

Mr. Noyes provided an overview of the workshops offered, stated that over 20,000 trees were distributed, environment and conservation benefits of projects such as the Community Reforestation, and thanked the Board for its support.

Mr. Brown stated that citizens from the Powhatan District had provided favorable feedback on the initiative and the workshop, and thanked Mr. Noyes for the effort to assist the community recovery from the Hurricane Isabel experience.

Mr. Noyes stated that an opportunity has presented itself to work with Homeowners' Associations to plant trees in neighborhoods.

Mr. Goodson stated that he also got favorable feedback on the project.

F. PUBLIC COMMENT

1. Ms. Linda Rice, 2394 Forge Road, spoke on behalf of the Friends of Forge Road regarding the proposed closure of the Recycle Convenience Center at the Emergency Operations Center, stated that residents in the County request easy access to solid waste disposal and recycling in the County, stated that if the Center is closed, citizens may have to drive 20 miles round-trip to dispose of garbage and recyclable items and that not all citizens can elect curbside service; commented that the lack of convenient recycling will result in more littering; stated that the Comprehensive Plan supports the recycling program and its expansion and that the closure of the Recycle Convenience Center does not support those plans, proposed that moving the Convenience Center next to the Toano Women's Club was not appropriate, and urged the Board to relocate the Convenience Center to another site in Stonehouse.

2. Mr. Ed Oyer, 139 Indian Circle, inquired if Public/Private Partnerships are beneficial to the County; suggested that the Board use one percent from the lodging and food taxes against debt service; commented on the County's demographics for health care and that projections do not indicate a growing youth population; commented on a recent *Daily Press* awards and that none of the awards were presented to James City County; and commented on a recent *Wall Street Journal* article on teachers working in small classrooms and small classroom impacts on student education.

G. CONSENT CALENDAR

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

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

1. Minutes

- a. March 23, 2004 - Work Session
- b. March 23, 2004 - Regular Meeting

2. James City County Volunteer Recognition Week, April 18-24, 2004

RESOLUTION

JAMES CITY COUNTY VOLUNTEER RECOGNITION WEEK, APRIL 18-24, 2004

WHEREAS, volunteerism offers opportunities to every citizen to participate in his/her government in order to meet community needs; and

WHEREAS, volunteers enhance our quality of life, promote community involvement, generate civic pride, restore our neighborhoods, and support our families; and

WHEREAS, the citizens of James City County are deserving of recognition for their commitment and hard work to make a real difference in the lives of their fellow citizens; and

WHEREAS, volunteers are a valuable partnership with James City County staff and in 2004 contributed 77,854 hours valued at \$1,287,705.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 18-24, 2004, as Volunteer Recognition Week and calls its significance to all of our citizens.

3. Child Abuse Prevention Month – April

RESOLUTION

CHILD ABUSE PREVENTION MONTH - APRIL

WHEREAS, every child is a precious gift, full of promise and potential; and

WHEREAS, child abuse and neglect is a serious problem in Virginia; and

WHEREAS, the prevention of child abuse is crucial to the preservation of health and well-being of Virginia's families and can be accomplished by providing support and information to families as well as through increased community awareness; and

WHEREAS, all children learn from role models at home, at church, at school, and in their communities and all children benefit from the love and leadership displayed by caring and responsible adults; and

WHEREAS, children are our most precious resource and we are committed to keeping the children of this great Commonwealth safe and happy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the month of April 2004 as Child Abuse Prevention Month in James City County and calls its significance to the attention of all our citizens.

4. Rescind Declaration of Local Emergency - Hurricane Isabel

RESOLUTION

RESCIND DECLARATION OF LOCAL EMERGENCY - HURRICANE ISABEL

WHEREAS, the Board of Supervisors of James City County, Virginia, declared a local state of emergency for Hurricane Isabel on September 20, 2003; and

WHEREAS, the County has now completed its missions related to the Hurricane.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a local emergency no longer exists and the declaration is hereby rescinded.

5. Department of Motor Vehicles Mini-Grant Awards

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES MINI-GRANT AWARDS

WHEREAS, the Department of Motor Vehicles (DMV) has approved two mini-grants in the amount of \$1,500 each to the Police Department for Driving Under the Influence (DUI) enforcement and Bicycle Safety Program equipment; and

WHEREAS, the grants are administered by the DMV according to the Federal government fiscal year, which runs from October 1 through September 30, thus allowing any unexpected funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

DMV - DUI Enforcement Mini-Grant	\$1,500
DMV - Bicycle Safety Mini-Grant	\$1,500

Expenditures:

DMV - DUI Enforcement Mini-Grant	\$1,500
DMV - Bicycle Safety Mini-Grant	\$1,500

6. Street Name Change: "Wellesley Way" to "Bournemouth Bend"

RESOLUTION

STREET NAME CHANGE: "WELLESLEY WAY" TO "BOURNEMOUTH BEND"

WHEREAS, Section 19-54 (B) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name change has been discussed with the Fire Department, Police Department, Planning Division, Williamsburg Post Office, and Real Estate Assessment and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street "Wellesley Way" to "Bournemouth Bend."

7. Dedication of Streets in Stonehouse, Phase I, Section 3; Stonehouse, Phase I, Section 4A; Stonehouse, Phase I, Section 4B

RESOLUTION

DEDICATION OF STREETS IN STONEHOUSE, PHASE 1, SECTION 3A;

STONEHOUSE, PHASE 1, SECTION 4A; AND STONEHOUSE, PHASE 1, SECTION 4B

WHEREAS, the streets described on the attached Additions Forms SR-5(A)s, 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 July 1, 1994, 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)s 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.

8. Streetscape Guidelines Policy Revision

RESOLUTION

STREETSCAPE GUIDELINES POLICY REVISION

WHEREAS, the Streetscape Guidelines Policy was originally created to preserve or establish street trees in new residential areas of James City County during the special use permit and rezoning process; and

WHEREAS, the 2003 Comprehensive Plan identified the need for a revision of the Streetscape Guidelines Policy to allow flexibility with the choice of plant material and location of street trees due to site constraints such as utilities; and

WHEREAS, the Policy Committee recommended endorsement of the Streetscape Guidelines Policy revision to the Planning Commission on February 17, 2004; and

WHEREAS, the James City County Planning Commission endorsed the revisions to the Streetscape Guidelines Policy on March 1, 2004.

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

STREETSCAPE GUIDELINES POLICY

Goal

To preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas. Plant new trees appropriate to the climate and soils of James City County, enhancing existing healthy, durable, and mature trees in these areas.

Tree preservation/planting shall be accomplished such that, within 20 years growing time, the minimum tree canopy over residential streets shall be 20%. The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.

Guidelines for Street Trees

In all residential subdivisions, deciduous shade trees and/or shrubs shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a Virginia Landscape Architect and shall be reviewed and approved by the Director of Planning. The street tree plans shall adhere to the following guidelines:

Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to such right-of-way. Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the right-of-way as the design allows.

The easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the Planning Director.

Trees and/or shrubs shall be spaced no greater than 75 feet apart along 60% of the street frontage.

All trees that are planted shall be native species or street trees commonly planted in the James City County area that are adapted to the soils and climate. At the time of planting, trees shall have a minimum caliper of 1 ½". Shrubs are to be a minimum of 22" in height at the time of planting. Please refer to the Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.

Existing trees which are within 20 feet of the edge of the right-of-way, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement if approved by the Planning Director. Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.

Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. Prior to final site plan approval, the plantings and installation are to be bonded.

Upon completion of installation, a Virginia Landscape Architect shall verify, in writing, that the specified trees or shrubs were installed in the locations shown on the plans. A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.

Guidelines for Entrances and Common Areas

Entrances shall be landscaped with native and/or climate and soil appropriate trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria. Unless the Director of Planning or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of 1 tree and 3 shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet in width.

Table 1. Suggested Street Trees

Acer campestre, Hedge Maple
Acer rubrum, Red Maple
Fraxinus pennsylvanica, Green Ash (seedless cultivars)
Ginkgo biloba, Maidenhair Tree (male cultivars)
Nyssa sylvatica, Black Tupelo
Ostrya virginiana, American Hophornbeam
Quercus phellos, Willow Oak
Quercus shumardii, Shumard Oak
Ulmus parvifolia, Lacebark Elm
Zelkova serrata, Japanese Zelkova

This list is suggested. Trees used are not required to be from this list.

Table 2. Suggested Plant Material for Entrances and Common Areas

Trees

Betula nigra, River Birch
Carya ovata, Shagbark Hickory
Cercis Canadensis, Eastern Redbud
Cornus kousa, Kousa Dogwood
Juniverus virginiana, Eastern Redcedar
Pinus taeda, Loblolly Pine

Shrubs

Hamamelis virginiana, Witch Hazel
Ilex opaca, Inkberry
Ilex vomitoria, Yaupon Holly
Myrica cerifera, Wax Myrtle
Viburnum dentatum, Arrowwood Viburnum

Groundcovers and other Herbaceous Plants

Calamagrostis acutiflora, Feather Reed Grass
Ceratostigma plumbaginoides, Plumbago
Coreopsis verticillata, Threadleaf Coreopsis
Deschampsia caespitosa, Tufted Hair Grass
Festuca cinerea, Blue Fescue
Helichtotrichon sempervirens, Blue Oat Grass
Hemerocalis, Daylily
Hypericum calycinum, St. Johnswort
Liriope muscari, Blue Lily-turf
Miscanthus sinensis, Japanese Silver Grass
Panicum virgatum, Switch Grass
Potentilla fruticosa, Bush Cinquefoil

This list is suggested. Plants used are not required to be from this list.

9. Reappointment of the County Administrator and the Appointment of Alternate to Virginia Peninsulas Public Service Authority Board

RESOLUTION

**REAPPOINTMENT OF THE COUNTY ADMINISTRATOR AND THE APPOINTMENT OF
ALTERNATE TO VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY BOARD**

WHEREAS, traditionally the County Administrator is appointed as the County's representative on the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors; and

WHEREAS, there are occasions that the representative is unable to attend VPPSA meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is reappointed to the VPPSA Board and the Assistant County Administrator/Acting Assistant County Administrator is appointed as the County's alternate to the VPPSA Board.

10. Peninsula Public Sports Facility Authority Board - Reappointment of County Administrator and Appointment of Assistant County Administrator as the Alternate

RESOLUTION

PENINSULA PUBLIC SPORTS FACILITY AUTHORITY BOARD -

**REAPPOINTMENT OF THE COUNTY ADMINISTRATOR AND THE APPOINTMENT OF
ASSISTANT COUNTY ADMINISTRATOR AS THE ALTERNATE**

WHEREAS, traditionally the County Administrator is appointed as the County's representative on the Peninsula Public Sports Facility Authority (PPSFA) Board; and

WHEREAS, there are occasions that the representative is unable to attend PPSFA meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is reappointed to the PPSFA Board and the Assistant County Administrator/Acting Assistant County Administrator is appointed as the County's alternate to the PPSFA Board.

H. PUBLIC HEARINGS

1. Case Nos. Z-15-03/MP-13-03/HW-2-03. Stonehouse Station at Norge

Mr. Christopher Johnson, Senior Planner, stated that Ms. Lou Rowland, on behalf of Stonehouse Station L. P., has submitted an application to rezone approximately 10.167 acres located at 7721 Croaker

Road and further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (13-4) from B-1, General Business, to R-5, Multifamily Residential, with proffers, for the construction of a new affordable apartment housing complex. Additionally, a height limitation waiver is requested for the proposed three-story apartments buildings that will exceed 35 feet in height.

Staff found that with the submitted proffers, the proposal will not negatively impact surrounding property.

Staff found the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation.

Staff also found the affordable housing will be an added benefit in meeting the needs of the County.

At its meeting on March 1, 2004, the Planning Commission recommended denial of the proposal by a vote of 6-1.

Mr. Johnson stated that the applicant has requested deferral of this item and staff has no objection to the deferral request.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter at this time, and without objection from the Board, Mr. Goodson would continue the Public Hearing to May 11, 2004.

2. Case No. SUP-1-04. STAT Services, Inc.

Mr. Christopher Johnson, Senior Planner, stated that Mark Kaisand applied on behalf of Powhatan Springs, LLC, for a Special Use Permit (SUP) to allow the construction of an approximately 12,000-square-foot contractor's office building, parking area, and an additional area of approximately 6,800 square feet in size for outdoor storage of containers and equipment on 2.126 acres zoned R-8, Rural Residential, located at 133 Powhatan Springs Road, further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (46-2).

Staff found the proposal for the contractor's office and associated equipment storage area to be generally inconsistent with the residential character of the surrounding area; however, with conditions, staff found the proposal to be an improvement over the most recent uses on the site and a positive improvement for the surrounding residential area.

On March 1, 2004, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff recommended approval of the application with conditions.

Mr. Goodson inquired if this application has the same conditions as the one submitted two years ago.

Mr. Johnson stated that it is the same application with no changes to the case or conditions.

Mr. Goodson opened the Public Hearing.

1. Mr. Bob Oliver, Jamestown Management Company, requested the Board approve the application.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-1-04. STAT SERVICES, INC.

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, business, government, and professional office buildings are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on March 1, 2004, recommended approval of Case No. SUP-1-04 by a unanimous vote to permit the construction of an approximately 12,000-square-foot office building located at 133 Powhatan Springs Road and further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (46-2).

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.1-04 as described herein with the following conditions:

1. Construction. If construction has not begun on the project within 24 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance and building construction.
2. Master Plan. Development of the site shall be generally in accordance with the "Master Plan, A-Stat Restoration Services," prepared by Morris Mason and dated January 8, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. Tank Removal. Prior to obtaining a Certificate of Occupancy, the owner shall remove the gas pump and underground fuel tank from the Property.
4. Lot Line Extinguishment. Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which extinguishes the lot line separating Parcels A and Parcel B on the Property identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (46-2).

5. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area along the property frontage on Powhatan Springs Road, along the portions of the property adjacent to residential homes, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape requirements.
6. Signs. Signage on the site shall be limited to a single ground-mounted, monument- style, freestanding sign further limited to a maximum of 16 square feet along the Powhatan Springs Road right-of-way. The sign shall be externally illuminated and shall be approved by the Planning Director or his designee prior to final site plan approval.
7. Fence. Any existing perimeter fence which is removed as part of the development shall be replaced with a black or dark green colored chain-link fence or solid-wood fence and identified on the development plans and approved by the Planning Director or his designee prior to final site plan approval.
8. Dumpsters. All dumpsters on the Property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
9. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought-tolerant plants if and where appropriate and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.
10. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
11. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the office building. Such approval as determined by the Planning Director shall ensure that the design, building materials, color, and scale of the office building and any future building additions are compatible with the surrounding residential area.
12. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. AFD-7-86. Mill Creek - Gulden Addition

Mr. Christopher Johnson, Senior Planner, stated that Randolph Gulden applied to add approximately 87.201 acres, zoned A-1, Rural Lands, to the Mill Creek Agricultural and Forestal District. The parcel is located at 126 Camp Road and can be further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (10-2).

Staff found the proposed addition met the minimum area and proximity requirements for inclusion into the Agricultural and Forestal District and to be consistent with surrounding zoning and development and the 2003 Comprehensive Plan.

At its meeting on February 18, 2004, the Agricultural and Forestal District Advisory Committee recommended approval by a vote of 6-0.

At its meeting on March 1, 2004, the Planning Commission voted 7-0 to recommend approval of the application.

Staff recommended approval of the addition to the District subject to the conditions of the existing District as listed in the resolution.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the Ordinance.

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

4. Case Nos. SUP-3-04 & -4-04. Temporary Classroom Trailers, Jamestown High School and Lafayette High School (Continued from March 9, 2004)

Mr. Christopher Johnson, Senior Planner, stated that Bruce Abbott of AES Consulting Engineers, has applied for special use permits on behalf of the Williamsburg-James City County Public Schools to allow the placement of temporary classroom trailers at Jamestown High School and Lafayette High School, at 4460 Longhill Road and 3751 John Tyler Highway, further identified as Parcel Nos. (1-1) and (1-2D) on James City County Real Estate Tax Map Nos. (32-3) and (46-1).

Mr. Johnson stated that these applications were deferred at the Board's meeting on March 9, 2004, in order to allow the School Division additional time to evaluate space utilization alternatives.

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

Staff recommended approval of the proposals with conditions.

Mr. Anderson inquired if the location of the requested trailers will impact the location of the proposed trailers for the Child Development Resource program to come before the Board on April 27, 2004.

Mr. Johnson stated that the trailer location would not impact the ability to locate additional trailers on the site.

Mr. Goodson inquired if staff has concerns about the upcoming request for two additional trailers on the Lafayette High School site.

Mr. Johnson stated that staff does not have a problem with the proposals.

Mr. Goodson opened the Public Hearing.

1. Mr. Bruce Abbott, AES Consulting Engineers, was available to answer any questions.

2. Mr. Michael E. Thornton, Assistant Superintendent of Finance & Administrative Services, was available to answer questions from the Board.

Mr. Brown stated that the Schools, subsequent to this proposal, have proposed to consolidate the CDR day care into two trailers to be located at Lafayette High School. Mr. Brown inquired why the schools are still asking for the initial trailers at Lafayette High School if classroom space has been opened up by consolidating CDR.

Mr. Thornton stated that as a result of the actual enrollment number this year and projected enrollment number for the next year, there is an indication that a need still exists for additional classroom space as a result of programmatic needs and relocation of a Special Need's class from the James Blair Middle School.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-3-04. LAFAYETTE HIGH SCHOOL

CASE NO. SUP-4-04. JAMESTOWN HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of these special use permit applications 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 one new temporary classroom trailer and extend the expiration date of two existing 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); and

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

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

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

5. Case No. SO-1-04. Amendment to Section 19-60, Individual Sewer

Mr. David Anderson, Senior Planner, stated that the Planning Commission has requested an Subdivision Ordinance amendment to permit the use of alternative septic drainage systems that are approved by the Health Department without Planning Commission review and approval.

Mr. Anderson presented an amended ordinance for the Board's consideration that includes recommendations from Mr. Bradshaw and Mr. Morton.

Staff found that the proposed amendment recognizes the technological advancements of alternate septic drainfield systems and the environmental benefits stemming from these advancements, while maintaining the larger development standards set forth in the ordinance and Comprehensive Plan.

At its meeting on March 1, 2004, the Planning Commission voted 7-0 to recommend approval of the ordinance amendment.

Staff recommended the Board approve the ordinance amendment.

Mr. McGlennon inquired as to how many waiver requests to the existing ordinance are requested each year.

Mr. Anderson stated that less than six cases for a waiver come before the Planning Commission.

Mr. Goodson opened the Public Hearing.

1. Mr. Marc Bennett, AES Consulting Engineers, provided an overview of the differences in the maintenance and repair of soil absorption systems versus standard septic systems.

As no one else wished to speak, Mr. Goodson closed the Public Hearing.

Mr. Bradshaw invited Dave Jordan from the Department of Environmental Quality to comment on the proposal and answer questions from the Board.

Mr. Jordan concurred with staff recommendations and concurred with Mr. Bennett's analysis of the differences in the two systems, and stated the soil absorption system is an improvement and does require a higher degree of maintenance.

Mr. Brown inquired if the alternative system is maintained with periodic filter change, and if it would be better for the environment as it provides cleaner effluent return to soil.

Mr. Jordan stated that the septic system is designed to fail in 20-40 years; the soil absorption system treats the effluent before it enters the soil; and then it is cleaner and more readily accepted by the soil and can last for an indefinite period of time as long as it is maintained.

Mr. Brown inquired if the largest disadvantage to alternative septic drainfield systems is that they are more expensive to install and maintain.

Mr. Jordan stated that is correct and the economics of the system is difficult now with approximately \$10,000 to \$20,000 for a new system plus installation.

Mr. Bennett concurred with Mr. Jordan's comments and stated that these systems are the wave of the future.

Mr. Bradshaw made a motion to adopt the proposed ordinances as amended by staff with the phrase "only" stricken from paragraph 2.

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

6. Exchange of Easements with Dominion Virginia Power

Mr. William Porter, Assistant County Administrator, presented a resolution authorizing the County Administrator to execute a Right-of-Way agreement with Dominion Virginia Power to convey three 15-foot utility easements to Dominion Virginia Power to increase reliability and add additional capability to the existing power grid in the Longhill Road area and allow James City County to provide adequate drainage for Fire Station No. 2.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

EXCHANGE OF EASEMENTS WITH DOMINION VIRGINIA POWER - FIRE STATION NO. 2

WHEREAS, Virginia Electric and Power Company and the County wishes to exchange three 15-foot easements for utilities between James City County Real Estate Tax Map No. (3210100012), commonly known as the Warhill Tract for drainage easement for Fire Station No. 2 over James City County Real Estate Tax Map No. (51401007), commonly known as 8415 Pocahontas Trail; and

WHEREAS, Easements will increase reliability and add additional capability to the existing power grid in the Longhill Road area and provide adequate drainage for Fire Station No. 2 on Pocahontas Trail; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to make exchange of such easements with Virginia Electric and Power Company for utilities and drainage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Right-of-Way Agreements and such other documents necessary to convey a utility easement to Dominion Virginia Power.

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that on April 27, at 7 p.m., a Public Hearing will be held on the proposed Fiscal Year 2005 and Fiscal Year 2006 Budget along with ordinance amendments for fees and charges.

Mr. Wanner recommended that when the Board finishes with its agenda, it adjourn to 4 p.m. on April 27 for a Work Session on the James City Service Authority projects update and possible discussion on Adequate Public Facilities.

Mr. Wanner recommended the Board recess briefly for a James City Service Authority Board of Directors meeting and then reconvene to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of a parcel of Real Property, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the disposition of parcels of Real Property, and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of the appointments of an individuals to the Board of Equalization.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that he would have items to discuss regarding the Adequate Public Facilities at the Work Session on April 27.

Mr. Goodson recessed the Board for a James City Service Authority Board of Directors meeting at 8:30 p.m.

Mr. Goodson reconvened the Board at 8:46 p.m.

L. CLOSED SESSION

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of a parcel of Real Property, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the disposition of parcels of Real Property, and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of the appointments of an individuals to the Board of Equalization.

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

Mr. Goodson convened the Board into Closed Session at 9:01 p.m.

Mr. Goodson reconvened the Board into Open Session at 9:46 p.m.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) to consider the acquisition of a parcel of property; Section 2.2-3711(A)(3) to consider the disposition of a parcel of property; and Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to adopt the resolution recommending Michael J. Simerlein be appointed by the Circuit Court Judge to the Board of Equalization for a three-year term.

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

RESOLUTION

TO RECOMMEND APPOINTEE TO THE JAMES CITY COUNTY

BOARD OF EQUALIZATION

WHEREAS, Section 20-30 of the Code of the County of James City, Virginia, requires the Board of Supervisors to recommend to the Circuit Court qualified freeholders of the County for appointment to the James City County Board of Equalization; and

WHEREAS, the term of Darline H. Layer expired on December 31, 2003, and she has served on the Board for 16 consecutive years; and

WHEREAS, the newly enacted legislation concerning Boards of Equalization limits members to nine consecutive years of service on the Board; and

WHEREAS, the Board of Supervisors of James City County seeks to appoint a new member for a three-year term; and

WHEREAS, Michael J. Simerlein is a freeholder of the County and meets the enacted legislation requirements for members of Boards of Equalization.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recommends to the Circuit Court the appointment to the James City County Board of Equalization the following qualified freeholder, Michael J. Simerlein, for a three-year term.

M. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

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

At 9:47 p.m. Mr. Goodson adjourned the Board until 4 p.m. on April 27, 2004.

Sanford B. Wanner
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF APRIL, 2004, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
Jay T. Harrison, Sr., Berkeley District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District

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

Mr. Goodson introduced Mr. Joe Poole and Mr. Joe McCleary, members of the Planning Commission, in attendance.

B. BOARD DISCUSSION

1. Adequate Public Schools Facilities Test Policy

Mr. John T. P. Horne, Manager of Development Management, without objection from the Board recommended a course of discussion for the Adequate Public Schools Facilities Test Policy ("Policy"), requested Board guidance and questions on changes to the Policy, and introduced Trey Davis, Development Management Assistant, for an overview of the proposed amended Policy.

Mr. Davis provided an overview of the history of the Policy since its consideration during the 1997 update of the Comprehensive Plan and adoption by the Planning Commission in May of 1998.

Mr. Harrison requested clarification on the legal perspectives of the Policy.

Mr. Davis stated that the Virginia Code allows the Board to identify impacts on public facilities as long as the Board retains its legislative discretion to consider all the impacts and advantages of each individual case, and the Board cannot turn down a proposal exclusively based on a failure of a proposal to pass an adequate public facilities test.

Mr. Morton stated that the significant factor in the Virginia Code is that the decision cannot be a pass/fail consideration of the proposal based on the Policy. The developer has the opportunity to mitigate the impact of the proposal for the adequate facilities tests.

Mr. Goodson and Mr. Morton discussed the lack of "transfer of development rights" in the Commonwealth and that the Policy would not be enforceable.

Mr. Horne stated that there are more ways to mitigate impact to the educational system than a financial contribution criteria.

Mr. McGlennon inquired if an Adequate Public Schools Facilities Test Policy is needed, and if this is the right policy to mitigate impacts; and if so, what implications does it have.

The Board discussed the applicability of the Policy as it currently stands and is used by the Board in decision making regarding residential development proposals, what the purpose of the Policy is to fulfill, the decision/direction if the test is passed or failed, concern about passing future judgments on a test based on current facility constraints, and appropriateness of the word "test" in the Policy and possible replacement of the word with "analysis."

Mr. Horne stated that staff can give the Board a better idea of what number of residential units are in the pipeline when a new proposed development comes before the Board, but the idea of how many students may be in the pipeline as a result of approved residential developments may be more difficult.

Mr. Poole, Planning Commission, stated that the adequate schools facility test is not a make or break consideration in the cases before the Commission although it is a consideration.

The Board discussed development of a policy that triggers the building of educational facilities as the need arises rather than after the need has far exceeded the resources available and the Board has to react rather than be proactive.

Mr. McCleary stated that the Policy limits the Planning Commission members and staff members in making recommendations on cases because the Policy is a pass/fail test.

The Board discussed educational facility capacity concerns, desire to have the community support schools and provide input in the growth in the County, and funding options to support the expansion of educational facilities.

The Board directed staff to develop triggers with the School Board and City of Williamsburg on when the next school facility should be needed.

2. Update on James City Service Authority Projects (Joint Meeting with the James City Service Authority Board of Directors)

Mr. Larry M. Foster, General Manager of the James City Service Authority (JCSA), provided an overview of the priorities of the JCSA and commented on the commitments of staff to the customers of the JCSA.

Mr. Foster introduced Dion Walsh, JCSA Geographic Information Systems, for an overview of the services provided by JCSA with GIS.

Ms. Walsh stated that the Geographic Information Systems (GIS) is a system staff uses to keep track of the infrastructures, records, plans, and documents of the JCSA; stated that the priority is to locate easy-to-find items just constructed before it gets covered by landscaping, then locate existing items that have been landscaped or otherwise covered; the benefits of GIS in the workflow of staff, and staff is in the process of linking the water valves, sewer valves, and fire hydrants in the work order system.

Mr. Goodson inquired if the updates in the office are automatically distributed to the field staff.

Ms. Walsh stated that updates are not automatic yet, however updates are done on a monthly basis.

Mr. Wanner inquired if the system will be able to show the wells that have been mitigated as well as the ones that have been abandoned and capped.

Mr. Foster stated that the ones that have been mitigated have been updated to the system, the abandoned wells are next on the list of items to add to the system.

Mr. Jim Hopkins, JCSA Supervisory Control & Data Acquisition (SCADA), provided an overview of the SCADA and how it can alert staff and technicians of failures and functions at lift stations and well facilities throughout the County, and that this enables technicians and staff to manage the stations and facilities.

Mr. Wanner inquired about JCSA's interface with the interconnections from other jurisdictions.

Mr. Foster provided a brief overview of the interconnections and the system's interface at those points.

The Board and staff discussed surface water treatments versus groundwater treatments and the complications of mixing the two in one water system.

Mr. Hopkins provided an overview of the Hansen system used to track maintenance and work orders and print maps of pipe systems to be worked on; and demonstrated how it was utilized in anticipation of Hurricane Isabel.

Mr. Goodson inquired if the systems have benefitted the JCSA and if a savings has been realized.

Mr. Foster stated the savings occurs when staff can do preventative maintenance on the facilities, protect the facilities, and monitor the facilities through the system rather than having staff visit the office prior to visiting each facility.

Mr. Foster provided an overview of the status of the water distribution improvements, pressure reducing station, concentrate main work, water storage facilities, water production facilities, independent wells, the Monticello Avenue extended corridor work, and the replacement and upgrades of lift stations.

Mr. Foster provided an overview of the elevated storage tank options for the tanks at Season's Trace and Stonehouse Industrial Park.

Mr. Harrison commended the JCSA on utilizing technology.

Mr. Brown inquired about the status of the Riverview Plantation Water System.

Mr. Foster stated that JCSA is waiting for the approval of the SCC for the transfer.

Mr. McGlennon inquired about the removal of three water tanks and replacing them with one tank in Season's Trace to improve the pressure and flow of water in the area. He also stated that the Stonehouse tank was a separate project that would be addressed concurrently with the Season's Trace tank.

Mr. Bradshaw inquired about the possibility of communications towers on the proposed tank in Season's Trace.

Mr. Foster stated that the JCSA is going to design and plan the tanks to accommodate communications tower sites on the tanks.

The Board discussed the options for the water tanks, and endorsed the removal of the three existing water tanks and replacement with two water tanks.

Mr. Brown inquired about the fiscal implications of taking down three communications towers on the water tanks.

Mr. Foster stated that they are hoping to locate the communications towers on the new tanks.

Mr. Goodson inquired if the communications tower could be placed on the Toano tower.

Mr. Foster stated that cellular companies never pursued locating antenna on the Toano tank but hopes that there will be interest in the Stonehouse Industrial Park.

C. RECESS

At 6:07 p.m. the Board took a dinner break until 7 p.m.

Sanford B. Wanner
Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF APRIL, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Chairman, Berkeley District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Aaliyah Lyttle, Timothy Lopez, Lindsey Cronk, DeAsia Frazier, Alex Podyaced, and Tony Anderson, Members of the Grove Community Partnership Youth Soccer Teams, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated the "Yield on Green" signs posted at the intersection of Monticello Avenue (Route 321) and Ironbound Road (Route 615) for left-hand turns on green has reduced traffic congestion at the intersection; stated that the traffic signal project at the intersection of Airport Road (Route 645) and Mooretown Road (Route 603) will be completed this week; stated that due to the increased traffic levels along Route 60 in Norge, a traffic signal has been installed at Norge Elementary School; and stated that traffic signals have been installed at the intersection of Sandy Bay Road (Route 681) and Jamestown Road (Route 31) to handle the increasing traffic volumes and that the timing of the lights will be monitored for appropriate adjustments.

Mr. Hicks stated that construction has begun along Ironbound Road (Route 615) between Sandy Bay Road (Route 681) and Jamestown Road (Route 31) in preparation of improvement work to the road and advised that residents may have to take alternative routes to their residents while construction is underway.

Mr. Hicks requested a meeting be set up between the Board members and VDOT for an overview of the plan and anticipated community impacts of the I-64 overlay project that will take place over the next few years and stated that the overlay work will occur during the late evening hours and all lanes will be open during the day.

Mr. Hicks stated that the Cranston's Mill Pond Road (Route 632) guard rail was not warranted, however, the curve will be lined with traffic guides and he would provide the Board with status reports on the improvement.

Mr. McGlennon inquired how long the Ironbound Road (Route 615) improvement project between Sandy Bay Road (Route 681) and Jamestown Road (Route 31) is anticipated to last.

Mr. Hicks stated the contract is slated to end in late June, however, VDOT anticipates the project may be completed by the end of May; and thanked the residents along Ironbound Road for their input and support of the project.

Mr. McGlennon thanked Mr. Hicks for the management approach and one-on-one effort to speak with the homeowners along Ironbound Road to gain their cooperation in the project.

Mr. McGlennon requested drainage ditches along Jamestown Road (Route 31) near the Kingswood subdivision and along Spring Road (Route 1401) and Oxford (Routes 718 and 727) be maintained to get water flowing better.

Mr. McGlennon inquired if Brandon Circle (Route 627) could be repaired.

Mr. McGlennon requested potholes and drainage ditches along Lake Powell Road (Route 618) near the Gospel Spreading Church be repaired.

Mr. Hicks stated that a system is being implemented that will be more responsive to citizens and Board issues regarding drainage ditches. The system, a matrix, will prioritize concerns within each district and VDOT will provide monthly reports on the issues as part of the Board's agenda. The matrix will allow VDOT to focus on citizen calls concerning drainage concerns, provide citizens with repair time frames, tracking of repair work, and accountability for repair work.

Mr. Bradshaw thanked Mr. Hicks for the work on Cranston's Mill Pond Road (Route 632) and for the stoplight at the Norge Elementary School.

E. PUBLIC COMMENT

1. Mr. Hugh Gouldman, 3020 Sweet Gum Lane, stated concern that there is no reference in the proposed Budget for funding the radio system maintenance and recommended funding the maintenance and repairs with a bond or lease purchase.

2. Mr. Ed Oyer, 139 Indian Circle, stated a series of homes in Hampton Roads were consumed by fire from flames from a neighboring unit due to the proximity of each unit and requested the Board enact zoning requirements to keep standards adequate to prevent such incidents; and stated that in 1996 citizen's spoke against a proposed emergency medical transport fee and inquired why staff felt that citizen attitudes have changed regarding this fee.

F. CONSENT CALENDAR

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

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

1. Carry Forward Funds - Colonial Narcotics Enforcement Task Force

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) \$1,594

Expenditure:

Police Department (001-062-0395) \$1,594

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

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.

G. PUBLIC HEARINGS

Ms. Suzanne Mellen, Director of Budget and Accounting, without an objection from the Board, requested that the Board concurrently hold the Public Hearings for the next six budget related items on the Board's agenda.

1. FY 2005 - 2006 County Budget
2. 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
3. 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
4. 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.
5. 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
6. 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

Ms. Mellen provided an overview of the proposed FY 2005-06 Budget and Ordinance changes as well as the County's fiscal goals for FY 2005-06.

Mr. McGlennon inquired if staff would be able to bring forward the implications of the General Assembly action on the State Budget by May 11 when the Board is scheduled to adopt the FY 2005 County Budget.

Ms. Mellen stated that staff would keep the Board informed of any budgetary actions at the State level.

Mr. Goodson opened the Public Hearings.

1. Mr. Robert Dunn, 3318 Running Cedar Way, stated support for a two cent reduction in the Real Estate Tax Rate and commented on the rapidly increasing assessment levels of real estate over the past few years.

2. Mr. John McCrimmon, 810 Colonial Avenue, Executive Director of the Retired and Senior Volunteer Program (RSVP), commented that the RSVP has provided volunteers to the County at a fiscal contribution level equivalent to \$2,000 per year, and requested additional funding from the County to assist in RSVP's continued service to the County through its volunteers.

3. Mr. Andrel (Andy) K. Helms, 105 William South, stated concern at the increasing amount of money paid by residents, especially those on fixed incomes for real estate taxes due to the escalating assessment rates and requested the Board support the proposed rate reduction for property taxes.

4. Ms. Lynne Christensen, Executive Director of the Heritage Humane Society, requested funding in the amount of \$374,000, which is currently over and above the amount in the proposed County Budget, for a co-located animal control/animal shelter; stated that the necessity for a co-located shelter is a public safety issue and the funding will cover space, care, and equipment for the animals; and stated that the Heritage Humane Society looks forward to continuing the partnership with the County and thanked the Board for its consideration of the requested funding amount.

5. Mr. Richard Streko, 6061 Allegheny Road, stated support for the proposed Real Estate Tax reduction and requested the Board consider increasing the Property Tax Exemption level to \$40,000; and stated that he did not see any reason for the proposed third high school and recommended that the Schools add onto the existing school structures.

6. Mr. Lafayette Jones, Jr., 102 Flintlock Road, requested additional funding for the proposed Freedom Park and provided an overview of the history of the Park site and its potential benefit to the County as a revenue generator.

7. Ms. Vickie Martin, 4808 Powner Court, James Blair Middle School PTA President, stated that James Blair Middle School is not receiving adequate funding from the Schools, that parents have purchased supplies for students to perform class work, commented that James Blair Middle School has the highest percentage of low-income family students on free/reduced lunches, and stated that the students need to be embraced and special needs addressed in the classrooms. Ms. Martin requested additional funding for the Schools to cover staffing and supply needs, and to provide SOL assistance for students.

8. Ms. Beth Hall, 3440 Hunter's Ridge, commented on the special needs of students at James Blair Middle School, commented on the stretched resources available to James Blair Middle School classes; and requested the Board allocate funds for equal opportunities for all students in the School system and especially for James Blair Middle School to cover adequate staffing, materials, equipment, and supplies.

9. Ms. Laura Holmes Jost, 2640 Jockey's Neck Trail, requested the Board support the proposed reduction in the Real Estate Tax Rate and commented that the proposal is reasonable because the revenue will still increase as a result of the assessment levels.

10. Mr. Mike Ludwick, 4493 Village Park Drive West, commented that with the additional funding needed to fully fund the School's Budget and prepare for a proposed third high school facility, the Board should not support a reduction in the Real Estate Tax Rate. By keeping the tax rate at its \$.86 current level, growth will not be encouraged as much as it would be if the tax rate was lowered.

Mr. Ludwick presented a \$20 check to the Board representing the difference between \$.86 and the proposed \$.85 for one year, and stated that he would prefer that the \$20 was allocated to the Schools than to him as a reduction in taxes.

11. Mr. Ben Altshuler, 222 Virginia Avenue, commented on the necessity of public transportation in the community, recommended the formation of a citizen committee to identify potential

users and funding sources for the Williamsburg Area Transport (WAT), and stated that the more frequent and reliable the transport service is, the more it will be utilized.

12. Ms. Holly Noel Wagner, 104 Evergreen Way, stated that she is a parent of a student at Clara Byrd Baker Elementary School, stated that they moved to Williamsburg because of the quality of area schools, and request the Board fully fund the School's Budget.

13. Mr. Bill Bryant, 4985 Hickory Sign Post Road, commended the County and WAT for improving public transportation service, stated opposition to the proposed increase in fare rates because of the effects it will have on existing riders; requested the Board consider alternatives to fare increases including modest advertising on busses to reduce expenditures and targeting a larger audience, supported the proposal for a citizen committee on public transportation; and encouraged the Board not to support a fare rate increase.

14. Ms. Holly Flood, 121 Chanco Road, stated support for the Board's initiative to fully fund the Libraries and ask the Board to fully fund the School's Budget as a vital community service.

15. Mr. Bob Warren, 104 Gullane Street, commented that he perceived that the Commonwealth is following in the footsteps of California where that State has outsourced jobs and the disposable income of retirees has become squeezed, and citizens are relocating out of California. He stated that when localities cut taxes they help people stay; and requested the Board support the Real Estate Tax Rate reduction.

16. Mr. Theodore Allen, 5668 Centerville Road, requested the Board put back expenditures cut out of the Proposed Budget and keep the Real Estate Tax Rate at the current level, sustain the current fare rates of WAT, fund the proposed Freedom Park, and reestablish the County's depleted disaster fund.

17. Mr. Michael Lewis, 110 Rich Neck Road, requested the Board deny the proposed reduction in tax rate and utilize the funds to support the existing needs of the community and in the Proposed Budget.

18. Mr. Frank Tsutras, 6264 Glenwilton Lane, stated opposition to the proposed rate increases of WAT, commented on the potential adverse impact on residents, the disabled, and visitors if the rate increase is approved; and suggested a nominal charge be assessed to students riding on the public transportation. Mr. Tsutras also recommended that instead of funding one more Planner position to handle the backlog in that Division, the Board decrease the complication and requirements of the approval process. Mr. Tsutras commented on the bureaucracy of the County processes and how it is negatively impacting the County.

19. Mr. Ed Oyer, 139 Indian Circle, stated concerns about some of the figures mentioned in the Proposed Budget including debt service, tax rates and fees, and funding for the purchase of an ambulance; and stated concern that the amount of expenditure in the County's Budget is not directly proportionate to the population increase in the County.

20. Mr. Kevin Walsh, 108 Puffin Lane, commented that government should raise funds at the same rate as inflation, that government spending should be in keeping with inflation, and stated support for the reduction in the Real Estate Tax Rate.

21. Mr. Chris Henderson, 101 Keystone, stated support for the proposed reduction in the tax rate and encouraged economic development in the County; suggested that economic development in the County flounders because of the frustration of businesses in their inability to locate in the County due to regulatory constraints; recommended the Board proactively rezone key areas for commercial development, and recommended the promotion of new business in the County.

As no one else wished to speak to these matters, Mr. Goodson closed the Public Hearings.

Without Board objection, Mr. Goodson deferred the cases until May 11, 2004.

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

Mr. Wanner presented a 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 the Thomas Nelson Community College (TNCC).

Mr. Wanner stated that adoption of the resolution is the first step in the process of transferring the 73.46 acres to the State Board for Community Colleges.

Mr. Goodson opened the Public Hearing.

1. Mr. Dick Calver, 5509 North Mallard Run, representative of the TNCC, thanked the Board on behalf of State Board for Community Colleges and TNCC for recognizing the benefits of having a TNCC presence in the County, the benefits to the citizens of the educational and economic value to the community, and requested consideration in the modifying and configuration of site boundary adjacent to County property.

Mr. Goodson stated that the Board looks forward to working with TNCC in the development of the Historic Triangle Campus.

2. Mr. Ben Alshuler, 222 Virginia Avenue, City of Williamsburg, inquired about the location of the proposed new campus.

Mr. Wanner provided a brief explanation to its location and stated the property is owned by the County, the County is offering a portion of tract to TNCC and another portion could be offered to the Williamsburg/James City County School Division dependent upon the success of a referendum in the fall.

Mr. Alshuler recommended that the portion of tract offered to the College should be located further in-site to alleviate traffic concerns associated with a juvenile student body at the potential high school facility and a cultural center.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Harrison made a motion to adopt the resolution.

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

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.

8. Case No. SUP-15-04. Lafayette High School Temporary Classroom Trailers

Mr. Matthew Arcieri, Planner, stated that Bruce Abbott of AES Consulting Engineers applied on behalf of Williamsburg-James City County Public Schools to allow the placement of two temporary classroom trailers at Lafayette High School, 4460 Longhill Road, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3). The two temporary classroom trailers will be used to merge the Child Development Resources (CDR) classes into a single location.

Mr. Goodson opened the Public Hearing.

1. Mr. Michael E. Thornton, WJCC Assistant Superintendent of Finance & Administrative Services, stated that there are restroom facilities located in the trailers to accommodate the needs of younger children.

Mr. McGlennon inquired about the placement of the trailers on the site and their proximity to the playground equipment.

Mr. Thornton stated that the trailers would be located within 65 feet of the CDR playground equipment.

Mr. Bradshaw inquired if the temporary classroom trailers and trailer location are acceptable to CDR.

Mr. Thornton stated that CDR has reviewed the application and the site is acceptable to them.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Harrison requested staff and the Schools look into long-range planning with Schools for preschools to have better facilities and not trailers.

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

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.

9. **Case No. SUP-24-03. James City County Communications Tower – Forge Road**

Mr. Matthew D. Arcieri, Planner, stated that Richard M. Miller, Fire Chief, applied for a special use permit (SUP) to construct a communications tower at 3135 Forge Road, zoned B-1, General Business, and further identified as Parcel No. (1-27) on James City County Real Estate Tax Map No. (12-3).

Staff found the proposal to be generally consistent with the County's Performance Standards for Wireless Communications Facilities and generally consistent with the 2003 Comprehensive Plan.

At its meeting on April 5, 2004, the Planning Commission recommended approval of the case by a vote of 7-0.

Staff recommended the Board approve the permit application with conditions.

Mr. Brown inquired about the location of the tower site near the Convenience Center and how that would impact the operation of the Convenience Center.

Mr. William C. Porter, Jr., stated that staff is looking for sites to relocate the Convenience Center to and invited public input on a possible location within a 2.5-mile radius of its current location.

Mr. Brown inquired if the property to the west of the Emergency Operations Center is an adequate site for the relocation of the Convenience Center.

Richard Miller, Fire Chief, stated that zoning and setback requirements limit the site's use and with the additional requirements from VDOT the site is not adequate, especially due to the limited line-of-site for vehicles to access the property.

Mr. Goodson inquired if the tower structure will have sufficient room for co-locations.

Chief Miller stated that the tower is insufficient in size for co-location and its only purpose is to send signals from the dispatch to the tower in Hankins Industrial Park and to the Landfill tower.

Mr. Harrison inquired if the site is the best and only location for the tower.

Chief Miller stated that it is ideal as it places the tower farther away off Forge Road and nearer to the tower's mechanical radio room.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Bradshaw stated that this tower is the final important link for the radio system; commented on the value of the system, especially to cover the dead zones in the existing system; and stated that the Board anticipates the users of the Convenience Center will be inconvenience for only a short time while an alternate site is identified.

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

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.

H. BOARD CONSIDERATION

1. Adoption of Rules and Regulations for Riverview Sanitary District

Mr. Larry M. Foster, General Manager of the James City Service Authority (JCSA), stated that to offset the costs of the improvements to the Riverview Water System, the Board agreed to assess a \$5,000 fee for those connecting to the acquired water system. To collect the fee, the Circuit Court Judge Samuel T. Powell signed an order establishing the Riverview Sanitary District (“District”), which empowers the Board of Supervisors to establish the rules and regulations governing the District.

Mr. Foster recommended the Board approve the resolution adopting the JCSA’s Regulations Governing Utility Service as the operating guidelines for the Riverview Plantation Sanitary District with the exception of Section 32 C (1) and (2), which establish water connection fees. The guidelines for connecting to the Riverview Water System are provided in the resolution.

Mr. Brown made a motion to adopt the resolution.

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

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 JCSEA 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 JCSEA'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.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, recapped some additional citizen comments from 1996 regarding a proposed emergency medical transport fee and requested the Board deny the proposal.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner invited citizens to participate in the development of the FY2005/2006 Budget during the Budget Work Sessions to be held at 7 p.m. on April 29, May 4, and May 6.

Mr. Wanner stated that the jurisdiction of James City County was recognized as a Community Action Agency star.

Mr. Wanner recommended the Board recess briefly for the James City Service Authority Board of Directors meeting and a Williamsburg Area Transport Board of Directors meeting, then reconvene to complete its business, following which the Board should adjourn to 7 p.m. on April 29 for a Budget Work Session.

K. BOARD REQUESTS AND DIRECTIVES - None

L. RECESS

Mr. Goodson recessed the Board at 9:17 p.m. for a James City Service Authority Board of Directors meeting and a Williamsburg Area Transport Board of Directors meeting.

Mr. Goodson reconvened the Board at 9:19 p.m.

M. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

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

At 9:19 p.m. Mr. Goodson adjourned the Board until 7 p.m. on April 29, 2004.

Sanford B. Wanner
Clerk to the Board

042704bs.min

MEMORANDUM

DATE: May 11, 2004
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, CLP, Director of Parks and Recreation
SUBJECT: Chesapeake Bay Restoration Fund Grant

James City County's Division of Parks and Recreation has been awarded a \$5,720 Chesapeake Bay Restoration Fund Grant from the Commonwealth of Virginia's Division of Legislative Services.

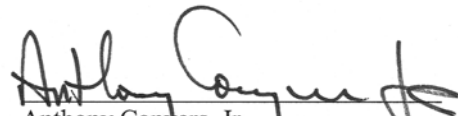
The purpose of the matching grant is to assist with the cost of offering a special three-day environmental education program at every Total Rec Camp site for children to study the Chesapeake Bay Watershed and its importance to the community. The three-day experience is modeled after the existing week-long Camp Marine Marshals that may be space and cost prohibitive for many area children. As part of the experience, children will visit Chippokes State Park, conduct water quality testing, and go to the Virginia Marine Science Museum.

Staff recommends approval of the attached resolution to accept the \$5,720 grant for the special marine camp, and to appropriate the funds as described in the attached resolution.



Needham S. Cheely, III

CONCUR:



Anthony Conyers, Jr.

NSC/adw
chesbay.mem

Attachment

RESOLUTION

CHESAPEAKE BAY RESTORATION FUND GRANT

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching and Standards of Learning (SOL) based environmental component to the Parks and Recreation's Total Rec Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$5,720 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

Revenues:

From the Commonwealth	<u>\$5,720</u>
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Expenditures:

Chesapeake Bay Restoration Fund (024-161-5608)	<u>\$5,720</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 11th day of May, 2004.

chesbay.res

MEMORANDUM

DATE: May 11, 2004
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, CLP, Director of Parks and Recreation
SUBJECT: May is Bike Month

Bicycle enthusiasts, organizations, and businesses nationally recognize the month of May as "Bike Month." During this month various local organizations in conjunction with local government will be conducting a number of activities including "Pedal the Parkway." In order to increase visibility throughout the State and here locally, cyclists from around the Commonwealth gathered in Richmond on Saturday, May 1, 2004, to receive Statewide proclamations signed by the Governor declaring May as Bike Month in the Commonwealth of Virginia. Cyclists from James City County, including members of Williamsburg Area Bicyclists, citizens at large, and even several members of the James City County staff rode 60 miles, from Richmond to Williamsburg, to deliver the proclamation to the Board this evening.

Additionally, at the request of citizens, Williamsburg Area Bicyclists, and the Parks and Recreation Advisory Commission, staff has prepared a resolution for consideration by the Board of Supervisors. This resolution recognizes the many benefits of bicycling and formally proclaims May 2004 as "Bike Month" in James City County.

Staff recommends adoption the attached resolution.



Needham S. Cheely, III

NSC/adw
maybike.mem

Attachment

RESOLUTION

MAY IS BIKE MONTH

WHEREAS, cycling is a relaxing and enjoyable mode of exercise and transportation for many men, women, and children throughout James City County, and it is a convenient and environmentally clean way for many to travel between work, school, and home; and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise; it is important for children and adults to learn the basics of bicycle safety and to always wear a safety helmet while bicycle-riding; and cyclists can enjoy the beautiful scenery, parks, area attractions, and historic sites of James City County from a unique vantage point; and

WHEREAS, Bike Month is designed to increase awareness about bicycling opportunities through organized activities such as bike-to-work days and bike rodeos for children.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2004, as Bike Month in James City County, Virginia, and calls this observance to the attention of its citizens.

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 11th day of May, 2004.

maybike.res

MEMORANDUM

DATE: May 11, 2004
TO: The Board of Supervisors
FROM: Keith A. Taylor, Economic Development Director
SUBJECT: Allocation of Additional Funds for Columbia Drive Project

The Columbia Drive Project extends road and sewer approximately 1,200 feet in the James River Commerce Center in the Roberts District. Staff originally estimated the project would cost \$454,500. However, the lowest responsive and responsible bid received was in the amount of \$472,185. The Board approved award of the contract at its February 24, 2004, meeting.

Staff recommends that the Board approve allocation of the additional \$17,685 difference between the original estimate and the actual contract amount. Funds have been identified in account 013-071-0300 for this purpose. A grant of \$339,850 has been approved for this project under terms of the State Industrial Access Road Fund program.

Staff hereby requests that the Board approve the additional allocation required for this project.

Keith A. Taylor

KAT/adw
columbia.mem

Attachments

RESOLUTION

ALLOCATION OF ADDITIONAL FUNDS FOR COLUMBIA DRIVE PROJECT

WHEREAS, a contract has been awarded for construction of Columbia Drive and the concurrent construction of utilities into the James River Commerce Center; and

WHEREAS, the original estimate for the project was \$454,500, but the lowest responsive and responsible bid was \$472,185; and

WHEREAS, the project anticipates receiving State reimbursement of road costs in the amount of \$339,850 under terms of the Industrial Access Road Fund program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes an additional allocation of \$17,685 from Capital Improvements Project Budget to the Special Projects/Grants Fund for construction of Columbia Drive and utilities.

Revenue:

From Capital Improvements Project (CIP) Budget	<u>\$17,685</u>
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Expenditure:

James River Industrial Road Access Grant	<u>\$17,685</u>
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Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

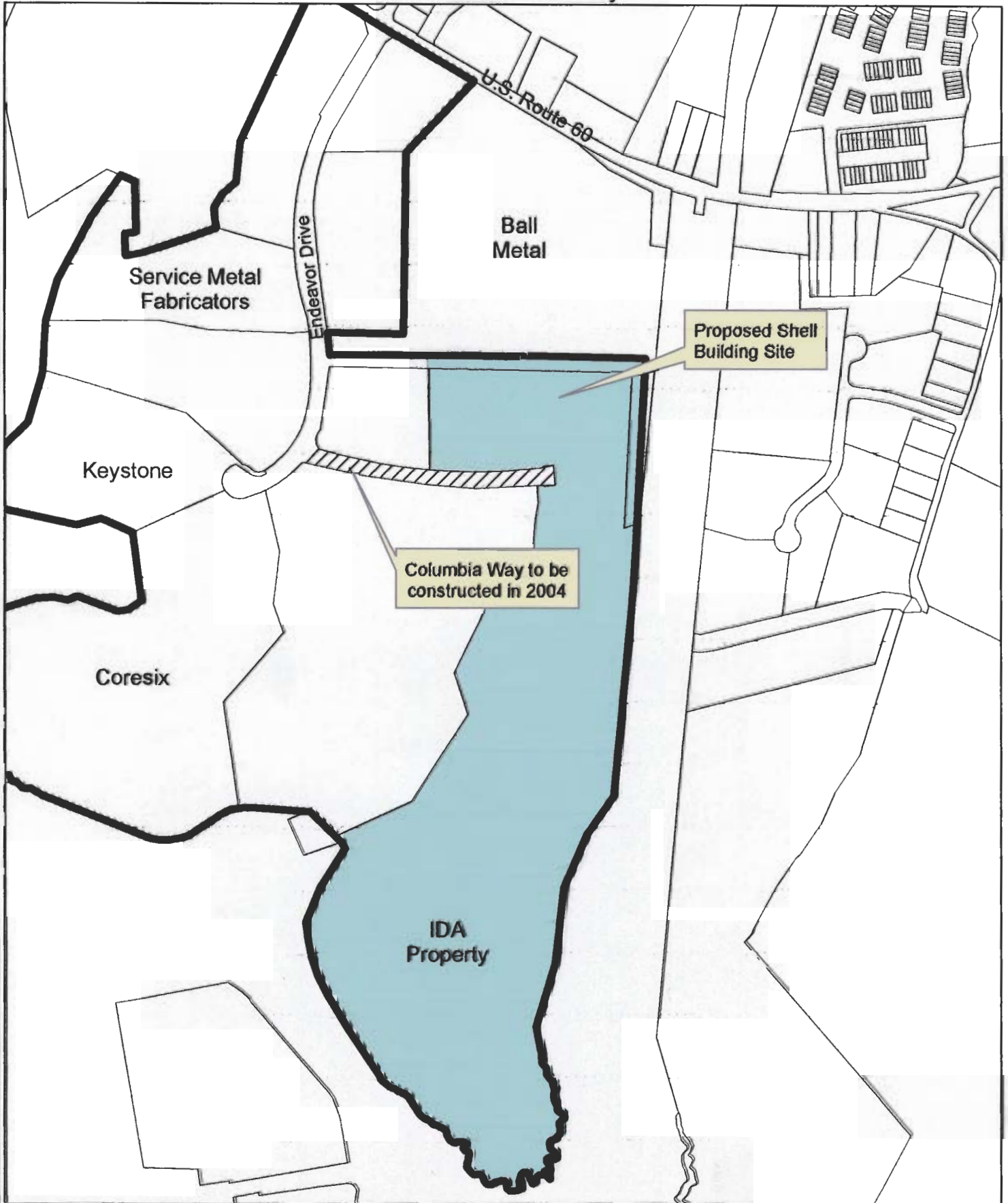
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2004.

columbia.res



James River Commerce Center Columbia Way



0 0.1 0.2 Miles
1 inch equals 600 feet

This drawing is neither a legally recorded plat nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County Mapping/GIS Section.

MEMORANDUM

DATE: May 11, 2004
TO: The Board of Supervisors
FROM: Richard Drumwright, Transit Director
SUBJECT: Appropriation - Establishment of a Full-Time Operations/Special Trips Supervisor Position for Williamsburg Area Transport

The agreement between Williamsburg Area Transport (WAT) and the College of William & Mary allows the County to hire replacement staff for full-time college employees who retire and then bill the College for the salary and benefits for that employee.

Effective June 1, 2004, WAT plans to fill a vacant Operation Supervisor position due to the retirement of a College employee. This position is responsible for oversight of fixed-route services (Green/Gold routes) and special trips (443 special trips - first year) in support of the College of William & Mary.

Therefore, staff requests that the Board create a full-time, limited-term position of Operations/Special Trip Supervisor and approve an appropriation of \$3,667 for the position prorated from June 1, 2004, to June 30, 2004. The attached resolution creates this position and appropriates these funds increasing the cost to be reimbursed by the College from \$86,869 to \$90,535 for Fiscal Year 2004.

Staff recommends approval of the attached resolution.

Richard Drumwright

CONCUR:

Anthony Conyers, Jr.

RD/adw
watsup.mem

Attachment

RESOLUTION

APPROPRIATION - ESTABLISHMENT OF A FULL-TIME LIMITED-TERM

OPERATIONS/SPECIAL TRIPS SUPERVISOR POSITION

FOR WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) has implemented transportation services in support of the College of William & Mary students for which the County is reimbursed by the College.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes a full-time limited-term Operations/Special Trips Supervisor position to provide service to the College of William & Mary and authorizes the following appropriation in the FY 2004 WAT Budget:

Revenue:

From the College of William & Mary \$3,667

Expenditure:

One Full-Time Limited-Term
Operations/Special Trips Supervisor \$3,667

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 11th day of
May, 2004.


watsup.res

MEMORANDUM

DATE: May 11, 2004
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Department of Motor Vehicles Mini-Grant Awards

The Virginia Department of Motor Vehicles (DMV) has awarded the James City County Police Department a mini-grant in the amount of \$1,500. The grant requires no matching funds. The funds will be used for the purchase of a radar device, which will be utilized in the Department's speed enforcement efforts.

Staff recommends adoption of the attached resolution to appropriate funds.


David A. Daigneault

DAD/adw
dmvmini3.mem

Attachment

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES MINI-GRANT AWARDS

WHEREAS, the Department of Motor Vehicles (DMV) has approved a mini-grant in the amount of \$1,500 to the Police Department for purchase of a radar device; and

WHEREAS, the grant is administered by the Department of Motor Vehicles according to the Federal Government Fiscal Year which runs from October 1 through September 30, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

DMV – Police Traffic Services	<u>\$1,500</u>
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Expenditures:

DMV – Police Traffic Services	<u>\$1,500</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 11th day of May, 2004.

dmvmini3.res

MEMORANDUM

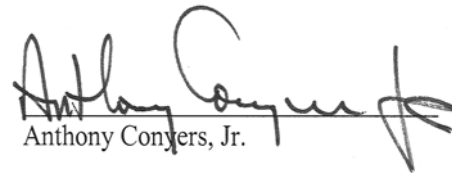
DATE: May 11, 2004
TO: The Board of Supervisors
FROM: Richard B. Hanson, Housing and Community Development Administrator
SUBJECT: Conveyance of Property at 150 Carriage Road

A Public Hearing is scheduled to convey property located at 150 Carriage Road to the Williamsburg Redevelopment and Housing Authority. Staff recommends that the Board open the Public Hearing and continue it to May 25, 2004.

The conveyance is to enable optioning a portion of 150 Carriage Road along with other properties acquired in accordance with the Ironbound Square Redevelopment Plan for a site for a senior citizen housing development. A delay in release of the Notice of Funds Availability (NOFA) by the Department of Housing and Urban Development (HUD) for the Section 202, Supportive Housing for the Elderly Program has resulted in a revision of the grant application time line. This delay will enable us to increase publicity and encourage participation by neighborhood residents in a community meeting regarding plans for the senior housing development along with an improved neighborhood park.

Richard B. Hanson

CONCUR:



Anthony Conyers, Jr.

RBH/gs
carriagerd.mem

Attachment

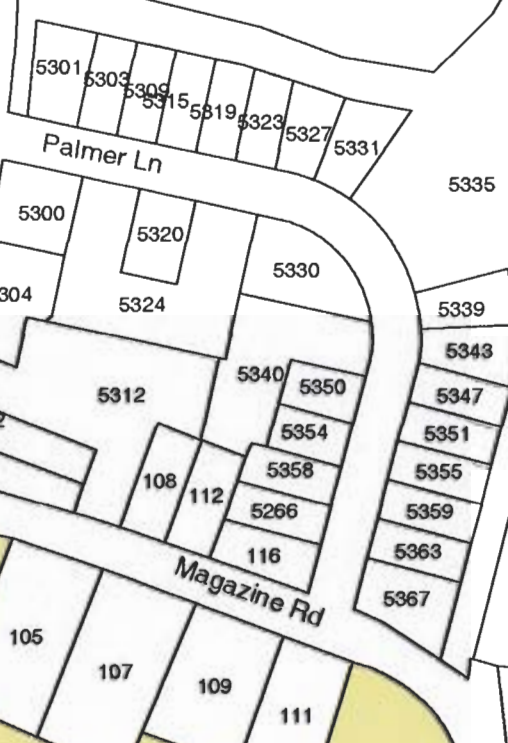
James City County

Schmidt Rd

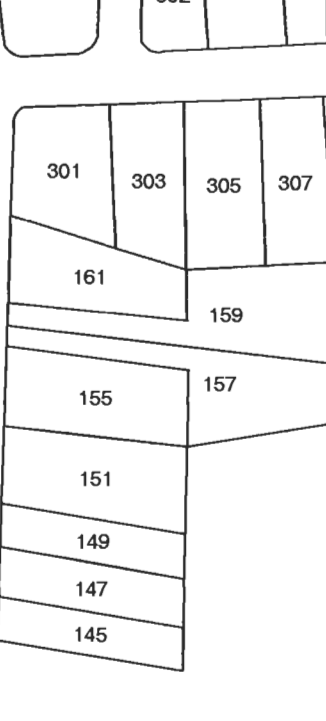
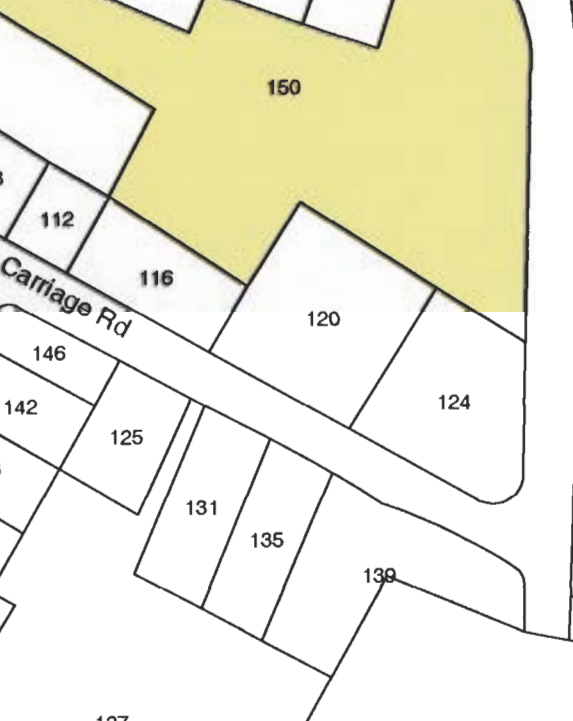


Tewning Rd

Ironbound Rd



Alessa Dr



150 Carriage Road
Parcel ID# 3910100064
2.748 acres

1 inch equals 200 feet

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.
Aerial Imagery Copyright 2002 Geospatial Solutions of Virginia.

REZONING 15-03/Master Plan 13-03/Height Limitation Waiver 2-03. Stonehouse Station at Norge Staff Report for the May 11, 2004, 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

Planning Commission:

7:00 p.m.; Building F Board Room; County Government Complex

February 2, 2004, 7:00 p.m.

March 1, 2004, 7:00 p.m.

Board of Supervisors:

April 13, 2004, 7:00 p.m.

May 11, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant:

Ms. Lou Rowland, Stonehouse Station, L.P.

Land Owner:

Sixty-Four Associates

Proposed Use:

To rezone a total of approximately 10.167 acres to allow for the construction of up to 104 apartments which, by proffer, are proposed to be affordable in rent. A height limitation waiver is also requested from the Board of Supervisors as the proposed apartment buildings exceed 35 feet in height.

Proposed Zoning:

R-5, Multifamily Residential, with proffers

Location:

7721 Croaker Road

Tax Map/Parcel

(13-4)(1-21)

Primary Service Area:

Inside

Parcel Size

10.167 acres

Existing Zoning:

B-1

Comprehensive Plan:

Moderate Density Residential

STAFF RECOMMENDATION

The applicant is still finalizing the shared driveway agreement and requests deferral of this case until the May 25, 2004, Board of Supervisors meeting. Staff concurs with this request.

Staff Contact:

Matthew Arcieri – Phone: 253-6685

Matthew Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MA/gs
Z-15-03_MP-13-03_HLW-2-03 (051104)

Attachment:
1. Deferral Letter

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD
WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

April 8, 2004

VERNON M. GEDDY, JR.
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN

ANDREW M. FRANCK
RICHARD H. RIZK



Mr. Matthew Arcieri
James City County Planning Department
101-E Mounts Bay Road
Williamsburg, Virginia 23185

Re: Stonehouse Station at Norge/R-15-03/MP-13-03/HLW-2-03

Dear Matt:

I am writing on behalf of the applicant to request that the Board of Supervisors defer this application until their May 25, 2004 meeting.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP

A handwritten signature in black ink, appearing to read "Vernon M. Geddy, III".

Vernon M. Geddy, III

VMG/ch
Cc: Ms. Lou Rowland

**SPECIAL USE PERMIT 9-04. Chesapeake Bank SUP Amendment
Staff Report for the May 11, 2004, 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 F Board Room; County Government Center

Planning Commission:

April 5, 2004, 7:00 p.m.

Board of Supervisors:

May 11, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Jim Bennett, AES Consulting Engineers

**Land Owner, Tax Map ID,
Area and Existing Zoning:**

Chesapeake Bank; (12-1)(1-3A); 1.9 acres; B-1, with proffers

Proposal

To extend the expiration date of the previously approved special use permit (SUP-28-00) to coincide with the expiration date of the approved site plan (SP-98-01)

Location:

8909 Barhamsville Road

Proposed Zoning:

B-1, General Business, with proffers

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with surrounding zoning and development, and the 2003 Comprehensive Plan. Staff recommends the Board of Supervisors approve the special use permit extension request with the attached conditions. At the April 5, 2004, Public Hearing, the Planning Commission voted 5-2 to recommend approval of the amendment.

Staff Contact:

David Anderson - Phone: 253-6685

PROJECT DESCRIPTION AND PROPOSED OPERATION

Jim Bennett of AES Consulting Engineers, has applied on behalf of Marshall N. Warner of Chesapeake Bank for a special use permit to extend the expiration date of SUP-28-00, approved July 10, 2001, and scheduled to expire July 10, 2004. The original special use permit approved a 3,200-square-foot bank building at 8909 Barhamsville Road. This application requests an extension of the expiration date of the approved special use permit to coincide with the expiration date of the approved site plan (SP-98-01), approved April 19, 2002, and scheduled to expire on April 19, 2007. The property is further identified as Parcel No. (1-3A) on James City County Real Estate Tax Map No. (12-1), zoned B-1, General Business, and designated Mixed Use on the 2003 Comprehensive Plan Land Use Map.

As a matter of clarification, the original special use permit was processed in conjunction with a rezoning of 1.9 acres out of the 9.898-acre parcel, (12-1)(1-3A), from A-1 to B-1, with proffers. The only use that was planned in the rezoning application was the proposed Chesapeake Bank building. The proffered conditions of this rezoning are attached hereto for your reference.

The special use permit application does not propose any changes other than extension of the expiration date. The extension is being requested for the following reasons, as outlined in a letter from Jim Bennett dated February 23, 2004:

1. The forecast of the necessary support market has not materialized;
2. The residential development at Stonehouse is below prediction; and
3. Stonehouse Commerce Park has lost two major users in the last two years with few new tenants.

The applicant stated that the extension will allow Chesapeake Bank to monitor the market and see if it is returning to the levels necessary to support its future branch bank. He further stated that it would not be desirable for either Chesapeake Bank or James City County to construct a building that could possibly be vacant in the near future just to meet the current special use permit expiration date.

PUBLIC IMPACTS

Traffic

A traffic study was performed for the site in February 2001. Since traffic conditions have not changed much since 2001 and there is greater vacancy in the Stonehouse Industrial Park than there was at the time of the 2001 counts, Virginia Department of Transportation (VDOT) has concluded that there is not a sufficient need for an update of the 2001 traffic study in conjunction with this special use permit extension request. Staff concurs with VDOT's determination.

Pedestrian Access

With the recent approval of Michelle Point to the west of the Chesapeake Bank site, staff recognizes a need for an additional pedestrian connection extending from the bank site to serve the residents of Michelle Point. To address this need, staff has added an additional condition (Condition No. 1) requiring an amendment to the approved site plan to include this connection.

COMPREHENSIVE PLAN

The James City County Comprehensive Plan Land Use Map designates this property as Mixed Use.

***Staff Comments:** According to the Plan, for lands within the Barhamsville Interchange, “commercial development shall be oriented towards support services that employees and residents in the Stonehouse Area can utilize.” The proposed bank is such a support service. The Plan also states that uses shall be “connected with pedestrian access where possible.” With the attached additional condition (Condition No. 1) outlined above, the proposal adheres to this language.*

The proposal is generally consistent with the Comprehensive Plan.

CONCLUSIONS & CONDITIONS

Staff finds the proposal generally consistent with surrounding zoning and development and the 2003 Comprehensive Plan. Staff recommends the Board of Supervisors approve the special use permit extension request with the attached conditions. At the April 5, 2004, Public Hearing, the Planning Commission voted 5-2 to recommend approval of the amendment:

1. A pedestrian connection, extending from the proposed bank site to the hard surface trail shown on the Michelle Point Master Plan, shall be constructed concurrent with development of the bank. As determined by the Planning Director, this pedestrian connection shall be consistent in design and material to the hard surface trail extending from Michelle Point. A site plan amendment, identifying the design, material, and location of the pedestrian connection, shall be submitted and approved prior to construction of the proposed bank.
2. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a “monument” style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed 8 feet in height from grade.
3. A sidewalk, 5 feet in width, shall be provided from the back parcel to Highfield Drive. This pedestrian connection shall be shown on any site plan for development of Parcel No. 1 and its design and location subject to the review and approval of the Planning Director.
4. If construction has not commenced on the project by April 19, 2007, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
5. All exterior lights on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.
6. The building architecture shall be consistent, as determined by the Planning Director with the building rendition prepared by Guernsey-Tingle Architects and dated June 4, 2001.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

David Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/gs
sup-9-04

ATTACHMENTS:

1. Approved Minutes of the April 5, 2004, Planning Commission Meeting
2. Location Map
3. Original Approved Proffer Agreement
4. Conceptual Master Plan (under separate cover)
5. Resolution

APPROVED MINUTES TO THE APRIL 5, 2004 PLANNING COMMISSION MEETING

CASE NO. SUP-09-04 Chesapeake Bank

Mr. David Anderson presented the staff report. Mr. Jim Bennett of AES Consulting Engineers has applied on behalf of Marshall N. Warner of Chesapeake Bank to request an extension of SUP-28-00, approved July 10, 2001. The original special use permit approved a 3,200 square foot bank building at 8909 Richmond Road. The property is further identified as parcel no. (1-3A) on James City County Tax Map no. (12-1). This application requests an extension of the expiration date of the approved special use permit to coincide with the expiration date of the approved site plan (SP-98-01), approved April 19, 2002 and scheduled to expire on April 19, 2007. The property is zoned B-1, General Business District, and designated Mixed Use on the 2003 Comprehensive Land Use Map. Staff recommended approval for the application.

Mr. Kale asked if there were any additional conditions to the previous special permit.

Mr. Anderson responded that the changes were limited to the first condition, which requires a pedestrian connection between Michelle Point and the bank site.

Mrs. Wildman asked which businesses had vacated the Stonehouse Commerce Park since the special permit was approved.

Mr. Sowers outlined the changes.

Mrs. Wildman inquired as to whether the trail was a hard trail or a soft trail.

Mr. Anderson responded that it was a hard trail.

Mr. Billups asked for clarification of the date presented in condition seven.

Mr. Anderson responded that it was the expiration date of the site plan.

Mr. Billups asked if staff knew of any current or potential conflicts between Chesapeake Bank and Michelle Point.

Mr. Anderson responded that he was not aware of any.

Mr. Hunt inquired into the nature of any proposed pedestrian connections between Michelle Point and the bank site.

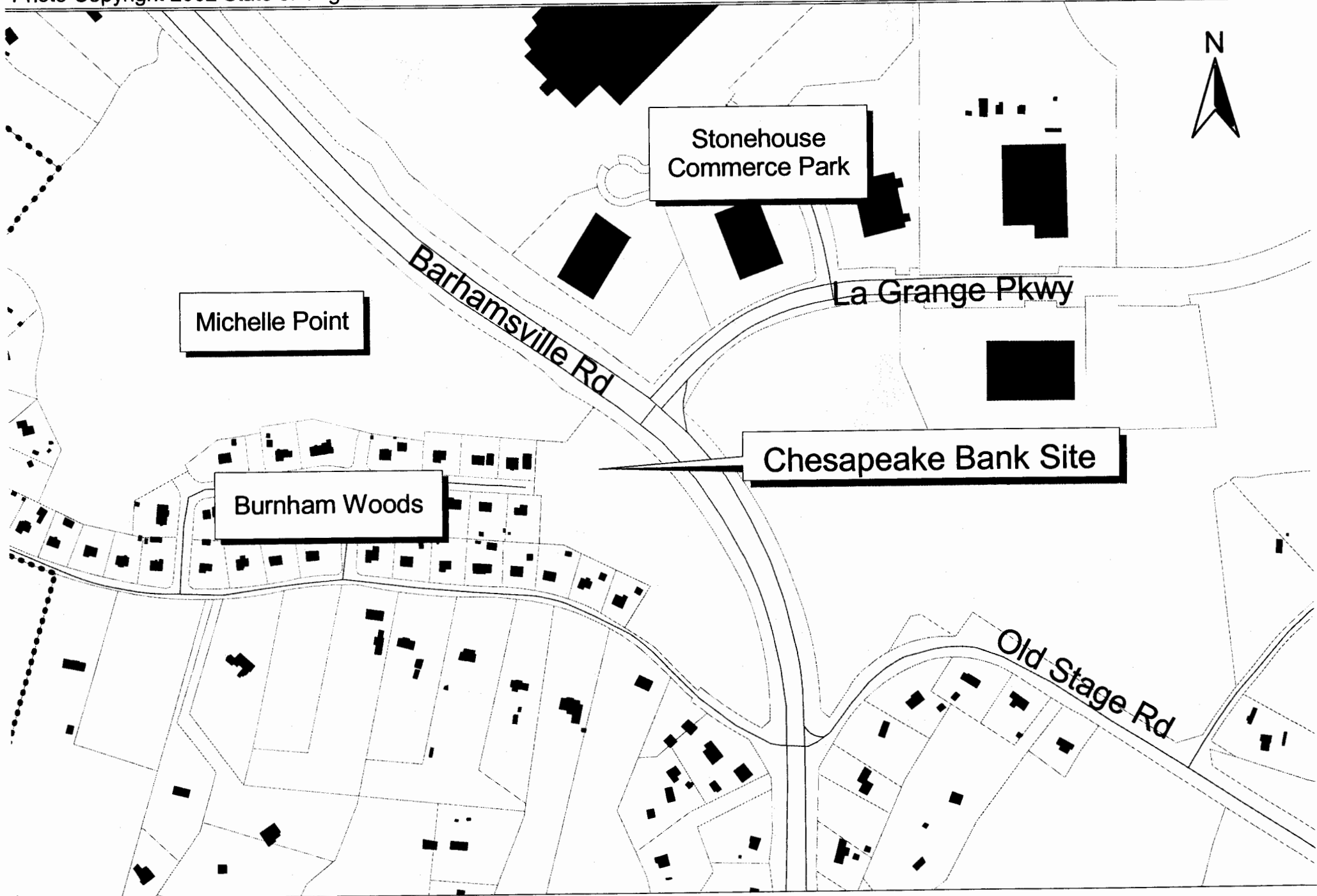
Mr. Sowers spoke to the overall zoning history of the site, specifically that only a small portion of the 10 acre property, located along Richmond Road, had been rezoned.

Mr. Poole inquired as to the zoning of the rest of the property.

Mr. Anderson responded that it was indeed A-1.

SUP-9-04. Chesapeake Bank SUP Amendment

Photo Copyright 2002 State of Virginia



PROFFERS

THESE PROFFERS are made this 29th day of June, 2001 by LOULYNN ACRES ASSOCIATES (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia containing approximately 9.898 acres and being Tax Parcel (12-1)(3-A). The parcel is now zoned A-1 and is designated Mixed Use on the County Comprehensive Plan Land Use Map.

B. Owner has applied to rezone a portion of the parcel (the "Property") described on Exhibit A hereto attached from A-1 to B-1 General Business District, with proffers.

C. Owner has submitted to the County a master plan entitled "Chesapeake Park" prepared by AES Consulting Engineers and dated May 14, 2001 (the "Master Plan") for the Property.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned A-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the

requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. **Buffers.** Prior to the issuance of a temporary certificate of occupancy, Owner shall have constructed the berms shown on the Master Plan and installed the landscaping thereon. The landscaping installed shall be Transitional Screening as required by the Zoning Ordinance and shall contain either 133% of the evergreen trees required by the Zoning Ordinance or 125% of the general planting required by the Zoning Ordinance as determined by the Director of Planning. The County shall not be obligated to grant final site plan approval for any buildings on the Property until such berms and landscaping have been installed or their installation commenced and completion guaranteed by surety in a form approved by the County Attorney and posted with the County. All berms on the Property shall have at least a six inch layer of topsoil and any fill material used in the construction of the berms shall be subject to the approval of the Director of Planning or his designee.

2. **Entrance.** There shall be only one entrance into the Property from Route 30 and it shall be located generally as shown on the Master Plan. Owner shall provide an easement for

vehicular traffic to and from the entrance into the Property to and from the balance of Tax Parcel (12-1)(3-A) as it exist on the date of approval of the rezoning. There shall not be any vehicular connection to Highfield Drive.

3. **Turn Lanes.** Concurrently with the construction of the entrance into the Property directly across from La Grange Parkway and prior to the issuance of a certificate of occupancy for the building on the Property, a right turn lane and a left turn lane from Route 30 into the entrance to the Property as shown on the Master Plan shall have been constructed or construction commenced and completion bonds or other surety acceptable to the County Attorney posted to assure completion of the turn lanes. All turn lanes shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and guidelines and shall be designed to incorporate shoulder bike lanes. Owner shall convey, free of charge, to the County or VDOT the right of way for the cul-de-sac at the end of Highfield Drive as noted and shown on the Master Plan.

4. **Archaeology.** (a) Prior to any land disturbing activities on the Property, Owner shall submit an archaeological study of the Property in accordance with the Board of Supervisors adopted Archaeological Policy in effect at the time of approval of the rezoning to the Director of Planning for review and approval.

5. Route 30 Buffer. Enhanced landscaping (as defined below) shall be provided within the 50' landscape and building setback along Route 30 as shown on the Master Plan. The enhanced landscaping shall be shown on the site plan for development of the Property and shall be subject to the approval of the Development Review Committee. As used herein "enhanced landscaping" means landscaping that (i) exceeds the numerical requirements of the Landscaping Ordinance by at least 25% or (ii) is otherwise approved by the Director of Planning.

6. Lighting. Street light poles within 100 feet of the boundary of the Property along Route 30 shall not exceed 20 feet in height. All other street light poles on the Property shall not exceed 15 feet in height. All building mounted external lights along the back of the building on the Property shall be recessed fixtures with no globe, bulb or lens extending below the casing or otherwise unshielded by the case so that the light source is visible from the side of the fixture. These lights shall be shown on a lighting plan to be submitted to and approved by the Director of Planning and shall indicate that no glare is cast off the Property onto adjacent properties.

WITNESS the following signature.

LOULYNN ACRES ASSOCIATES

By: *Charles David Crawford*
General Partner

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 29
day of June, 2001, by Charles David Crawford As General
Partner of Loulynn Acres Associates, a Virginia general
partnership.

Susan C. Kohlman
NOTARY PUBLIC

My commission expires: 6/30/2004.



5248 Olde Towne Road • Suite 1 • Williamsburg, Virginia 23188
(757) 253-0040 • Fax (757) 220-8994 • E-mail aes@aesva.com

May 18, 2001

**PROPERTY DESCRIPTION OF
1.903 ACRES
BEING A PORTION OF THE PROPERTY
OWNED BY LOULYNN ACRES ASSOCIATES**

All of that certain parcel of land situated on Highfield Drive of Burnham Woods Subdivision – Section “3” and located within James City County, Virginia containing 1.903 acres more or less and more fully described as: Commencing at a point on the northern right of way of Highfield Drive, being a corner to Lot 44 of Burnham Woods Subdivision – Section “3” and being 27.29’ more or less from the eastern right of way of Overton Trail; thence S86°48’30”E, 567.70’ to a point, being the point of beginning for this parcel and the southeast corner of Lot 41 of Burnham Woods Subdivision Section “3”; thence leaving the right of way of Highfield Drive and along Lot 41 N03°11’30”E, 150.00’ to a point, being a corner to this parcel, Lot 41 and a parcel of land now or formerly standing in the name of Delmarva Properties, Inc.; thence leaving Lot 41 and along the line of Delmarva Properties Inc. S86°48’30”E, 100.79’ to a point; thence N38°48’30”E, 162.85’ to a point on the southerly right of way of Barhamsville Road (Rt. 168 and Rt. 30); thence leaving Delmarva Properties, Inc. and along the right of way of Barhamsville Road on a curve to the right having a radius of 1382.40’, a length of 268.96’ and a chord of S52°53’32”E, 268.54’ to a point, being a corner to this parcel and the remaining lands of Loulynn Acres Associates; thence leaving the right of way of Barhamsville Road along the line of Loulynn Acres Associates S42°40’54”W, 292.90’ to a point; thence N48°05’22”W, 109.51’ to a point on the right of way of a proposed cul-de-sac; thence along a curve to the left having a radius of 50.00’, a length of 114.68’ and a chord of N62°30’47”W, 91.14’ to a point; thence along a curve to the right having a radius of 50.00’, a length of 36.14’ and a chord of S72°29’13”W, 35.36’ to a point; thence N86°48’30”W, 30.62’ to the said point of beginning, said parcel being a portion of the property known as the “La Grange” Tract as shown in Plat Book 45, Page 28 and is subject to a 25’ ingress/egress easement as shown on the above referenced plat.

Respectfully submitted,

AES Consulting Engineers

G. T. Wilson, Jr.
License No: 1183

RESOLUTION

CHESAPEAKE BANK SPECIAL USE PERMIT AMENDMENT (SUP-9-04)

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, Mr. Jim Bennett of AES Consulting Engineers has applied on behalf of Marshall N. Warner of Chesapeake Bank for a special use permit (SUP) to extend the expiration date of SUP-28-00, approved July 10, 2001, and set to expire July 10, 2004; and

WHEREAS, the previously approved special use permit approved a 3,200-square-foot bank building at 8909 Barhamsville Road; and

WHEREAS, the property is located on land zoned B-1, General Business, and can be further identified as Parcel No. (1-3A) on James City County Real Estate Tax Map No. (12-1); and

WHEREAS, the Planning Commission, following its Public Hearing on April 5, 2004, recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-04 as described herein with the following conditions:

1. A pedestrian connection, extending from the proposed bank building to the hard surface trail shown on the Michelle Point Master Plan, shall be constructed concurrent with the development of the bank. As determined by the Planning Director, this pedestrian connection shall be consistent in design and material to the hard surface trail extending from Michelle Point. A site plan amendment, identifying the design, material, and location of the pedestrian connection, shall be submitted and approved prior to construction of the proposed bank.
2. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed 8 feet in height from grade.
3. A sidewalk, 5 feet in width, shall be provided from the back parcel to Highfield Drive. This pedestrian connection shall be shown on any site plan for development of Parcel No. 1 and its design and location subject to the review and approval of the Planning Director.
4. If construction has not commenced on the project by April 19, 2007, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.

5. All exterior light fixtures on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in a manner that all light will be directed downward and the light source is not visible from the side.
6. The building architecture shall be consistent, as determined by the Planning Director, with the building rendition prepared by Guernsey-Tingle Architects and dated June 4, 2001.
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 11th day of
May, 2004.

sup-9-04.res

Ordinance - Chapter 20, Taxation, Article II, Exemption of Certain Persons from Real Estate Taxes,
Section 20-11, Amount of Exemption
May 11, 2004
Page 2

Richard Bradshaw

RD/gs
taxrelief.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 II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES, SECTION 20-11, AMOUNT OF EXEMPTION.

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 20-11, Amount of exemption.

Chapter 20. Taxation

Article II. Exemption of Certain Persons from Real Estate Taxes

Sec. 20-11. Amount of exemption.

Any person or persons qualifying under section 20-10 shall be exempt from real estate taxes in an amount not to exceed the annual real estate tax rate multiplied by the first ~~\$65,000.00~~ **\$80,000.00** of assessed real estate value.

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 11th day of May, 2004.

sec20-11amtexemp.ord

M E M O R A N D U M

DATE: May 11, 2004

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Ordinance to Amend and Reordain Chapter 20, Taxation, Article IV, Transient Lodging Tax, Section 20-14, Tax Levied; and Section 20-15, Definitions

Attached for consideration is a proposed ordinance to impose an additional \$2 per room/per night transient occupancy tax. This additional tax was supported by the Williamsburg Hotel Motel Association, the Williamsburg Area Chamber of Commerce, and the Williamsburg Area Convention and Visitors Bureau. In January of this year, the City of Williamsburg, York County, and James City County adopted resolutions supporting the additional \$2.00 tax. Senator Norment was the patron of Senate Bill 652, which authorizes the City of Williamsburg, York County, and James City County to jointly impose the additional tax. Senate Bill 652 passed both Houses of the General Assembly and was signed by the Governor. If all three jurisdictions do not adopt an ordinance imposing the additional tax on or before August 1, 2004, then the authority to impose the tax shall expire. Unless extended by the General Assembly, the authority to impose the additional tax will expire on January 1, 2008.

The additional \$2 per room/per night transient occupancy tax collected by the three jurisdictions shall be designated and expended solely for advertising the Historic Triangle area as an overnight tourism destination. The Williamsburg Area Destination Marketing Committee, consisting of representatives of the three jurisdictions and the tourism industry, shall decide how the revenue raised by the \$2 additional tax shall be expended.

Staff recommends adoption of the proposed ordinance.

Sanford B. Wanner

SBW/gs
hoteltax.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 IV, TRANSIENT LODGING TAX, SECTION 20-14, TAX LEVIED; AND SECTION 20-15, DEFINITIONS.

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 IV, Transient Lodging Tax, Section 20-14, Tax levied; and Section 20-15, Definitions.

Chapter 20. Taxation

Article IV. Transient Lodging Tax

Sec. 20-14. Tax levied.

(a) There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by laws, on each transient a tax equivalent to four percent of the total amount paid for lodging by or for any such transient to any hotel. Such tax shall be collected from such transient at the time and in the manner provided by this article.

(b) In addition to the tax provided for in subsection (a) above, commencing July 1, 2004, and continuing until January 1, 2008, as provided in section 58.1-3823 C of the Virginia Code, there is hereby levied and imposed an additional transient occupancy tax of \$2.00 per room night for the occupancy of any overnight guest room rented by a transient. Such additional tax shall be collected from such transient at the

time and in the manner provided by this article. The revenues collected from such additional tax shall be designated and expended solely for advertising the Historic Triangle area and shall be distributed and expended as provided in section 58.1-3823 C of the Virginia Code.

State law reference-Code of Va., § 58.1-3819 *and § 58.1-3823.*

Sec. 20-15. Definitions.

The following words and phrases, when used in this article, shall, for the purposes of this article, have the following respective meanings, except when the context clearly indicates a different meaning:

Advertising the Historic Triangle Area. Advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

This ordinance shall become effective July 1, 2004, and shall terminate on January 1, 2008.

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 11th day of May, 2004.

MEMORANDUM

DATE: May 11, 2004
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Director of Budget and Accounting
SUBJECT: Appropriation Resolution - FY 2005 Budget

Provided separately is the Appropriation Resolution for the FY 2005 Budget. The resolution will reflect the County Administrator's Proposed Budget and the changes made by the Board at its last Budget Work Session. A reconciliation from the County Administrator's Proposed budget to the Appropriation Resolution for FY 2005 will be attached.

Suzanne R. Mellen

SRM/tlc
bdgtapp05.mem

MEMORANDUM

DATE: May 11, 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 11th day of May, 2004.

MEMORANDUM

DATE: May 11, 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 11th day of May, 2004.

MEMORANDUM

DATE: May 11, 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 11th day of May, 2004.

sec8-5permitfee.ord

MEMORANDUM

DATE: May 11, 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 partially 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 11th day of May, 2004.

sec11-14refuse.ord

MEMORANDUM

DATE: May 11, 2004

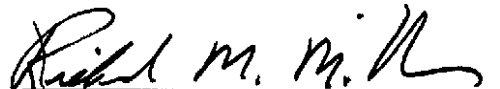
TO: The Board of Supervisors

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 11th day of May, 2004.

MEMORANDUM

DATE: May 11, 2004
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: Revisions to Chapter 2, Employment Practices, and Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual

Attached is a resolution to revise Chapter 4, Compensation Plan, and a portion of Chapter 2, Employment Practices, of the Personnel Policies and Procedures Manual.

The most significant changes are:

1. **Common Performance Increase and Salary Structure Adjustment Date**
October 1 will be the effective date for any salary structure adjustment and all performance increases. We are proposing this revision to help avoid compression and to improve the effectiveness of the Performance Evaluation system.
2. **Compensation for Extended Temporary Assignments**
Currently, the County's Temporary Assignment policy does not allow for an adjustment to an employee's salary while temporarily assigned to another job within the organization. While we wish to continue this practice for assignments of up to six months, we believe an adjustment should be made in those infrequent instances where the assignment extends beyond that time frame. An example would be substituting for someone out with a long-term illness or injury.
3. **Recalibration**
This change adds language that defines recalibration and sets its frequency at about every five years to ensure the competitiveness of the plan and its ability to achieve its guiding principles. Currently we recalibrate about every three years.

Other changes are of a housekeeping nature.

Staff recommends adoption of the attached resolution.

Carol M. Luckam

CML/adw
revch2and4.mem

Attachment

RESOLUTION

REVISIONS TO CHAPTER 2, EMPLOYMENT PRACTICES, AND CHAPTER 4,

COMPENSATION PLAN, OF THE JAMES CITY COUNTY PERSONNEL POLICIES

AND PROCEDURES MANUAL

WHEREAS, James City County's compensation policies are designed to keep County salaries competitive in the labor market, provide flexibility, be easy to use and understand, support the County in selecting, training, motivating, and keeping highly qualified men and women as County employees, and, reward quality performance; and

WHEREAS, the current policies are being revised to enhance their effectiveness by establishing a common date for performance increases and salary structure adjustments, defining and setting a time frame for recalibration of the salary structure, and, allowing temporary salary adjustments for lengthy temporary assignments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revisions to Chapter 2, Employment Practices, and Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual to be 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 11th day of May, 2004.

revch2and4.res

CHAPTER 4

COMPENSATION PLAN

Section 4.1 Introduction *Policy Statement*

- A. ~~Overview~~ - This chapter describes the County's *To support our value of "Demonstrating high standards of excellence, efficiency, and commitment to service," James City County provides a* compensation program ~~-a program~~ designed to pay employees competitively and reward employees for their efforts on behalf of the County.

Section 4.2 *Philosophy*

- A. The County strives to pay its ~~staff members~~ *employees* competitively with local public and private sector organizations performing comparable work.
- B. Department Managers and the Human Resource Department work together to ensure that the salaries which individual employees receive are market competitive and commensurate with experience, skills, efficiency, and performance.
- C. The compensation program provides employees opportunities for career growth both within and outside their own work area ~~through~~ *in various ways such as:*

- *Growth Within a Job's Salary Range
- *Job Reclassification
- *Promotion
- *Transfer

Section 4.3 Objectives *Guiding Principles* - The objectives of the Compensation Plan are to:

- A. Keep County salaries competitive in the labor market;
- B. Provide flexibility;
- C. Be easy to use and to understand;
- D. Support the County in selecting, training, motivating, and keeping highly qualified men and women as County employees; and
- E. Reward quality performance.

Section 4.4 *Legal Basis*

James City County is committed to ensuring that our Personnel Policies are in compliance with the Equal Pay Act of 1963, the Fair Labor Standards Act (FLSA) of 1983, as amended, The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and James City County Ordinance No. 179: Authorization of Incentive Awards to Employees.

Section 4.5 Definitions

- A. Benchmark - A job class with standard characteristics that can easily be compared with similar jobs typically found in other local governments or comparator organizations.
- B. Career Ladder Advancement - Movement of an employee from one job class to a designated job class at a higher salary range within the same job family as a result of achieving specified job requirements.
- C. Compensation Plan - The official or approved assignment of job classes to salary ranges, including: 1) list of job classes and assigned salary ranges; and, 2) policies for administration.
- D. Job Class - A group of positions that are alike enough in duties and responsibilities to require substantially the same qualifications and be called by the same descriptive title.
- E. Job Family - A group of jobs which perform work of the same nature but which require different skills and have different levels of responsibility.
- F. Market Adjustment - The reassignment of a job class from one salary range to a higher or lower salary range based upon changes in the labor market.
- G. Market Average - The average of actual salaries paid for a job in the labor market. The market average, or a percentage of the average, is used as the midpoint of our salary ranges.
- H. Market Pricing - A practice of determining the salary range to be paid for a job by identifying the competitive salary in the external labor market for that job.
- I. *Performance Award - A lump sum bonus not added to base pays based on employee performance.*
- J. Performance Increase - An adjustment to an individual employee's salary based on performance.
- K. Position - A set of duties and responsibilities to be performed by one employee.

- L. Promotion - Movement of an employee from a position in one salary range to a position in a higher salary range.
- M. Salary Range - A minimum to maximum amount within which an employee whose job class is assigned to that salary range is usually paid.
- N. Pay *Salary* Structure - The arrangement of salary ranges to which job classes are assigned.
- O. Pay *Salary* Structure Adjustment - An increase or decrease to minimum and/or maximum of the salary ranges in the salary structure.
- P. Transfer - Movement of an employee from one job class to another job class in the same salary range.
- Q. Whole Job Ranking - Placing a non-benchmarked job class in the pay structure referencing other jobs in the same, or similar, job families.

Section 4.6 Establishment of the Pay Structure and Assignment of Job Classes to Salary Ranges

~~The County obtains and participates in a number of salary surveys. From these surveys, the Human Resource staff assesses industry trends in salaries and endeavors to keep County salary ranges competitive with the actual average compensation of local public and private organizations with whom the County competes for talent.~~

- A. Establish the Job - The creation of a job begins with the needs of the organization. Department management and the Department of Human Resource collaborate to identify the primary duties and responsibilities of the job, its title, and the skills, education and experience required to fill the job. The Department creates draft job descriptions that includes all the above information.
- B. Develop a Market Pricing System *Based Compensation Plan* - The County uses market pricing and whole job ranking to *develop a salary structure and place a jobs within one of the salary ranges.*

The following are key components of this process:

1. Selection of Market Data Sources: The County participates in and references a variety of published, public and private sector sources that are conducted by professional associations and/or consulting firms with expertise in salary survey design and development. Sometimes a private survey source is referenced as well. Private survey sources are only used when the survey methodology is determined to be sound by the Human Resource Manager.

2. Identification of Benchmark Positions: Because there is not published data available to match all jobs in the County, benchmark positions serve as a basis for comparison to the external market. The Human Resource Department ensures that as many benchmark jobs as possible are selected within the following criteria:
 - a. All job families are represented.
 - b. Within each job family, as many levels as possible are matched. Typically, the entry level, career or journey level and/or the senior or top level are matched to published data sources.
 - c. The job content of benchmark positions is considered and compared to survey job descriptions - not to job titles. Jobs are matched to the survey data when the essence of the job matches the survey job description. For matching purposes, broad statements of job duties, scope of assignment, and/or qualifications are used for comparisons to outside organizations.
3. Selection of Market Average Data: The reported actual average salary is selected from survey sources to determine the midpoint of the salary range of the benchmark positions. The average is used to minimize salary variations in survey data due to experience, time in position, and length of service.
4. Development of the Pay *Salary* Structure: The market data collected for benchmark positions is combined to build the *pay salary* structure and identify the appropriate salary ranges for benchmark positions. The County's salary ranges have ~~defined~~ minimum, midpoint, and maximum salary amounts which are periodically adjusted. The difference between the salary range minimum and the range maximum is large enough to accommodate various levels of experience and job performance. In addition, salary ranges overlap. This recognizes that a highly capable employee at one salary range may contribute more to the organization (and therefore, earn more) than an inexperienced, or not yet fully productive employee at a higher salary range.
5. Placing Non-Benchmark Job Classes in the Pay *Salary* Structure: Because it is the County's goal to be competitive with organizations with whom it competes for talent, the external labor market is used for setting the relative ranking of jobs in the organization. The Department Manager, in collaboration with the Human Resource Department, places non-benchmark positions in the *pay salary*

structure referencing the benchmark jobs in the same job family for which there is market pay data.

Section 4.7 Placement in the Salary Range

- A. Starting Salary - Once a salary range has been determined for a job, the Department Manager and Human Resources set a starting salary for the individual. The salary is usually set at the minimum of the salary range for the position. Exceptions to this placement may be granted for a new employee substantially exceeding the minimum qualifications for the job. All exceptions to above minimum offers, must be approved by the Department Manager in consultation with Human Resources.

- B. Reinstatement - A reinstated employee shall be paid at a level within the approved salary range for the position to which reinstated. The level shall be determined by the department manager in consultation with Human Resources. Refer to Section 2.16.

- C. Reemployment - When a former County employee is rehired, the starting salary shall be determined in accordance with A above. Refer to Section 2.15.

Section 4.8 Part-Time Salaries *of Part-Time Permanent and Limited-Term Positions*

~~A part-time~~ *An* employee in a *part-time permanent or limited-term position* shall be paid on an hourly basis. The hourly ~~salary-rate~~ shall be determined by dividing the annual salary *for a full-time position* by the number of hours per year that a full-time employee in that position or *job class* would be required to work.

Section 4.9 Salaries of Temporary Positions

An employee in a temporary position shall be paid on an hourly basis. The salary range shall be determined in the manner described in Section 4.6. The hourly ~~salary~~ *rate* shall be determined in the manner described in Section 4.8.

Section 4.10 Salaries of On-Call Positions

An employee in an on-call position shall be paid on an hourly basis. The hourly ~~salary-rate~~ shall be determined in the same manner as for employees in temporary positions. A flat dollar amount for a designated work period, based upon the hourly rate, may be used if department operations necessitate.

Section 4.11 Progression Through the Salary Range (Performance and Performance Bonus Increases)

- A. *Eligibility - Employees in full-time and part-time permanent and limited-term position who have successfully completed their probationary periods are eligible for performance increases and/or performance awards.*
- B. Overview - The performance appraisal *evaluation* and pay for performance programs provide mechanisms for each ~~manager~~ *supervisor* to evaluate and reward staff performance. Rewards are based on the degree to which employees meet or exceed expected individual, team, work unit, division and/or organizational goals. Because the County is dedicated to providing excellent services to its citizens, the compensation program places a premium on performance. Salary increases are more reflective of the employees' performance and productivity than years of service with the County.
- C. Performance Review - A recommendation as to whether the employee shall receive a pay for performance increase *and/or award* and the amount of ~~such increase~~ shall be based upon the performance evaluation.
- D. Amount of Increase - If a performance increase is granted, it shall *generally be greater than the salary structure adjustment and shall* be within the following parameters:
1. *Within Salary Range* - Employees within the salary range shall be eligible for a performance increase of up to a designated percent of their salary as set forth in the approved budget. No such performance increase shall cause the salary to exceed the maximum salary for the salary range.
 2. *At Maximum of Salary Range* - If a performance increase causes the salary to exceed the maximum of the salary range, the employee will be compensated at the maximum salary and the difference shall be awarded as a lump sum bonus not added to base salary.
 3. *Effect of Leave Without Pay* - The performance increase ~~date shall be deferred~~ *shall be prorated* one calendar month for each period of 30 consecutive calendar days during which the employee is absent from the service of the County without pay, ~~or the performance increase may be pro-rated.~~ *except where superceded by a law such as The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which has compensation provisions for those returning to employment from active duty.*
 4. *Temporary Assignment* - The performance increase shall be based on the employee's salary for her regular job duties, not including any temporary salary increase.

45. *Effect of Other Salary Adjustments* - The performance increase date shall not be changed *prorated* as a result of reclassification, promotion, career ladder advancement, transfer, or voluntary demotion.

E. Performance Increase Date - ~~The date of the first day of the pay period in which an employee was initially employed in a permanent or limited term position shall be the effective date for the employee's performance increases.~~

1. *Common Date* - *October 1 of each year shall be the effective date of performance increases and performance awards for eligible employees who have successfully completed their probationary periods.*

2. *Employees in Their Probationary Period* - *Employees who have not completed their probationary period by October 1 shall not be eligible for a performance increase. However, they may receive a salary increase in the amount of the salary structure adjustment or an alternate salary adjustment or award provided in the budget. Employees who are in probationary periods resulting from promotions shall be eligible for a performance increase.*

3. *Exceptions may be granted by the County Administrator.*

Section 4.12 *Other Salary Changes in Salary Ranges*

A. Promotion - When an employee is promoted, the employee's salary shall be increased in the following manner:

1. to the greater of the minimum salary of the higher class or 5% above the present salary if the new class is one or two ranges higher than the employee's current range, or

2. to the greater of the minimum salary of the higher class or 10% above the present salary if:

a. the new class is three or more ranges higher than the employee's current range, or

b. the employee is promoted from a non-exempt to an exempt or from a non-supervisory to a supervisory position.

Exceptions may be granted by the County Administrator.

B. Career Ladder Advancement - When an employee receives a career ladder advancement, the employee's salary shall be increased in accordance with

Section 4.9 A. If an employee loses eligibility of required *no longer qualifies for* the career ladder class, the employee will be demoted to ~~the~~ a lower level career ladder class *for which the employee is qualified. For each lower level,* the employee's salary will be reduced consistent with the percent increase described in the promotion policy, Section 4.12A; and the employee will not be eligible for a career ladder advancement for a minimum of 90 days.

- C. Transfer - The County occasionally offers, and employees occasionally seek, the opportunity to take advantage of the valuable experiences available through a transfer to another job in the same salary range. Transfer assignments are considered lateral moves and employees' existing salaries are typically not changed.
- D. Demotion - There are a variety of circumstances and good reasons that an employee may seek a position at a lower salary range. When an employee accepts a voluntary demotion, the salary will be reduced consistent with the percent increase described in the promotion policy, Section 4.12A. Exceptions may be granted by the County Administrator.

Demotions as the result of a disciplinary or performance related action shall always be accompanied by a reduction in salary. Refer to Chapter 7 Standards of Conduct, Section 7.5 C (5).

- E. Reclassification - Job reclassification means assigning a position to a different job class because the duties and responsibilities have changed significantly enough that they are no longer consistent with the original job class. This can occur as the needs of the organization change, requiring a significant change of responsibilities in a particular position. When this happens, the department manager prepares a new job description which identifies where the job has changed and meets with the Human Resource Department to determine if the competitive market has changed for the position and if the salary range should be changed. Reclassifications must be approved by the County Administrator.
 - 1. Reclassification to a Higher Salary Range. If the job is moved to a higher salary range, the employee will be provided with a salary increase equal to that granted for promotion, as described in Section 4.12 A.
 - 2. Reclassification to a Lower Salary Range. If the job is moved to a lower salary range, the employee's salary will remain the same. If the salary is greater than the maximum of the new range, there will be no further increases to the employee's base pay until it falls within the salary range. The employee will still be eligible for performance increases *awards which shall be awarded as a lump sum bonus* in accordance with Section 4.11. Exceptions may be granted by the County Administrator.

3. Reclassifications Resulting from System Wide Studies. These provisions shall not apply to reclassification changes resulting from special systemwide studies. In such instances, the Board of Supervisors, upon recommendation from the County Administrator, shall determine the manner of salary adjustments.

- F. Administrative Adjustment - Upon recommendation by a Department Manager that an employee should be retained, the County Administrator may, upon determining that it is cost effective and of significant benefit to the County, move an employee's salary within the range to which the employee's job classification is assigned.

- G. *Temporary Assignment – Compensation may be adjusted during the period of time in excess of six (6) months in a twelve (12) month period that an employee is temporarily assigned to a vacant position or prescribed set of duties at a higher salary range. Refer to Chapter 2, Section 2.21, Temporary Assignments.*

- H. Incentive Awards - An incentive award is a vehicle for recognizing outstanding performance by an individual or group of individuals in a specific assignment, special project or for a beneficial suggestion or innovative idea which results in one of the following:
 1. A cost savings or avoidance.
 2. An innovation which increases productivity or enhances service by causing more work to be accomplished during the standard workday or work shift.
 3. Identification of a tool or piece of equipment which increases the productivity of the department, specific task or job.
 4. An improved process or procedure for accomplishing the work which increases productivity or improves services and is measurable.
 5. A work product which exceeds required work standards for a job based upon consensus of peers in that department or the same field or trade.

The amount of the award shall be determined by the County Administrator, but will normally not exceed 5 percent of the employee's salary. The incentive award shall be a single lump sum cash payment. It shall not be used as a routine salary supplement. The incentive award shall be documented on the Incentive Award Nomination Form. A copy of the form shall be placed in the employee's personnel file. The receipt of such an award shall not affect the employee's base salary.

Section 4.13 ~~Other Salary Changes~~ Maintaining the Market Based Compensation Plan

- A. Salary Structure Adjustment - The competitiveness of salary ranges is reviewed as part of the budget process. Where appropriate, adjustments are recommended to the ranges based on actual market movement and labor supply and demand influences. *Salary structure adjustments shall be effective October 1.* Employees salaries are only affected by a structure adjustment if the adjustment causes their salaries to fall below the new minimum. In such cases, the employee's salary is increased to the new range minimum at the time the new structure is implemented. Exceptions may be recommended by the County Administrator.
- B. Market Adjustment - The market competitiveness of job classes is reviewed as part of the budget process. Because of fluctuations in the labor market, a job class may require reassignment to a higher or lower salary range.
 - 1. Market Adjustment to a Higher Salary Range - ~~If his or her~~ *a* job class is assigned to a higher salary range, ~~the employee's salary~~ *ies* ~~will be affected only if it~~ *that* falls below the new range minimum. ~~In such cases, the employee's salary is~~ *will be* increased to the minimum. ~~Exceptions~~ *Additional salary adjustments* may be granted by the County Administrator *based on such factors as placement of employees within the salary range, attraction and retention of employees in the job class, and availability of funding.*
 - 2. Market Adjustment to a Lower Salary Range - If assigned to a lower salary range, the employee's salary will be treated in the same manner as in Reclassification to a Lower Salary Range, Section 4.9 E. 2.
- C. Other Adjustments – *Job classes are typically reviewed for the need for market adjustment, reclassification, or career ladder advancements as part of the compensation plan maintenance during the budget process.*
- D. Recalibration – *is a major review of the salary structure and placement of jobs within the structure. It is undertaken about every five (5) years to ensure the competitiveness of the plan and its ability to achieve its guiding principles. It is undertaken as part of the budget process to ensure that sufficient funds are available to make any adjustments that may be needed.*

Section 4.14 Overtime

- A. Responsibility - The authorization and control of all overtime work is the responsibility of the department manager. Overtime assignments shall be permitted only when required by operational necessity. Department managers may require employees to work overtime assignments as necessary. Department managers shall assure that adequate funds are available for payment for overtime work.

- B. Eligibility - All employees except those in bona fide professional, administrative, executive, or seasonal positions, as defined by the Fair Labor Standards Act, are eligible to earn overtime. The Human Resource Department shall review each position to determine whether it is exempt or non-exempt from overtime payments. The status of job classes shall be indicated in the Compensation Plan, and the status of individual positions shall be indicated in the Human Resource Information System.
- C. Computation of Overtime Pay - Monetary overtime compensation shall be one and one-half times the employee's hourly rate of pay for each hour of overtime worked. The hourly rate of pay shall be determined by dividing the employees' annual salary by the number of hours per year that a full-time employee in that position or class would be required to work.
- D. Minimum Increment of Overtime - Overtime shall be earned in increments no smaller than thirty minutes.
- E. Computation of Overtime Hours

- 1. Overtime shall be paid when, due to operational necessity, a non-exempt employee is required to work in excess of the maximum number of allowable hours in the work period.
- 2. The work periods and maximum allowable hours for County employees are as follows:

<u>Category of Personnel</u>	<u>Work Period (Consecutive Days)</u>	<u>Allowable Hours</u>
Firefighting and EMS	21	159
Law Enforcement	24	147
All Other	7	40

Other work periods, in compliance with the overtime provisions of the Fair Labor Standards Act (*FLSA*), may be implemented with the approval of the County Administrator.

- 3. Paid or unpaid time off during which the employee is absent from the service of the County shall not be counted as hours worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to, sick, annual, compensatory, civil, personal and military leave, holidays, leaves of absence, lunch periods and inclement weather days.

This provision shall not apply to hours worked between the FLSA overtime maximum of 159 hours and the 168 regularly scheduled work hours for sworn Fire Department employees working a 21-day cycle. These 9 hours shall be paid at the rate of one half of the employee's hourly rate, in addition to the regular semimonthly pay, regardless of any paid time off taken during the 21-day cycle.

F. Compensatory Leave or Compensatory Time

1. Non-exempt employees who are authorized to work in excess of their regularly-scheduled work hours, but who do not exceed the maximum allowable number of hours as defined in E above, may be granted compensatory leave in the amount of one hour of leave for each hour worked or may be paid their regular hourly rate in lieu of compensatory leave for hours worked.
2. Non-exempt employees who are authorized to work in excess of their regularly scheduled work hours, and the hours exceed the maximum allowable number of hours as defined in E above, may in lieu of overtime pay be granted compensatory leave in the amount of one and one-half hours of leave for each hour worked during the work period in excess of the maximum allowable hours.
3. The department manager shall determine the most appropriate form of compensation based on available funds and workload. Compensatory leave shall be specifically approved by the department manager in advance of its being earned.
4. Employees in sworn public safety positions may accrue up to 480 hours of compensatory leave. All other employees may accrue up to 240 hours of compensatory leave. Employees shall be paid for all hours in excess of the maximum allowed.
5. Compensatory leave earned within the fiscal year shall be used by September 30 of the following fiscal year or the employee shall be paid for it. (Revised 10-15-90)

Section 4.15 Holiday Pay

Any employee in a permanent or limited-term position who is eligible to earn overtime and is required by the supervisor to work on a holiday which is observed by the County, shall be compensated for that holiday at a rate of twice the regular hourly rate, or at the discretion of the department manager, authorized compensatory leave as outlined in Section 4.11(F) above.

An employee in a position which is not eligible to earn overtime (exempt) who is required to work on a holiday which is observed by the County, may take the holiday

on another date mutually agreed upon with his supervisor. In cases where this would present a hardship because of work load, and where budget permits, the department manager may authorize payment for that holiday at a rate of twice the regular hourly rate for hours worked in lieu of another day off.

See also Chapter 5, Section ~~5.1(E), Holidays on Non-Scheduled Work Days~~. *5.3 (B) 2, which describes holidays on which an employee is not scheduled to work.*

Section 4.16 Standby Pay

- A. Eligibility - An employee in a permanent, limited term or on call position who is required to be available by telephone or beeper after regular work hours to respond to emergency calls, and who must respond within a reasonable period of time when called, is eligible for standby pay.
- B. Computation of Pay - Employees who are required to be on standby shall receive compensation as set forth in the approved budget for each hour on standby. This payment shall be made regardless of whether the employee is actually called out, and shall be in addition to any payment earned for actual hours worked as outlined in Section 4.11, above.
- C. Restrictions - Employees who, for any reason, cannot fulfill their standby duties for part or all of the required period, shall obtain approval from their department manager or a designee for another employee to substitute for them.

Section 4.17 Premium Pay

- A. Purpose - Premium Pay is intended to provide additional compensation to eligible employees reporting to work in response to emergency situations arising on County-observed holidays on which the employee is not scheduled to work.
- B. Eligibility - Nonexempt employees in permanent or limited-term positions who are not on standby and are not scheduled to work on a County observed holiday, but are called in to work on the holiday with less than 72 hours prior notice.
- C. Computation of Pay - Eligible employees shall be compensated for all hours worked on the nonscheduled holiday at a premium rate of one-half times the regular hourly rate, in addition to any other compensation for which the employee is eligible, in accordance with Section 4.11, Overtime, and Section 4.12, Holiday Pay.
- D. Conditions - Supervisors are responsible for determining when additional staffing is required on a holiday. Employees notified more than 72 hours in advance that they must work on a holiday shall not be eligible for premium

pay. Employees on standby who are called in to work on a holiday shall not be eligible for premium pay.

Section 4.18 Travel

Policy - Employees may be required to travel when it is necessary or beneficial to the performance of their duties, their professional development, or the general operations of the County. Such travel shall be approved in advance by the department manager and may be eligible for reimbursement.

Section 4.19 Miscellaneous

A. Bonding - Each County employee is covered under a general employee "blanket" bond at no cost to the employee. The County shall pay the additional cost for those positions requiring a higher bond.

B. Notary Fees - The fees for "Notary Public" permits held by County employees shall be paid by the County when such services are felt to assist the County in serving the public or to further the County's own business operations. There shall be no charge for notary services for the County.

C. Uniform Allowance

1. Policy - Employees who are required to wear uniforms shall be furnished such uniforms, with accessories as required. Uniforms shall be maintained by the County at the County's expense or by the employee with an annual allowance from the County set forth in the budget. Such allowance shall also be paid to each member of the Investigations Division in the Police Department for the cleaning and maintenance of their on-duty clothing.

2. Responsibilities.

a. All clothing and equipment issued by the County shall remain the property of the County.

b. Only an initial uniform alteration shall be the responsibility of the County.

c. Employees are required to return non-serviceable clothing to the County in order to receive replacements.

d. Clothing that is lost or damaged by negligence of the employee shall be replaced at the employee's expense.

- e. Uniform and on-duty clothing maintenance allowances shall be paid only for the period of actual employment.
- D. Tool Allowance - Employees who are responsible for the purchase and maintenance of tools required to perform their duties shall receive an annual allowance. The tools shall remain the employees' property, but are insured by the County against fire and theft.

Section 4.20 *Administration and Interpretation of Plan*

~~The Human Resource Manager shall interpret the application of the Compensation Plan to resolve pay determinations which are not specifically covered by this Chapter, using the principles expressed herein as a policy guide.~~

The compensation program is administered by the Human Resource Department which is responsible for interpreting, administering, and updating the program to keep it current and equitable in operation.

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CHAPTER 2

Section 2.21 Temporary Assignments

- A. Purpose – An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which officially assigned, ~~to meet for a variety of reasons including~~ *emergencies situations*; ~~occasioned by abnormal workload, or organizational changes, to cover absences pending official assignment of personnel or to perform duties~~ *job vacancies, unmet needs* pending the development and classification *establishment* of a new position, *development opportunities*; or for other purposes necessary to provide quality public service.
- B. ~~Documentation~~ – ~~Temporary assignments shall be justified in writing by the appropriate Department Manager and coordinated with the Human Resource Manager prior to the employee beginning such temporary assignment. Approved temporary assignments and the reasons therefore shall be made a part of the employee's personnel record. Temporary assignment of ten (10) working days or less shall be exempt from the formal documentation and approval requirements.~~
- C. ~~Duration~~ – ~~No employee shall be temporarily assigned to a position, or set of duties, other than the position to which officially assigned, in excess of a total of ninety (90) work days in a twelve (12) month period, unless the operating needs of the County require an extension of time. Such extension shall be approved by the County Administrator.~~
- D. ~~Salary~~ – ~~Salary of the employee in a temporary assignment shall not change.~~

B. *Duration, Approval, Documentation, and Compensation*

<i>Duration</i>	<i>Six (6) Weeks within a 12 month period</i>	<i>Between 6 Weeks and Six (6) Months within a 12 month period</i>	<i>Between 6 Months and One (1) Year Within a 12 month period</i>	<i>More than 1 Year</i>
<i>Approval</i>	<i>Supervisor</i>	<i>Department Manager (DM)</i>	<i>Human Resources (HR)</i>	<i>County Administrator (CA)</i>
<i>Documentation</i>	<i>None</i>	<i>DM writes reasons and expected duration to HR</i>	<i>DM writes business reasons and expected duration to HR; if HR concurs, they notify Payroll</i>	<i>DM writes business reasons and proposed duration; HR makes recommendation; CA decides</i>
<i>Compensation</i>	<i>No change</i>	<i>No change</i>	<i>If position in higher salary range, increase consistent with promotion effective the beginning of the seventh month</i>	<i>Maintains increase given at 6 months</i>

Exceptions may be granted by the County Administrator.

C. *Salary Adjustment Considerations*

1. *Performance Increase* - *Performance increases effective during the portion of the assignment in which the employee is receiving a temporary salary adjustment shall be handled in accordance with Section 4.11.D4.*
2. *End of Temporary Salary Adjustment* - *When the employee returns to her regular duties, the salary shall be reduced by the same dollar amount by which it was temporarily increased.*

MEMORANDUM

DATE: May 11, 2004
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: FY 2005 Strategic Management Plan

At the March 23, 2004, Board Work Session, the County's FY 2005 Strategic Directions were unveiled. In conjunction with the Budget, the Proposed FY 2005 Strategic Management Plan was submitted for Board review.

The Strategic Management Plan is an important document that guides our actions over the next few years. As part of the adoption of the Budget, I recommend that the Board approve the FY 2005 Strategic Management Plan.

Sanford B. Wanner

SBW/gs
SMP05.mem

Attachment

RESOLUTION

FY 2005 STRATEGIC MANAGEMENT PLAN

WHEREAS, James City County's previous Strategic Management Plan played a significant role in successfully guiding the County's work; and

WHEREAS, it is appropriate and necessary to revisit and review such a Plan to ensure that it remains accurate and that it properly reflects citizen and staff priorities; and

WHEREAS, the proposed Strategic Management Plan was updated based on citizen input and collaborative discussions; and

WHEREAS, the proposed Strategic Management Plan charts the County's future direction by setting forth long-range Strategic Directions that describe our needs, priorities, and aspirations, and outlines Pathways or key initiatives that will move us forward in the right direction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the FY 2005 Strategic Management Plan.

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 11th day of May, 2004.

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