

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 22, 2005

7:00 P.M.

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M. CLOSED SESSION

1. Appointment of Individuals to County Board and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

N. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF NOVEMBER 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Carlo Lewis, a junior at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Employee and Volunteer Outstanding Service Awards

Mr. Brown and the other Board members presented Outstanding Service Awards to the following: **Individuals:** Dorothy Haramis, Dr. Richard Johnson, Henri and Chris Julie, Ian Rillett, and Kevin Linkous; **Outstanding Teams:** *Non-Profit Organization Networking E-mail List*, Benjamin Goldberg and Elizabeth Schmidt; *Customer Service Team and Trainers*, Wayne Bartlett, Donna Christian, Joe Davis, Tratisha Hayes, Liz Johnson, John Leclair, Lisa Quick, Mary Frances Rieger, Terri Salnoske, Anita Taylor, Cheryl Waldren, Stephanie Williams, Grace Boone, Beth Davis, Joan Etchberger, Doris Heath, LD Kemp, Valerie Overton, Rosemary Randall, Brad Rinehimer, Dawna Seibel, Jane Townsend, John Wilson, and Rona Vrooman; and **Commendation Awards:** *Looking to Learn: Original Paintings by Peter Catalanotto*, Noreen Bernstein, Charlotte Wood, Patrick Golden, Crystal Clay, Kathy McDevitt, and Sandra Towers; *Staff Choice Awards*, Benjamin Goldberg, Caroline O'Brien, and Jenny Payne; *Festival of the Reader*, Andrew Smith; *Storage Construction Project*, Greg Robins, Bob Belmore, Al Catlett, Richard Svadeba, and Sharon Hamlin; *SCADA*, Howard Anby, Kevin Linkous, and Jim Hopkins; *Working Towards Wellness Committee*, Alex Holloway, Brian Harriss, Carrie Binsfeld, Debbie Post, Joann Martin, John White, Mary Frances Rieger, Michelle Toutaint, Bart Johnson, Carol Luckam, Cecil Pool, John Leclair, John McDonald, Mike Vergakis, Phil Mease, and Rebecca Duncan; and the *RFP Committee*, Carol Schenk, Don Breland, Richard Drumwright, Robert Marakos, Bart Johnson, Niyoko Bell, Sandy Hale, and Tara Woodruff.

E. PUBLIC COMMENT

1. Mr. David Brown, 1502 Bushneck Road, stated concern about the increasing real estate assessments in the County, and stated concern that the Real Estate Assessment Office has discarded a decision of the Board of Equalization regarding his assessment appeal.

2. Mr. Gene Hofmeyer, 1409 John Tyler Highway, stated concern that the Rural Lands Committee was not publicly advertised for volunteers to serve on the Committee; stated concern that those appointed are not familiar with the land development potential and limitations in the County; stated concern that the initial Rural Lands Committee fell by the wayside and another Committee was formed which was a waste of the taxpayers' money; and requested the Rural Lands Committee members be fired and a more knowledgeable membership be appointed to the Committee.

3. Mr. Brian Oyer, 9025 Barnes Road, stated concern about the increase in real estate assessments in the County; the lack of response by the Real Estate Assessment office regarding his inquires to appeal the assessment on his property; stated that being notified on October 27 that he can apply to have his appeal heard by the Board of Equalization if he submits the appeal request by October 28 is not professional; and stated that the number of individuals speaking about issues and concerns associated with the Real Estate Assessment Office should spark an investigation into the affairs of the office.

4. Mr. Ed Oyer, 139 Indian Circle, requested a Colorado "TABOR"- taxpayer's bill of rights - to ensure that the County would spend and live within its limits; commented on the Comprehensive Plan in York County; and stated concern that he is consistently limited to speak for three minutes while other speakers are permitted more time to have their voices heard.

F. CONSENT CALENDAR

Mr. Brown called attention to pages 7 and 17 of the agenda book and stated that "PPEA" referred to "PPTA." Mr. Bradshaw and Mr. Brown also clarified that a date on the resolution item F-4 was corrected, and the corrections were noted and made available.

Mr. Bradshaw made a motion to adopt the items on the consent calendar including the corrections to the October 25 regular meeting minutes and the resolution for the *Conversion of Part-Time Permanent Community Partnership Development Director Position to Full-Time Outreach Director Position in the Williamsburg Regional Library (WRL)*.

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

1. Minutes

- a. October 25, 2005, Work Session
- b. October 25, 2005, Regular Meeting

2. Amendment to Minutes of September 13, 2005, Regular Meeting

3. Williamsburg Community Health Foundation Grant - \$11,097

RESOLUTION

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT - \$11,097

WHEREAS, the Williamsburg Community Health Foundation has awarded a grant in the amount of \$11,097 to the Fire Department for the purchase of Oxylators; and

WHEREAS, the grant requires no local match; and

WHEREAS, the grant expires on December 31, 2006, thus allowing any unspent funds as of June 30, 2006, 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:

Revenue:

WCHF – Oxylator Grant \$11,097

Expenditure:

Oxylator Equipment \$11,097

4. Conversion of Part-Time Permanent Community Partnership Development Director Position to Full-Time Outreach Director Position in the Williamsburg Regional Library (WRL)

RESOLUTION

CONVERSION OF PART-TIME PERMANENT COMMUNITY PARTNERSHIP DEVELOPMENT

DIRECTOR POSITION TO FULL-TIME OUTREACH DIRECTOR POSITION IN THE

WILLIAMSBURG REGIONAL LIBRARY

WHEREAS, the Williamsburg Regional Library (WRL) wishes to create a new Outreach Division to coordinate all its activities that take place outside the two library buildings; and

WHEREAS, the management of those activities will require a full-time division director; and

WHEREAS, there exists a part-time permanent Community Partnership Development Director position that is already fulfilling part of that need; and

WHEREAS, the Board of Supervisors must approve adding positions to the WRL; and

WHEREAS, money is available in the WRL budget to affect this change.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the part-time permanent Community Partnership Development Director position, salary range 26, be converted into a full-time permanent Outreach Director position, salary range 27, effective December 1, 2005.

G. PUBLIC HEARINGS

1. Case No. HW-4-05. Titan Ready Mix Concrete Batch Plant - Height Waiver

Mr. David W. German, Planner, stated that G. Archer Marston, AES Consulting Engineers, on behalf of Titan Virginia Ready Mix, L.L.C./Titan America, has requested a height limitation waiver. On property zoned M-2, structures may be constructed up to 60 feet; however, structures in excess of 60 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that a height limitation waiver be granted to allow for the construction of up to two aggregate (stone) silos, each not to individually exceed 80 feet in height. The two silos would stand together in a line perpendicular to Massie Lane and be well screened from adjacent properties by existing vegetation maintained for this purpose. The silo structures would be painted a very neutral and muted light beige color. Aggregate silos of this type are predesigned components necessary for the construction and operation of ready mix concrete plants. The proposed use (ready mix concrete batch plant) had been previously approved for this site with SUP-46-89 and Z-17-89, so all that was in question with this application was the height of the two proposed silos for this facility.

Staff found the two proposed silos should present a negligible visual impact to surrounding properties and uses and the proposal was consistent with the requirements stated under Section 24-444 of the Zoning Ordinance.

Staff recommended approval of the resolution.

The Board and staff discussed the landscaping requirements to obscure the view of the silos.

Mr. Bradshaw stated that two buffers were critical to visibility, the large area of trees north of the railroad tracks and a berm on Route 60 that was heavily landscaped. He asked what guaranteed this visibility protection will remain. Staff responded that the berm was donated as preserved open space with trees, thus any clearing had to be approved. Staff stated that the vegetation on Richmond Road was also maintained as a requirement of that SUP, and that Richmond Road was a community corridor, so landscaping is preserved.

Mr. Brown opened the Public Hearing.

Mr. Arch Marsten, AES Consulting Engineers, stated that he had representatives from AES, Titan America, and Massie Contractors present. He thanked staff for their responsiveness in the matter, and then turned the presentation over to Mr. Chris Basek, AES Consulting Engineers.

Mr. Basek presented a briefing on the request for a height limitation waiver. He oriented the Board to the site, indicating Mirror Lakes Subdivision, the site, and where the photographs were taken. Mr. Basek showed the height relationship between an existing tower of roughly 80 feet tall and one radio tower of 200 feet tall. He showed the towers from several locations including from Mirror Lakes Subdivision, Route 60 at Anderson's Corner, and the Titan site. He showed the proposed location and a similar silo that is constructed elsewhere. He suggested that proposed planting be required as part of the site plan application and a row of trees on the interior of the curve at Massie Lane. He stated that this would hinder vision of the silos significantly.

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

Mr. Goodson made a motion to approve the resolution.

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

RESOLUTION

CASE NO. HW-4-05. TITAN READY MIX CONCRETE BATCH PLANT

WHEREAS, G. Archer Marston of AES Consulting, on behalf of Titan Virginia Ready Mix, LLC/Titan America, (the "Applicant"), has applied for a height limitation waiver to allow for the construction of up to two aggregate (stone) silos, each individually not to exceed 80 feet in height; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case HW-4-05; and

WHEREAS, the proposed silos will be located on property zoned M-1, Limited Business Industrial, and M-2, General Industrial, and is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (13-3), (the "Property"); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-444 of the James City County Zoning Ordinance have been satisfied, in order to grant a 20-foot waiver to the height limitation requirements, to allow for the erection of structures in excess of 60 feet in height.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-4-05, granting the Applicant a 20-foot waiver to the 60-foot height limitation to permit the construction of two aggregate silos on the Property, each individually not to exceed 80 feet in height, as shown on Site Plan SP-122-05, and as generally depicted in McNeilus Companies, Inc., elevation drawing for "Batchmaster 12 w/Aux Silo & Screw," dated 30 March 1989, that was submitted with the HW-4-05 Height Waiver application.

2. Case No. SUP-28-05. New Dawn Assisted Living

Mr. Joel Almquist, Planner, stated that Brian May, on behalf of New Dawn Assisted Living Corporation, submitted an application to amend SUP-7-99 to allow the construction of an assisted living facility no larger than 30,000 square feet with a design that will consist of three buildings with approximately 9,500 square feet each.

A SUP was approved in 1998 (SUP-8-98) for a skilled nursing facility no greater than 50,000 square feet and an office development no greater than 20,000 square feet (the skilled nursing facility has been built and is operating). An SUP amendment (SUP-7-99) and rezoning (Z-3-99) were approved in 1999. The amendment allowed 22,000 square feet of assisted living facility in lieu of the 20,000-square-foot office development. At that time a subdivision was approved which created two lots from the one original lot.

The proposed SUP amendment covered only the portions of SUP-7-99 that applied to Parcel No.1-70A where the assisted living facility was to be located. The new conditions for SUP-28-05 was for the Master Plan titled "New Dawn Living Facility" and was a combination of the previous applicable conditions

with the new conditions requested by staff. All of the conditions of SUP-7-99 would still apply to the existing skilled nursing facility.

Staff found the proposed assisted living facility is a complementary use to the surrounding community, and is consistent with the Comprehensive Plan.

At its meeting on October 3, 2005, the Planning Commission recommended approval of the proposal by a vote of 6-0.

Staff recommended approval of the resolution.

Mr. Brown opened the Public Hearing.

The Board and staff discussed the impact of additional square footage on environmental factors and traffic. Staff indicated that the additional square footage did not add any additional impact on environment, traffic, etc. than what is currently there in relation to similar projects.

Mr. Brown opened the Public Hearing.

1. Mr. Brian May, Dewberry and Davis, requested approval of the application.

Mr. Bradshaw asked how many patients the facility would serve. Mr. May indicated that the facility would serve forty-five residents.

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

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-28-05. NEW DAWN ASSISTED LIVING

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 (SUP) process; and

WHEREAS, Mr. Brian May has applied for an amendment to SUP-7-99 to allow for the construction of a 30,000 square foot assisted living facility; and

WHEREAS, the land is located on a parcel zoned both R-8, Rural Residential, and LB, Limited Business, and can be further identified as Parcel No. (1-70A) on James City County Real Estate Tax Map No. (47-3); and

WHEREAS, the Planning Commission of James City County, following a public hearing on October 3, 2005, recommended approval of Case No. SUP-28-05 by a 6-0 vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-28-05 as described herein with the following conditions:

1. Master Plan: This Special Use Permit shall be valid for an assisted living facility no larger than 30,000 square feet and accessory uses thereto. Development of the site shall be generally in accordance with the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. Architecture: Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Director of Planning, with the architectural elevations titled "New Dawn Assisted Living Facility" submitted with this special use permit application, dated August 22, 2005, and drawn by Dewberry and Davis, Inc.
3. Buffers: There shall be a minimum 50-foot undisturbed wooded buffer between the proposed assisted living facility and the residential properties to the east as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005. The construction of a trail within the landscape buffer as shown on the master plan is permitted provided no trees are removed before or after construction. There shall also be a 10-foot building setback line from all natural open space conservation easements as shown on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005.
4. Lighting: Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and 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. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
5. Dumpsters: All dumpsters and heating and cooling units, whether on the ground or affixed on the rooftop, shall be screened from view by landscaping, fencing, or other alternative that provides similarly adequate screening, as determined and approved by the Director of Planning prior to final site plan approval.
6. Archaeology: A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable,

and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.

7. Buffer Enhancement: Prior to the issuance of a certificate of occupancy for the assisted living facility, the natural open space easement along Jamestown Road as designated on the master plan titled "New Dawn Assisted Living Facility," dated August 22, 2005, shall be seeded with a native woodland mix to enhance the buffer. The composition of this mix shall be indicated on the site plan and shall be approved by the Director of Planning prior to final site plan approval.
8. Enhanced Landscaping: The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen.
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 prior to final development plan approval. 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 where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
10. Stormwater Management: The owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measure to reduce fecal bacteria, low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
11. Construction: If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case Nos. MP-9-05/SUP-21-05. Olde Towne Timeshares Amendment

Ms. Ellen Cook, Planner, stated that Mr. Robert Anderson, McKinney and Company, submitted an application on behalf of Heritage Resorts, Inc., for a SUP to amend a previously approved SUP (JCC Case No. SUP-18-03/ MP-7-03 Olde Towne Timeshares, which was itself an amendment of JCC Case No. SUP-18-99 Olde Town Road Timeshares). The last approved SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposed the same number of timeshare units but made some changes to the layout of the Master Plan, which required an SUP amendment. It should be noted that the previously approved SUP remains valid until November 12, 2006. Since the last SUP was approved, the applicant has completed several improvements on the site including road improvements to Olde Towne Road and a berm and landscaping along the road.

Staff found the proposal consistent with surrounding zoning, single-family, multi-family, and timeshare uses. Staff also found the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believed the changes from the previously approved SUP were generally positive in nature.

Staff recommended approval of the proposed amendment to the SUP.

The Board and staff discussed the difference between the original plan and the new SUP request. Staff stated that the only difference was the unit type, which is four-bedroom units with lockout features in apartment side-by-side style rather than townhouse up-and-down style. The overall number of bedrooms returns to the original SUP approval number in the 2003 SUP. Staff indicated that the major change was that the quads were not arranged in a group, but are spread out across the area on a loop road.

Mr. Brown and staff discussed how they were able to eliminate the impact on wetlands and springs.

Mr. Brown opened the Public Hearing

Ms. Lisa McAdam of McKinney stated that wetland preservation was improved because the roads were parallel. She indicated that the new arrangement follows the lay of the land and though there is more impervious area, the developed area of the watershed was reduced. Ms. McAdam stated they will be utilizing low-impact stormwater management design. She indicated there will be some best management practices on the site, but not a large wetland or dry pond.

Mr. Brown stated the proposed plan was widely accepted by the Environmental Division.

Mr. Brown closed the Public Hearing to allow other Board members to ask questions of staff.

Mr. McGlennon asked staff what the impact of changing the number of occupants would be on traffic. Staff stated the proposed number of units was the same, and the traffic studies were benchmarked on similar configured timeshares. They maintained that there would not be a difference in the impact.

As there were no other questions to this matter for staff, Mr. Brown reopened the Public Hearing.

Mr. Vernon Geddy presented Corina Caldwell with Heritage Resorts and the applicant, Ms. McAdam, and stated that they would be happy to answer any questions.

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

Mr. Brown made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-21-05/MP-9-05. OLDE TOWNE TIMESHARES AMENDMENT

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 (SUP) process ; and

WHEREAS, Mr. Robert Anderson has applied on behalf of Heritage Resorts, Inc., for a SUP to amend a previously approved SUP allowing 365 timeshares in a residential cluster; and

WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by McKinney and Company, dated October 20, 2005, and entitled “Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares”; and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel Nos. (1-26), (1-26A), and (1-36) on James City County Real Estate Tax Map No. (32-4) and Parcel No. (1-30) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its Public Hearing on October 3, 2005, voted 6-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit-21-05/MP-9-05 as described herein with the following conditions:

1. If construction has not commenced on this project within 36 months from the issuance of a SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
2. The master plan of development required under Section 24-554 of the zoning ordinance shall be generally consistent with the “Master Plan SUP-21-05/MP-09-05 Olde Towne Timeshares” prepared by McKinney and Company, dated October 20, 2005, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be not more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.
4. The applicant shall implement the road improvements recommended by the traffic study “Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road” prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.

5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
6. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.
8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
9. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street (except at street connections where up to 2.0 foot candles is permitted) or adjoining residentially designated property.
10. An ten-foot-wide paved public use path with four-foot-wide mulched shoulders and a six-foot-wide mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a certificate of occupancy for no more than 200 timeshare units if the Board of Supervisors has approved the construction of this path and requested it in writing. Any bridge(s) will have two feet of clearance on either side and shall meet the Virginia Department of Transportation (VDOT) standards (for conveyance of pedestrians and bicyclists only). If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this SUP, the applicant and/or its successors shall have no obligation to construct this path. The applicant shall fully maintain the paths and bridge(s) during the period of time the developer is constructing the timeshare units.
11. The applicant shall work out an arrangement with the VDOT to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
12. The applicant shall dedicate to the County a conservation easement for 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County

Attorney prior to final site plan approval for any structure on the site.

13. If the applicant desires to have outdoor watering they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this SUP, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or VDOT to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
15. The Owner shall submit to the County a master stormwater management plan as a part of the initial site or development plan submittal for the Property, including the stormwater management BMP ponds, methods and measures to reduce fecal bacteria; low impact design techniques where appropriate and feasible for review and approval by the Environmental Division. The Master Stormwater Management Plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the Master Stormwater Management Plan has been approved. The approved Master Stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the

Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.

18. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to, and approved by, the James City Service Authority prior to final development plan approval. 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 where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
19. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

4. Case No. Z-8-05. Williamsburg Wicker and Rattan Retail Center

Ms. Ellen Cook, Planner, stated that Mr. James Peters, of AES Consulting Engineers submitted an application to rezone 1.13 acres of land from B-1, General Business District and A-1, General Agriculture District, to B-1, General Business District, with proffers. The applicant proposed approximately 8,200-square-feet of retail space and approximately 4,500-square-feet of storage warehouse. The site already has an existing single-family detached house.

Staff found the proposal to be compatible with surrounding land uses, and the Comprehensive Plan.

At its meeting on October 3, 2005, the Planning Commission recommended approval of the proposal by a vote of 6-0.

Staff recommended approval of this application with the voluntary proffers.

The Board and staff discussed prohibited uses and the effect thereon of the proffers. Mr. Bradshaw asked what assurance was present to prevent prohibited uses that are intrusive or required large parking requirements if they were not in the proffers. Staff responded that the master plan disallowed these uses. Staff indicated that the Master Plan included Henry House.

Mr. Brown opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, representing the applicant, made a presentation with a history of Williamsburg Wicker and Rattan Shoppe and an overview of the proposal.

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

Mr. Bradshaw made a motion to approve the resolution with the voluntary proffers.

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

RESOLUTION

CASE NO. Z-8-05. WILLIAMSBURG WICKER AND RATTAN RETAIL CENTER

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-8-05, with Master Plan, for rezoning 1.13 acres from A-1, General Agricultural District and B-1, General Business, to B-1, General Business, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 3, 2005, recommended approval of Case No. Z-8-05, by a vote of 6 to 0; and

WHEREAS, the property is located at 7414 Richmond Road and further identified as Parcel No. (2D-1A) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-8-05 and accept the voluntary proffers.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the James City County Social Services Division and those in York County and Williamsburg were recognized by Williamsburg Community Health Foundation as 2005 Healthcare Heroes.

Mr. Wanner stated that he represented the County at the VDOT hearing on Hampton Roads Transportation improvements in Chesapeake and spoke to the need of State funding for realignment of a new section of Route 60 East (Pocahontas Trail). There he said that the Board was a true friend of VDOT, by funding a portion of PPTA, which enabled Route 199 to be widened and improved prior to 2007, Green Springs Trail, Capital Trail, and improvements at the Chickahominy Riverfront Bridge (Dresser Bridge). Mr. Wanner told VDOT if they did not help James City County with the improvements to Route 60, they would “cook the golden goose of the Virginia Ports.” He stated that he hoped his statements would result in State funding.

Mr. Wanner suggested that when the Board completed its business, the Board adjourn to 4 p.m. on November 22, 2005, for a Work Session.

Mr. Wanner discussed an article in *The Virginia Gazette* regarding email exchange by staff and inappropriate comments written by staff concerning the Planning Commission, members of committees, and the Chairman of the Board of Supervisors. He stated that the Planning Director apologized, and the employee cited in the article had personally apologized to Mr. Brown for his comments. Mr. Wanner stated that after reviewing the FOI response, there would be a full investigation. He stated that the County and the Board did not condone inappropriate conduct and were committed to the County’s core values. Mr. Wanner stated at the conclusion of this investigation, he would take whatever necessary action was required

J. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw stated that the new Toano Convenience Center was at a superior location on Industrial Boulevard, was of superior design and access, and offered superior service. He indicated that in addition to current trash and recycling, the new Center also accepts tires and other refuse. Mr. Bradshaw thanked staff for their efforts.

Mr. Bradshaw also responded to the recent article. He stated that the Board appointed the Toano Area Community Study Committee and Rural Lands Committee and the process was unanimously agreed on by the Board. He said each supervisor may have had his own agenda, but the agreement had been to arrange a committee involving a wide range of knowledge, interests, and expertise, though perhaps not every organization. Mr. Bradshaw stated that the meeting process allows for others to participate, all committee meetings are open to the public, and materials are available to the public on the web. He said both committees have scheduled workshops, have met regularly, and have fully and capably performed the work they were commissioned to do. Mr. Bradshaw said the Board always reserves the right to add any member to any committee, and if anyone suggests an addition, they should contact the Board.

Mr. Bradshaw thanked the Peninsula Housing and Builders Association for advertising a public meeting for one of the groups. He stated that on Thursday evening, November 17, 2005, at 6:30 p.m. at Toano Middle School the first meeting of the Rural Lands Committee for public education and input will be held. He indicated that the description of the meeting by the Housing and Builders Association was not entirely correct because the purpose was not solely to discuss increasing lot size. He said that in fact, this meeting was not in relation to increase or decrease of rural lands, but at this meeting the focus was the concept of rural clusters. He stated he hopes that many attend this meeting to be informed and add their wisdom to the process.

K. CLOSED SESSION

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointments of individuals to County boards and/or commissions.

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

Mr. Brown convened the Board into Closed Session at 8:10 p.m.

Mr. Brown reconvened the Board into Open Session at 8:40 p.m.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

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

L. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 8:45 p.m. Mr. Brown adjourned the Board to 4 p.m. on November 22, 2005.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: November 22, 2005
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: Salary Supplement Agreement for Courthouse Constitutional Officers' Staff

We are recommending a salary supplement to assist the Constitutional Officers located at our Courthouse, the Sheriff, the Commonwealth Attorney, and the Clerk of the Circuit Court in attracting and retaining excellent employees to serve our community.

During the Fiscal Year 2006 Budget Process, staff proposed and the Board funded the Courthouse Constitutional Officers' staff to receive the County performance increases effective December 1, 2005. As this date approaches we are formalizing the parameters of that agreement so that it is clear to all parties and easy to administer. Funds are available in the Fiscal Year 2006 Budget to implement the agreement at that time.

Staff recommends adoption of the attached resolution.


Carol M. Luckam

CML/nb
SalarySupp.mem

Attachment

RESOLUTION

SALARY SUPPLEMENT AGREEMENT FOR COURTHOUSE

CONSTITUTIONAL OFFICERS' STAFF

WHEREAS, the County wishes to offer support to Constitutional Officers in attracting and retaining excellent employees; and

WHEREAS, the Officers and County believe that a salary supplement in the form of annual salary increases equivalent to that of County employees will assist in attracting and retaining excellent employees; and

WHEREAS, the Officers and County believe it is in best interest of community to do so; and

WHEREAS, the Constitutional Officers at the Courthouse wish to maintain their independence from County personnel policies; and

WHEREAS, the Sheriff, Commonwealth Attorney, and Clerk of the Circuit Court shall sign the agreement titled Employee Salary Supplement Agreement for Courthouse Constitutional Officer Employees made on December 1, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Employee Salary Supplement Agreement for Courthouse Constitutional Officer Employees made on December 1, 2005.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2005.

SalarySupp.res

MEMORANDUM

DATE: November 22, 2005
TO: The Board of Supervisors
FROM: John H. Carnifax, Acting Director of Parks and Recreation
SUBJECT: Appropriation of Grant for Freedom Park - \$50,000

The Virginia Historic Resources Administrative Services has awarded the Centerville Community Association and the James City County Division of Parks and Recreation a \$50,000 matching grant.

The purpose of the grant is to assist with the costs of the Phase III archaeology at Freedom Park. This phase of development includes the fieldwork of a previously identified site thought to have been a part of the First Free Black Settlement. In addition, funds will be used to preserve any artifacts that are found and to prepare a historical written narrative. At the request of the Centerville Community Association, County matching funds have been offered from the County's Grant Fund. The grant funds combined with matching funds will be sufficient to complete the project that has an estimated cost of \$100,000.

The further exploration of Freedom Park supports the County's goal of stewarding the natural environment and historic heritage. Additionally, the use of grant funds directly supports the goal of balancing service demands with available resources.

Staff recommends approval of the attached resolution to accept the \$50,000 grant for Freedom Park, and to appropriate the funds as described above.

John H. Carnifax

CONCUR:



Doug Powell

JHC/nb
FreedomPkGrnt.mem

Attachment

RESOLUTION

APPROPRIATION OF GRANT FOR FREEDOM PARK - \$50,000

WHEREAS, the Virginia Historic Resources Administrative Services has made matching funds available for the study of relevant Virginia sites; and

WHEREAS, funds are needed to further explore Freedom Park to locate and interpret the First Free Black Settlement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$50,000 grant awarded by the Virginia Historic Resources Administrative Services to help with the archaeology study at Freedom Park and will provide matching funds from the County's Grant Fund.

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

Revenues:

From the Commonwealth	\$50,000
From the County's Grant Account 024-306-2701	<u>50,000</u>
Total	<u>\$100,000</u>

Expenditure:

Freedom Park Grant 024-155-2701	<u>\$100,000</u>
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Jay T. Harrison, Sr.
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2005.

FreedomPkGrnt.res

MEMORANDUM

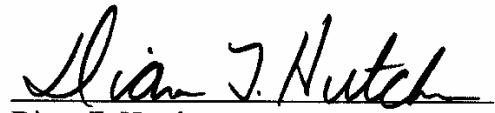
DATE: November 22, 2005
TO: The Board of Supervisors
FROM: Diana F. Hutchens, Director of Social Services
SUBJECT: Request to Change Locality Grouping - Virginia Administrative Code (VAC)

Pursuant to 22 VAC 40-293, Locality Groupings, James City County Social Services is requesting a change in the standard of assistance locality grouping from Group I to Group III to raise the Temporary Assistance for Needy Families (TANF) payment rates in James City County to the same level as the York/Poquoson Department of Social Services and the Newport News Department of Social Services.

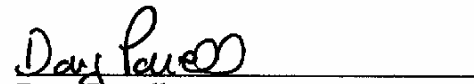
Regulation 22 VAC 40-293-20 requires the agency to submit a request to the State Board of Social Services, supply Fair Market Rent Data, and supply documentation that the proposal has been shared with the local governing body. The Fair Market Rent Schedule shows that the rent costs in the localities of Newport News and York County are equal to the rent costs in James City County. The TANF payments would be more equitable if the payment levels were the same in these localities.

This change would increase the standard of assistance and the TANF payment standard that is graduated by family size for a family of three from \$292 (Group I) to \$389 (Group III). The maximum income level used to screen for eligibility for a family of three would increase from \$546 to \$727. If the total gross countable income exceeds the maximum income level, the case is ineligible.

Staff recommends approval of the attached resolution.


Diana F. Hutchens

CONCUR:


Doug Powell

DFH/gs
TANFrates.mem

Attachment

RESOLUTION

REQUEST TO CHANGE LOCALITY GROUPING -

VIRGINIA ADMINISTRATIVE CODE (VAC)

WHEREAS, the James City County Division of Social Services administers social service and benefit programs for James City County; and

WHEREAS, the Board of Supervisors of James City County appropriates such sum of funds as is necessary to match State and Federal funds to operate the James City County Division of Social Services; and

WHEREAS, Regulation 22 VAC 40-293-20 states “In order to assure that the locality has sufficient funding to cover any increased costs that may result from a change in locality grouping in the General Relief program and to assure that the local governing body is aware of the proposed change in locality groupings, documentation that the request to change locality groupings has been reviewed by the local governing body” and shall be provided to the State Board of Social Services when requesting a change in a locality’s standard of assistance grouping; and

WHEREAS, the James City County Division of Social Services is requesting a change in the standard of assistance locality grouping from Group I to Group III to raise the Temporary Assistance for Needy Families (TANF) payment rates in James City County to the same level as the York/Poquoson Department of Social Services and the Newport News Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the request of the James City County Division of Social Services to change its standard of assistance locality grouping from Group I to Group III.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2005.

M E M O R A N D U M

DATE: November 22, 2005

TO: The Board of Supervisors

FROM: Steven W. Hicks, General Services Manager
Leo P. Rogers, County Attorney

SUBJECT: Adoption of the guidelines amendments enacted by the 2005 General Assembly for the Public-Private Transportation Act of 1995 and updating the County's guidelines for the Public-Private Education Facilities and Infrastructure Act of 2002

During the 2005 General Assembly the Public-Private Transportation Act (PPTA) of 1995 and The Public-Private Educational Facilities and Infrastructure Act of 2002 (PPEA) were amended (Sections 56-556 *et seq.* and Sections 56-575.1 *et seq.* of the Virginia Code) to allow local governments and public education to enter into an interim agreement with the private entity proposing the development and/or operation of the qualifying facilities. The Commonwealth has also adopted guidelines to implement both the PPTA and PPEA. On June 24, 2003, the Board of Supervisors adopted the then existing guidelines for PPEA projects.

The PPTA and PPEA would provide more choices for the Board in its capital improvements planning process as it examines all possibilities to identify the best method for delivering public facility improvements to the citizens. The PPTA and PPEA authorizes private entities to acquire, design, construct, improve, renovate expand, equip, maintain, or operate qualifying projects after obtaining approval of a public entity.

In order for the County to be able to consider projects under the amendments enacted by the 2005 General Assembly for PPTA and PPEA, the Board needs to adopt the PPTA guidelines and update the existing County PPEA guidelines in accordance with the amendments enacted by the 2005 General Assembly for receiving and evaluating any proposal submitted under the provisions of the PPTA and PPEA.

Staff recommends approval of the attached resolution adopting the PPTA guidelines and updating the existing County PPEA guidelines.



Steven W. Hicks

Leo P. Rogers

SWH/tlc
PPTAguide.mem

Attachment

RESOLUTION

ADOPTION OF THE GUIDELINES AMENDMENTS ENACTED BY THE 2005 GENERAL

ASSEMBLY FOR THE PUBLIC-PRIVATE TRANSPORTATION ACT OF 1995 AND

UPDATING THE COUNTY'S GUIDELINES FOR THE PUBLIC-PRIVATE EDUCATION

FACILITIES AND INFRASTRUCTURE ACT OF 2002

WHEREAS, the Virginia Code authorizes localities to administer Public-Private Transportation Act ("PPTA") projects; and

WHEREAS, in order to administer such PPTA projects, a locality must adhere to policies and procedures adopted by the Commonwealth Transportation Board ("PPTA Guidelines"); and

WHEREAS, the Guidelines address issues involving preliminary engineering, right-of-way, and construction and are periodically updated; and

WHEREAS, on June 24, 2003, the Board of Supervisors adopted the County procedures for implementation of the Public-Private Education Facilities and Infrastructure Act ("PPEA") and the guidelines thereto ("PPEA Guidelines"); and

WHEREAS, the Commonwealth updated the PPEA and the PPEA Guidelines in 2005; and

WHEREAS, James City County desires to update its PPEA Guidelines and procedures to be consistent with the changes approved by the Commonwealth; and

WHEREAS, the County anticipates administering public-private projects in order to meet its capital improvement needs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts and agrees to adhere to the Public-Private Transportation Act Guidelines adopted by the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby updates the County's PPEA Guidelines to include the changes adopted by the Commonwealth of Virginia in 2005.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of
November, 2005.

PPTAguide.res

MEMORANDUM

DATE: November 22, 2005

TO: The Board of Supervisors

FROM: Richard Bradshaw, Commissioner of the Revenue
M. Ann Davis, Treasurer

SUBJECT: Ordinance Amendment - Amending Chapter 20. Taxation, Article III. Personal Property Tax, by adding Section 20-13.7, Implementation of the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998 - Specific Relief.

The Personal Property Tax Relief Act of 1998 (PPTRA) has been substantially modified by the General Assembly. These changes provide that the County will receive appropriations of a fixed sum of money from the State beginning in calendar year 2006 to be used for PPTRA tax relief, and require the County to revise its ordinance to implement the changes.

The ordinance amendment:

1. Provides for the computation of tax relief as a specific dollar amount;
2. Sets the percentage of tax relief at an amount that it is anticipated to fully exhaust PPTRA relief funds provided to the County by the State;
3. Allocates the relief in a way that eliminates personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less; and
4. Authorizes the County Treasurer to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due plus applicable penalties and interest, to any taxpayer whose taxes on a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on January 1, 2006.

Staff recommends approval of the attached ordinance amendment.

Richard Bradshaw

M. Ann Davis

RB/MAD/gs
PPtaxord.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING ARTICLE III, PERSONAL PROPERTY TAX, BY ADDING SECTION 20-13.7, IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998-SPECIFIC RELIEF.

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 adding Section 20-13.7, Implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998-Specific Relief.

Chapter 20. Taxation

Article III. Personal Property Tax

Sec. 20-13.7. Implementation of the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998-Specific Relief (PPTRA).

(a) Purpose; Definitions; Relation to other ordinances.

(1) The purpose of this ordinance is to provide for the implementation of the changes to PPTRA effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(2) Terms used in this ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in section 58.1-3523 of the Code of Virginia, as amended.

(3) To the extent that the provisions of this ordinance conflict with any prior ordinance or provision of the county code, this ordinance shall control.

(b) Method of computing and reflecting tax relief.

(1) For tax years commencing in 2006, the county adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.

(2) The board shall, by resolution set the percentage of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the county by the commonwealth.

(3) *Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.*

(c) *Allocation of relief among taxpayers.*

(1) *Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the county's annual budget relating to PPTRA relief.*

(2) *Relief shall be allocated in such as manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less.*

(3) *Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The percentage shall be established on or before April 15 of each year.*

(d) *Transitional provisions.*

(1) *Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the county treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on January 1, 2006.*

(2) *Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in section 20-13.2 (c) from the original due date of the tax.*

State law references - *Code of Va., §58.1-3523, Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act).*

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 22nd day of November, 2005.

MEMORANDUM

DATE: November 22, 2005
TO: The Board of Supervisors
FROM: James J. Hill, Solid Waste Superintendent
SUBJECT: Easement, Dominion Virginia Power - James City County Landfill

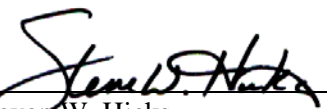
In order to install overhead electrical service for the Gas Evacuation Unit, required by the Department of Environmental Quality (DEQ) for methane gas remediation, Dominion Virginia Power has requested a 30-foot utility easement from the County. Attached is a sketch showing the location of the easement and proposed easement document. Staff has reviewed the proposed easement and agrees with its location as indicated on the attached sketch.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute the right-of-way agreements and other such documents necessary for granting a utility easement to Dominion Virginia Power for electrical power at the James City County Landfill.



James J. Hill

CONCUR:



Steven W. Hicks

JJH/gs
landfillease.mem

Attachments

RESOLUTION

EASEMENT, DOMINION VIRGINIA POWER - JAMES CITY COUNTY LANDFILL

WHEREAS, James City County owns 202 acres commonly known as 1204 Jolly Pond Road and designated as Parcel No. (0100004) on James City County Real Estate Tax Map No. (3-1); and

WHEREAS, Dominion Virginia Power requires a 30-foot utility easement in order to provide electrical service to the Gas Evacuation Unit at the James City County Landfill; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to convey a utility easement to Dominion Power.

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 other such documents necessary to convey a utility easement to Dominion Virginia Power for the Gas Evacuation Unit at the James City County Landfill.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

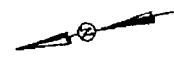
Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2005.

landfillease.res

32

Parcel ID: 3010100009
±676 Acres
N/F County of James City

Portion of Parcel ID: 3010100004
±460.3 Acres
Owner:
COUNTY OF JAMES CITY, a political
subdivision of the Commonwealth of Virginia



NOTE:
Location of the facilities as installed determine the centerline of the right of way herein granted on the property of owner.

Owner's Initials _____

Parcel ID: 3010100005
±4.0 Acres
N/F Old Dominion Hunt Club

Entrance to landfill
(Private)

Existing Virginia Power Pole # 1190

Existing Virginia Power Overhead line

Animal Shelter

To Police Weapons Range

Plat to Accompany Right-of-Way Agreement

VIRGINIA ELECTRIC AND POWER COMPANY

doing business as

Dominion Virginia Power

District

OVERHEAD

District-3008061000091

County-JAMES State

POWHATAN

Office

JAMES CITY VA

Plot Number

WILLIAMSBURG

Estimate Number

28-05-0097

Grid Number

6389303

Date

M1639

Jose A. Pasquera

Legend

--- Location of Boundary Lines of Right of Way
30 Feet in Width

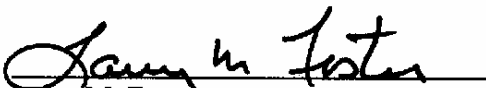
MEMORANDUM

DATE: November 22, 2005
TO: The Board of Supervisors
FROM: Larry M. Foster, General Manager, James City Service Authority
SUBJECT: Easement Dedication and Transfer of Property – Warhill Sports Facility

The Board of Supervisors has approved a special use permit for the James City Service Authority (JCSA) that provides the conditions for the construction of an elevated water tank on property owned by the County within the Warhill Sports Facility. Construction of the water facilities requires the acquisition of .358 acres of property and 1,500 feet of easement from the County by JCSA. A map depicting the location of the easement and property is attached.

The Office of Real Estate Assessment has appraised the property at a value of \$4,200 and \$5,400 for the parcel and the easement respectively.

This meeting has been advertised as a public hearing on the proposed property purchase. After receiving public comment, it is recommended that the Board approve the attached resolution authorizing the County Administrator to sign the appropriate documents to transact the above-described sale of County property to JCSA.


Larry M. Foster

LMF/nb
WarhillSptsFac.mem

Attachments

RESOLUTION

EASEMENT DEDICATION AND TRANSFER OF PROPERTY -

WARHILL SPORTS FACILITY

WHEREAS, to improve water service in James City County the James City Service Authority has obtained a special use permit and intends to construct an elevated water storage tank on property within the Warhill Sports Facility; and

WHEREAS, the James City Service Authority desires to acquire .358 acres and 1,500 linear feet of easement and associated drainage easements from James City County to support the construction of the water lines and elevated water tank; and

WHEREAS, the Office of Real Estate Assessments has appraised the value of the property and easement at \$4,200 and \$5,400 respectively.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the documents providing for the sale of the property and easement to the James City Service Authority defined on a plat prepared by LandTech Resources, Incorporated dated September 14, 2005.

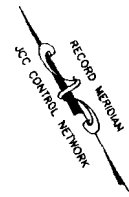
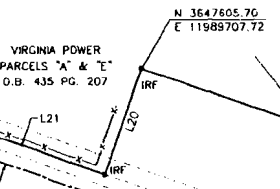
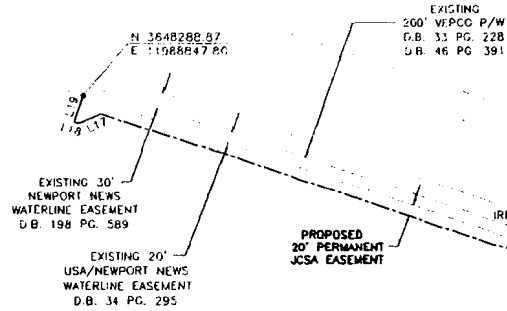
Jay T. Harrison, Sr.
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2005.

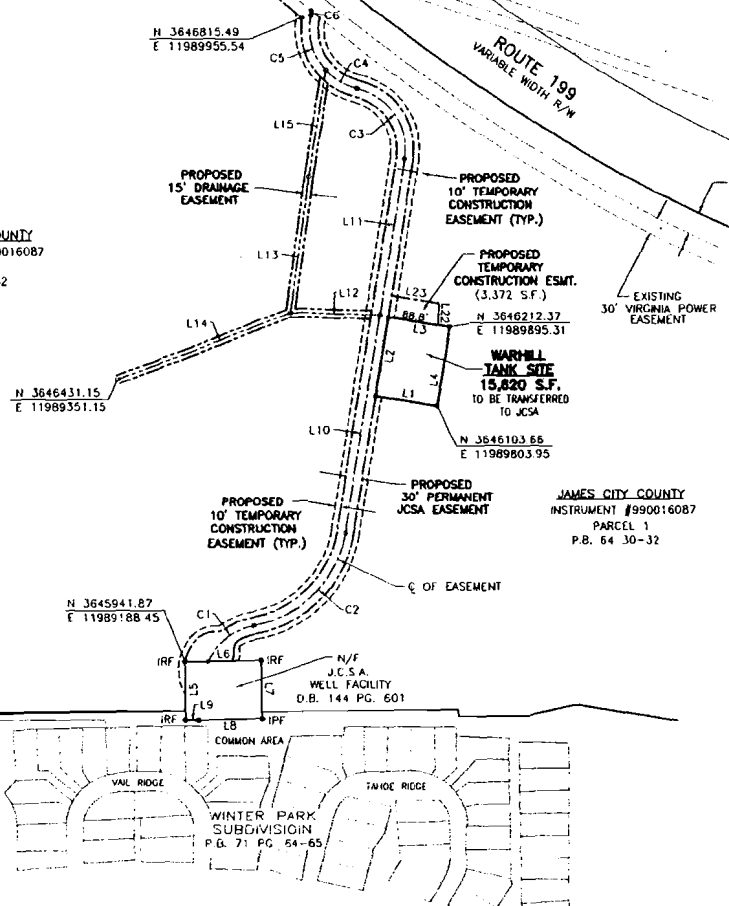
WarhillSptsFac.res



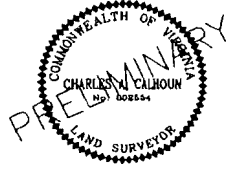
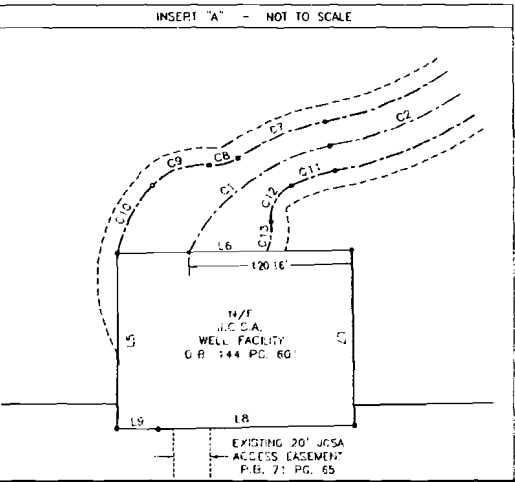
NUMBER	DIRECTION	DISTANCE
L1	N 49°57'21" W	110.00'
L2	N 40°02'39" E	142.00'
L3	S 49°57'21" E	110.00'
L4	S 40°02'39" W	142.00'
L5	N 31°03'22" E	105.00'
L6	S 59°51'28" E	133.00'
L7	S 29°58'00" W	105.00'
L8	N 60°13'42" W	110.92'
L9	N 58°59'14" W	24.12'
L10	N 40°02'39" E	393.06'
L11	N 40°02'39" E	279.47'
L12	N 57°17'06" W	156.81'
L13	S 38°50'40" W	242.19'
L14	N 80°40'55" W	322.03'
L15	N 39°51'51" E	191.14'
L16	N 39°58'44" W	1618.94'
L17	N 84°21'42" W	40.23'
L18	N 39°21'41" W	10.00'
L19	N 50°01'16" E	48.03'
L20	S 50°01'16" W	200.00'
L21	N 39°58'44" W	300.00'
L22	N 33°10'21" E	39.28'
L23	N 49°57'21" W	84.10'

NUMBER	DELTA	CHORD BEARING	TANGENT	RADIUS	ARC	CHORD
C1	55°30'04"	N 82°39'28" E	57.88	110.00	106.55	102.44
C2	70°21'50"	N 75°13'35" E	140.99	200.00	245.62	230.47
C3	85°17'12"	N 02°55'58" W	101.30	110.00	163.74	149.04
C4	34°19'00"	N 28°05'04" W	33.96	110.00	65.88	64.90
C5	54°17'00"	N 16°12'56" E	56.39	110.00	104.22	100.36
C6	04°09'58"	N 41°16'27" E	4.00	110.00	8.00	8.00
C7	25°38'32"	S 82°24'46" E	28.45	125.00	55.94	55.48
C8	42°00'01"	N 74°14'01" W	8.45	22.00	16.13	15.77
C9	53°15'56"	N 79°51'58" W	19.06	38.00	35.33	34.07
C10	32°05'10"	S 57°27'29" W	23.58	82.00	45.92	45.32
C11	16°29'14"	S 77°50'07" E	13.76	95.00	27.34	27.24
C12	68°46'40"	S 59°31'56" W	15.06	22.00	26.41	24.85
C13	27°01'01"	S 38°39'07" W	9.13	38.00	17.92	17.75

JAMES CITY COUNTY
INSTRUMENT #990016087
PARCEL 1
P.B. 64 30-32



INSERT "A" - NOT TO SCALE



SUBDIVISION AND EASEMENT PLAT OF
PARCEL 1 - WARHILL TRACT
(P.B. 64 PG. 30-32)
OWNED BY JAMES CITY COUNTY
DATE 9/14/05 SCALE 1" = 150' JOB# 05-150

LandTech Resources, Inc.
Surveying · Mapping · Land Design
5810-F Mooretown Road, Williamsburg, VA 23188
Phone: (757) 565-1577 Fax: (757) 565-0782
web: landtechresources.com

MEMORANDUM

DATE: November 22, 2005

TO: The Board of Supervisors

FROM: Richard Bradshaw, Commissioner of the Revenue
M. Ann Davis, Treasurer

SUBJECT: Ordinance Amendment - Amending Chapter 20. Taxation, Article III. Personal Property Tax, by adding Section 20-13.8. Filing Annual Returns of Business Personal Property and Machinery and Tools

The attached County ordinance amendment adds a section that states that a County business needs to file a return for business personal property or machinery and tools that provides the Commissioner with sufficient information to create a tax assessment. It also requires the Commissioner to create a tax assessment based on the best information available if a return is not filed by the due date of May 1. Both of these requirements are currently set out in the State Code.

The County is allowed by State Code to impose a penalty for failure to file a tax return by the May 1 due date and the attached ordinance amendment would establish a penalty of 10 percent. No penalty provision exists at this time.

Staff recommends approval of the attached ordinance amendment, effective January 1, 2006.

Richard Bradshaw

M. Ann Davis

RB/MAD/gs
toolsamendord.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING ARTICLE III, PERSONAL PROPERTY TAX, BY ADDING SECTION 20-13.8, FILING ANNUAL RETURNS OF BUSINESS PERSONAL PROPERTY AND MACHINERY AND TOOLS.

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 adding Section 20-13.8, Filing Returns of Business Personal Property and Machinery and Tools.

Chapter 20. Taxation

Article III. Personal Property Tax

Sec. 20-13.8. Filing Annual Returns of Business Personal Property and Machinery and Tools.

Every taxpayer owning business personal property or machinery and tools shall file a tax return on or before May 1 of each year that includes information required by the commissioner of the revenue. If any taxpayer owning business personal property or machinery and tools neglects or refuses to file such return for any year within the time prescribed, the commissioner of the revenue shall, from the best information he can obtain, enter the fair market value of such property and assess the same as if it had been reported to him. A penalty for failure to file a return by May 1 of each year shall be 10 percent of the tax assessable and any such penalty shall become part of the tax.

State law references - Code of Va., §§ 58.1-3518, 58.1-3519, and 58.1-3916

This Ordinance shall become effective on January 1, 2006.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 22nd day of November, 2005.

PropertyTax.ord

MEMORANDUM

DATE: November 22, 2005

TO: The Board of Supervisors

FROM: Richard Bradshaw, Commissioner of the Revenue
M. Ann Davis, Treasurer

SUBJECT: Ordinance Amendment - Amending Chapter 20. Taxation, Article II. Exemption of Certain Persons from Real Estate Taxes; Section 20-10. Qualifications for Exemption; Section 20-11. Amount of Exemption; Section 20-12. Application

The State Code authorizes localities to enact real property tax relief plans for elderly or disabled taxpayers. In a review of the County's provisions for tax relief, a recommendation has been drafted to update this ordinance to recognize changes that have occurred over the almost four years since this ordinance was previously amended.

A taxpayer must be defined as elderly and/or disabled and not exceed a maximum allowable household income and a maximum allowable net worth.

The maximum allowable household income currently is \$30,000, with \$6,500 of income from related persons in the same household excluded from that \$30,000 figure. The ordinance amendment would increase that figure to \$35,000, a recognition of general inflation over the past four years. The maximum allowed by the State is \$50,000 but staff does not recommend increasing allowable household income to that figure.

The net worth of an applicant is currently set at \$100,000, excluding the net value of one acre of land and the dwelling. The proposed amendment would increase those figures to the maximum allowed under the State Code - net worth of no more than \$200,000, excluding the value of ten acres of land and the dwelling. This provision would be particularly useful for those qualifying individuals who live on larger property holdings that have seen rapid increases in assessed values.

Discussions with the Commissioner of the Revenue in York County, who recently implemented similar changes, and a review of the applications for exemption that have been denied due to excessive net worth or income would lead staff to estimate an increase in the number of qualifying applicants from approximately 250 to 400 if these changes are adopted. The most sensitive qualifier is household income in determining the number of qualifying applicants and the costs of the exemption program.

The type of tax relief can be either a deferral until the property sells or an exemption; the County currently has an exemption and that is not proposed to change. The exemption can be any amount up to the full taxes paid on the property. The County has previously exempted the taxes on the first \$80,000 in assessed value. The proposed amendment would increase that dollar threshold by 25 percent to \$100,000, reflecting the increase in most property values since this ordinance was last amended.

With the increase in the number of qualifying applicants, and the increase in the dollar limits for exempting taxes, the proposed ordinance amendments are estimated to increase the costs of this program by more than 50 percent from approximately \$197,000 a year currently, to an estimated \$310,000 in FY 2007.

Ordinance Amendment - Amending Chapter 20. Taxation

November 22, 2005

Page 2

The attached ordinance amendments, if approved, would become effective as of January 1, 2006, and are recommended for approval.

Richard Bradshaw

M. Ann Davis

RB/MAD/gs
elderamendord.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 20-10, QUALIFICATIONS FOR EXEMPTION, SECTION 20-11, AMOUNT OF EXEMPTION, AND SECTION 20-12, APPLICATION.

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 20-10, Qualifications for exemption, Section 20-11, Amount of exemption; and Section 20-12, Application.

Chapter 20. Taxation

Article II. Exemption of Certain Persons from Real Estate Taxes

Sec. 20-10. Qualifications for exemption.

Such exemption may be granted for any year following the date that the head of the household and/or his or her spouse occupying such dwelling, to include permanently sited mobile or manufactured homes, as defined in section 36-85.3 Code of Virginia, 1950, and owning title or partial title thereto, becomes permanently and totally disabled or reaches the age of 65 and in addition:

- (a) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~\$30,000.00~~ \$35,000.00; provided, that the first \$6,500.00 of income of each relative, other than spouse, or the owner or owners who is living in the dwelling shall not be included in such total; and
- (b) The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding ~~one acre~~ ten acres, upon which it is situated does not exceed ~~\$100,000.00~~ \$200,000.00.

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 ~~\$80,000.00~~ \$100,000.00 of assessed real estate value.

Sec. 20-12. Application.

Such affidavit shall be filed on or after the first day of January, but not later than the first day of ~~May~~ *June* of each year in which an exemption is sought except that the commissioner of the revenue is authorized to accept affidavits until the ~~first~~ *last* day of June for first-time applicants or in the case of hardships.

This Ordinance shall become effective on January 1, 2006.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 22nd day of November, 2005.

REtaxes.ord

MEMORANDUM

DATE: November 22, 2005

TO: The Board of Supervisors

FROM: Richard Bradshaw, Commissioner of the Revenue
M. Ann Davis, Treasurer

SUBJECT: Ordinance Amendment - Amending Chapter 12, Licenses, Article I, In General, Section 12-21, Rates of License Taxes and Fees

Current provisions of State law allow a city or county to impose a Business Professional Occupational License Tax, commonly known as BPOL. Under State law certain population thresholds are established that distinguish between those businesses that can be assessed a flat fee and those that can be assessed a tax assessed as a percentage of gross receipts. James City County has exceeded the 50,000 population threshold set out in the State Code. As a result, the County's BPOL tax ordinance needs to be amended.

The amendment is simple: Those businesses that report gross receipts of at least \$50,000 but less than \$100,000 would be subject to an annual license fee of \$50. In every business category this is a reduction from the current tax that is calculated as a percentage of gross receipts. The first year (FY 2006) revenue loss to the County is approximately \$65,000.

The proposed change is mandated by State Code and will become effective as of January 1, 2006.

Staff recommends approval of the attached ordinance amendment.

Richard Bradshaw

M. Ann Davis

RB/MAD/gs
BPOLamend.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING ARTICLE I, IN GENERAL, SECTION 12-21, RATES OF LICENSE TAXES AND FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and reordained by amending Section 12-21, Rates of License Taxes and Fees.

Chapter 12. Licenses.

Article I. In General.

Sec. 12-21. Rates of license taxes and fees.

Except as may be specifically otherwise provided by this chapter or other law, there shall be an annual license fee of \$30.00 charged to any class of business requiring a license pursuant to this chapter that has gross receipts exceeding \$4,000.00 but less than \$50,000.00. *There shall be an annual license fee of \$50.00 for any business requiring a license pursuant to this chapter that has gross receipts of at least \$50,000.00 but less than \$100,000.00.* For all businesses requiring a license pursuant to this chapter with gross receipts of ~~\$50,000-\$100,000.00~~ or more the annual charge shall be either ~~the \$30.00~~ a \$50.00 license fee or the tax calculated based on the rate set forth below for the class of enterprise listed, whichever is greater. For the purpose of this chapter, gross receipts shall be the aggregate of all gross receipts for all licensable enterprises at a particular place of business.

- (1) For contractors and persons constructing for their own account for sale, \$0.16 cents per \$100.00 of gross receipts;
- (2) For retailers, \$0.20 cents per \$100.00 of gross receipts;
- (3) For financial, real estate and professional services, \$0.58 cents per \$100.00 of gross receipts;
- (4) For repair, personal and business services and all other businesses and occupations not specifically listed or exempted in this article or otherwise by law, \$0.36 cents per \$100.00 of gross receipts;
- (5) For wholesalers, \$0.05 cents per \$100.00 of purchases (see section 58.1-3716 of the Code of Virginia for limitations);
- (6) For carnivals, circuses and speedways, \$100.00 for each performance held in this jurisdiction (see section 58.1-3728 of the Code of Virginia for limitations);
- (7) For fortune tellers, clairvoyants and practitioners of palmistry, \$1,000.00 per year;
- (8) For massage clinic or therapist, \$0.36 cents per \$100.00 of gross receipts;

- (9) For itinerant merchants or peddlers, \$500.00 per year (see limitation in section 58.1-3717 of the Code of Virginia);
- (10) For dealers in precious metals, \$0.20 cents per \$100.00 of gross receipts;
- (11) For permanent coliseums, arenas or auditoriums having a maximum capacity in excess of 10,000 persons, open to the public, \$1,000.00 per year (see limitation in section 58.1-3729 of the Code of Virginia);
- (12) For savings and loan associations, \$50.00 per year; and
- (13) For each wholesale druggist license, \$10.00 per year.

Any person engaging in such business without the required license shall be guilty of a Class 3 misdemeanor. This license shall not be proratable or transferrable.

This Ordinance shall become effective on January 1, 2006.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 22nd day of November, 2005.

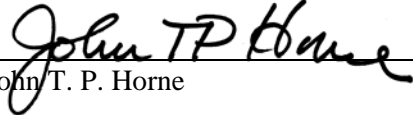
Licenses.ord

MEMORANDUM

DATE: November 22, 2005
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: Acquisition of Property - 8555 and 8581 Richmond Road

The Colonial Williamsburg Foundation (“CWF”) has offered for sale two properties located at the intersection of Richmond Road and Rochambeau Drive, known as Anderson’s Corner. The two properties are shown as Tax Parcel Nos. 1210100030 and 1210100031 and are more commonly known as 8555 and 8581 Richmond Road, respectively (the “Properties”). The Properties are zoned B-1, General Business, totals approximately 4.79 acres, and is included on the Open Space Priority list. Acquisition of the Properties would prevent inappropriate development from occurring on the parcels and protect the integrity of the view from the highway. Staff has completed negotiations with CWF and have reached an agreed-upon price of \$175,000 total for the Properties.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute all necessary documents for the purchase of the Properties.



John T. P. Horne

JTPH/nb
RichmdRdAcquitn.mem

Attachment

RESOLUTION

ACQUISITION OF PROPERTY - 8555 AND 8581 RICHMOND ROAD

WHEREAS, the Colonial Williamsburg Foundation currently owns two parcels located at 8555 and 8581 Richmond Road, in James City County and are designated as Tax Parcel Nos. 1210100030 and 1210100031 (the "Properties"); and

WHEREAS, there is a proposed real estate purchase agreement to convey the Properties to James City County (the "County") for a total purchase price of \$175,000; and

WHEREAS, the County desires to acquire the Properties to prevent commercial development from occurring on the Properties and to maintain the integrity and open space of the area; and

WHEREAS, the Board of Supervisors is of the opinion the County should acquire the Properties for the purpose of preventing inappropriate development of the Properties;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator, to acquire the Properties located on Tax Parcel Nos. 1210100030 and 1210100031, and which are more commonly known as 8555 and 8581 Richmond Road, for the purpose of preventing inappropriate development of the Properties.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the proposed real estate purchase agreement and any other documents needed to acquire the Properties.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2005.

RichmdRdAcquitn.res

MEMORANDUM

DATE: November 22, 2005

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

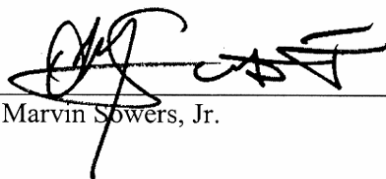
SUBJECT: FY 2007-2012 Six-Year Improvement Program Priorities

There are two annual funding processes available for funding County road improvements: 1) the Secondary Roads Program Process; and 2) the Six-Year Improvement Program Preallocation Hearing Process. The Secondary Roads Program is a priority funding plan for the improvement and construction of secondary roads (those with route numbers of 600 or greater); the Six-Year Improvement Program prioritizes funding requests for primary roads (those with route numbers below 600, including interstates) with VDOT's approval.

The Board has considerable control over funding and project timing for the Secondary Roads System because the County receives an annual allocation from the Virginia Department of Transportation (VDOT) to be used only in the County; VDOT works directly with the County to determine how to spend that money. The Six-Year Improvement Program entails submitting the County's priority funding request for primary roads. In this case there is no regular annual County allocation; rather the County's projects compete with projects from all of the other Hampton Roads (Hampton Roads District) communities. In this process, all Virginia localities are given an opportunity to advise VDOT of their transportation priorities prior to VDOT's Commonwealth Transportation Board (CTB) making its allocation decisions.

Attached for consideration is a report outlining the County's priority primary and interstate highway construction projects for which the County is requesting funding in 2007 and beyond. The attached report, once endorsed by the Board of Supervisors, will be forwarded to VDOT. In the coming months VDOT staff will evaluate the region's priority projects and determine appropriate funding levels for each.

Staff recommends approval of the attached resolution and endorsement of the attached report outlining the County's priority Six-Year Improvement Program projects.



O. Marvin Sowers, Jr.

OMS/gs
2007-12roadplan.mem2

Attachments:

1. 2007 Requests for Six-Year Improvement Program Projects
2. Resolution - FY 2007-2012 Six-Year Improvement Program Priorities

RESOLUTION

FY 2007 - 2012 SIX-YEAR IMPROVEMENT PROGRAM PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area and promote economic development; and

WHEREAS, there exists a pressing need to implement the projects below to relieve traffic congestion, which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- Funding for the construction of Route 60 Relocation;
- On-schedule completion of the Monticello Avenue/Ironbound Road intersection improvement, with improvements being completed prior to the widening of Ironbound Road;
- Funding for landscaping along the Route 199 corridor;
- Proceeding with the next phases of design and construction for the Virginia Capital Trail project with completion of the entire project by 2007;
- Continued construction and engineering support for the Greensprings Trail project; and
- Support for instituting the Peninsula Light Rail Transit Project.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2005.

2007-12roadplan.res

**James City County
Requests for 2007 – 2012
Six-Year Improvement Program Projects**

Introduction

James City County respectfully submits its priority Six-Year Improvement Program projects. The project list consists of our highest priority projects.

Background

James City County and its environs continue to grow rapidly. According to a March 2001 publication produced by the Weldon Cooper Center for Public Service at the University of Virginia, James City County ranked eighth in the Commonwealth for localities with the highest population growth since 1990. In regard to traffic generation, the 60,000 residents of the Williamsburg area and the local work force form only part of the picture. During the peak tourist season, an additional 30,000 visitors travel our highways daily. In addition to these challenges, the upcoming Jamestown 2007 commemoration will place even greater demands on the local transportation system. To accommodate this national event, many transportation improvements are necessary. Our present highway system is improving with the completion of the widening of Route 199, but the remaining highway system continues to lack the adequate infrastructure to accommodate the anticipated future growth. James City County continues to focus on projects that will make great strides toward solving present problems and improving the adequacy of our transportation system for years into the future.

Summary of Projects

The County asks that VDOT expeditiously complete or accelerate projects that have received partial or full funding. These include the **Route 60 East relocation and improvements to the Monticello Avenue/Ironbound Road Intersection**. James City County is also requesting the Commonwealth's support for four other non-highway projects. The first project involves **corridor landscaping for Route 199**; the second project is the **Virginia Capital Trail** in the Route 5 Corridor from Richmond to Williamsburg. The third project is the **Greensprings Trail** connecting the County's existing Greensprings Trail located behind Jamestown High School. The fourth project is the **Peninsula Light Rail Project**, a light rail system spanning from the City of Hampton, through James City County, and extending to the City of Williamsburg.

Highway Projects

- Route 60 East Relocation
James City County requests prompt funding for construction of this roadway. The construction of an alternate alignment of Pocahontas Trail (Route 60 East) between the Anheuser-Busch access road and the Newport News city limits is a priority project. This project will serve developing commercial and industrial areas in James City County and the City of Newport News by meeting two critical components of transportation: 1) improves the quality of life for the citizens residing in the historic African-American community of Grove; and 2) provides a vital regional transportation link to the Ports of Hampton Roads.

The present configuration of Pocahontas Trail produces traffic tie-ups, promotes traffic accidents, and impedes ingress and egress to residents and businesses. Ball Metal, Haynes, Anheuser-Busch, Busch Gardens, Wal-Mart, and the residents in the James River Commerce Center all generate high commuter and truck traffic volumes in this area. During the late 1990s, James City County, Wal-Mart, the Virginia Economic Development Partnership, VDOT, and the then Secretary of Transportation, met on

numerous occasions to solidify the location of a Wal-Mart distribution center in James City County along Route 60. A timeline for the completion of this route was established and Wal-Mart selected the site because of the perceived commitment by the Commonwealth. Subsequent to that decision, Wal-Mart has expanded its facilities twice, and now has a 3-million-square-foot import distribution center that is served by approximately 400 trucks a day.

The truck traffic along this route has become untenable and the situation is projected to only get worse. To facilitate rapid progress on this project, the MPO has recognized the regional significance of the Route 60 East relocation project and has allocated to this point \$15 million from its Regional Surface Transportation Program (RSTP). This money would be used for preliminary engineering, right-of-way acquisition, and some construction in both James City County and Newport News. In addition the County requests that priority-primary system funds be made available by the Commonwealth Transportation Board (CTB) to be allocated to this project.

- Monticello Avenue/Ironbound Road Intersection
The County requests continued Commonwealth support for this project and that the project be completed prior to the widening of Ironbound Road. The Monticello Avenue/Ironbound Road Intersection is of increasing importance to James City County as the New Town project develops. Traffic in this area is projected to increase dramatically and the improvements at this critical intersection will ensure that the levels of service on both these roadways remain adequate. The project has been fully funded, including allocations of \$3.072 million from the Regional Surface Transportation Program. It is critically important that this project continue to move forward in a timely manner.
- Route 199 - Parallel Lane (Four-Lane Improvement of Existing Two-Lane Sections)
The County is grateful to the Commonwealth for its support of this project. Fall of 2005 has seen the completion of the widening of the remaining sections of Route 199 from two-lanes to four. James City County is grateful to the State for their dedication in accomplishing this task and for the provision of money and support.
- Route 199/Route 31 Intersection
The County is grateful to the Commonwealth for its support of this project. This project has been completed and the County is again grateful for the support provided by the State.

Non-Highway Projects

- Virginia Capital Trail - Chickahominy River Phase
The County requests continued Commonwealth support for this phase of the Virginia Capital Trail. The project proposes a combination bikeway and pedestrian facility in the Route 5 corridor from Richmond to the City of Williamsburg. The separate multi-use path in James City County would serve the broadest range of users and both State and local benefits, including promotion of tourism; interconnection of neighborhoods; safety for motorists, bicycles, and pedestrians; and environmental sensitivity. Completion is requested to coincide with the Jamestown 2007 commemoration.

- Virginia Capital Trail - Greensprings Trail Phase
The County requests continued Commonwealth support for the Greensprings Trail project. The Greensprings Trail project includes a multi-use trail connecting the existing Greensprings Trail located behind Jamestown High School to Jamestown. The multi-use trail in James City County would serve the broadest range of users and provide both State and local benefits, including promotion of tourism; historic preservation and education; a safe means of alternative transportation for pedestrians and bicyclists; and would be a great asset to the 2007 Jamestown event and beyond. The County has participated by assisting with right-of-way acquisition and construction of parking areas, and VDOT has begun construction. The County encourages its completion by 2007.
- Peninsula Light Rail Transit Project
The County requests that the Commonwealth recognize the need for light rail on the Peninsula and provide support for this project. The proposed Peninsula Light Rail Transit Project is of great interest to James City County. Improved passenger rail service for the Peninsula has been under consideration for several years. The Peninsula Light Rail Transit Project would provide an alternative to travelers on the Peninsula, particularly commuters, in a 25-mile-long corridor most likely within the CSX right-of-way. The project would provide much needed relief on Interstate 64 which would in turn provide relief for the primary roads within James City County, especially Route 199 and Richmond Road.

Conclusion

James City County respectfully submits its most critical road improvement projects. The County feels strongly that all these projects are crucial to the development of our community. All are supported by the James City County Comprehensive Plan. The County appreciates the Department's difficult task of trying to make too few dollars cover so many needed construction projects, and requests the Department recognize and fund the following solutions to the problems of state significance:

- **Funding for the construction of Route 60 Relocation**
- **On schedule completion of the Monticello Avenue/Ironbound Road intersection improvement, with improvements being completed prior to the widening of Ironbound Road;**
- **Proceeding with the next phases of design and construction for the Virginia Capital Trail project with completion by 2007; and**
- **Support for the Peninsula Light Rail Transit Project.**

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