

AT A RECESSED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 21ST DAY OF APRIL NINETEEN HUNDRED EIGHTY-SIX AT 1:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

William F. Brown, Chairman, Roberts District
Stewart U. Taylor, Vice-Chairman, Stonehouse District
Jack D. Edwards, Berkeley District
Thomas D. Mahone, Jamestown District
Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator
Darlene L. Burcham, Assistant County Administrator
Frank M. Morton, III, County Attorney

The Board met with Mr. Frank Hall, Resident Engineer, to discuss the six-year plan for secondary roads and the use of State Revenue Sharing Match funds for the Longhill Connector Road.

Mr. Brown questioned why this year's allocation for secondary roads had been reduced. Mrs. Burcham responded that Federal funding had declined since the previous estimate and, furthermore, the later estimates always dropped from earlier ones because of increases in allocations to other transportation needs.

The Board discussed the effect of the Longhill Connector Road Project on the Secondary Road Budget. Mr. Hall informed the Board that secondary road funds could be mixed with revenue sharing match funds for the Longhill Connector Road project. It was generally decided that the remaining funding (post FY86) for the Longhill Connector Road should for the present be considered to come from the Secondary Road Budget. The Board would have an opportunity at a later date to apply revenue sharing match funds to the remainder of the project should it so desire.


Mr. Brown mentioned that the name "Longhill Boulevard," needed to be changed.

Mr. A. G. Bradshaw, Planning Commission member, explained to the Board the current status of the U.S. Postal Services attempt to eliminate the Norge Post Office.

Mrs. Kay Robertson, Planner, described to the Board the rationale for a school site on John Tyler Highway in the vicinity of Greensprings Road. Mr. Brown suggested a work session with the School Board be held so Board members could better understand why a school is needed in that location. Mr. Edwards proposed, instead, that the Chairman and a designated person meet with School Board representatives to discuss the subject.

It was the consensus of the Board that Mr. DePue and Mr. Mahone would represent the Board of Supervisors at a meeting with School Board representatives to discuss a school site location, timing of a new school, and facilities under consideration.

The Board recessed at 2:30 p.m.


James B. Oliver, Jr.
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 21ST DAY OF APRIL NINETEEN HUNDRED EIGHTY-SIX AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

William F. Brown, Chairman, Roberts District
Stewart U. Taylor, Vice-Chairman, Stonehouse District
Jack D. Edwards, Berkeley District
Thomas D. Mahone, Jamestown District
Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator
Darlene L. Burcham, Assistant County Administrator
Frank M. Morton, III, County Attorney

**B. MINUTES - April 7, 1986 - Regular Meeting
April 8, 1986 - Budget Work Session
April 10, 1986 - Budget Work Session**

Mr. Mahone requested the April 10, 1986 minutes be changed on page 3, 5th paragraph, to reflect that Mr. Mahone made a motion that before the County hires a consultant, the matter be placed on the Board's Consent Calendar.

Mr. Mahone made a motion to approve the minutes as corrected.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

C. PRESENTATION

Police Department - Crime Alert and Partners Against Crime

Chief Robert C. Key, Chief of Police, stated the Partners Against Crime was a pilot project co-sponsored by the James City County Police and Busch Properties, Inc. to discourage office burglaries. Chief Key further stated that the Busch Corporate Center had been selected to test the viability of the program.

Chief Key then explained the Crime Alert Program and stated this program was basically for retail merchants to detect possible fraud, i.e. bad checks or credit cards. Chief Key stated that he hoped the City of Williamsburg and York County would participate in this program. Chief Key stated he would be presenting the Crime Alert Program to retailers at the Chamber of Commerce tomorrow.

Mr. Brown stated he felt these programs were excellent and that he would not be adverse to the County providing funds for the necessary computers to implement this program, as he felt these programs should be implemented as soon as possible in the community.

Mr. DePue commended Chief Key on these programs and stated that he felt these programs would facilitate the maintenance of office inventories.

D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, reported plans and specifications for turn lanes on Route 5 by St. George's Hundred and First Colony would be advertised next month.

Mr. DePue stated he had received a letter from residents of Allyson Drive and Pemberton Lane requesting a "Children At Play" sign be installed.

Mr. DePue stated Centerville and Jolly Pond Roads had litter scattered along them, which he felt was from traffic going to the County Landfill, and asked Mr. Hall if something could be done to control the problem.

Mr. Hall responded that at this time there were no enforceable regulations which required garbage to be covered when transporting.

Mr. DePue instructed the County Administrator to work with the Police Department to prepare a comprehensive report on how to eliminate the litter problem.

Mr. Hall stated that a speed limit sign would be more appropriate at Allyson Drive and Pemberton Lane than a "Children At Play" sign due to the fact that the police could enforce the speed limit, but not a "Children At Play" sign.

Mr. Mahone stated he was pleased to see people picking up litter on Centerville Road and inquired if they were County employees.

Mr. Oliver responded that County employees have picked up litter on Centerville Road, as well as commercial haulers and community service workers.

Mr. Mahone commended Chief Key on his monthly police reports and for enforcing the litter ordinance.

E. PUBLIC HEARINGS

1. Case No. SUP-9-86. Barbara Braxton

The Planning Department recommends approval of the permit with five conditions.

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the permit.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

RESOLUTION

Of Approval Case No. SUP-9-86. Barbara Braxton

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Barbara Braxton
Real Estate Tax Map ID:	(14-1)
Parcel No.	(2-27B)
Address:	8607 Croaker Road
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	This permit is valid only for the mobile home applied for. If the mobile home is removed, then this

permit becomes void. Any replacement will require a new permit from the Board of Supervisors.

Further Conditions:

The mobile home shall be skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

The number of bedrooms shall not exceed two.

Existing landscaping on the property shall be maintained in a healthy growing condition and replaced when necessary.

Existing trees within twenty feet of property lines shall be retained except where clearing is necessary for the septic system.

The driveway shall be maintained as an all-weather surface accessible to emergency vehicles at all times.

2. Case No. SUP-12-86. James S. Smith

The Planning Department recommends denial of the permit because establishment of mobile home residences would set a precedent for further mobile home development in an area not presently characterized by this type of development. Mrs. Victoria Gussman stated that the next application shows how such a precedent can be set.

Mr. Taylor stated a mobile home was located very near to this location.

Mr. Brown opened the public hearing.

1. Mr. James S. Smith, the applicant, stated he applied for two mobile homes because he was told he could do so. Mr. Smith stated he had moved one mobile home on the site because he felt there would not be a problem in getting the permit approved, but utilities had not been connected to the mobile home. Mr. Smith presented the Board with snap shots of the proposed site and noted that there were several mobile homes near the location.

In response to questions from Mr. Brown and Mr. DePue, Mr. Smith responded that if the permit had a better chance of approval for one mobile home, he would ask for just one. Mr. Smith stated the site had been prepared for one mobile home and he had not bought a second mobile home. In response to a question from Mr. Edwards, Mr. Smith stated that it would be acceptable to place a time limit on the mobile home.

2. Mr. Berry Pate, adjacent property owner, 90038 Diascund Road, stated he had no objections to the permit.

3. Mrs. Edyth Stewart, adjacent property owner, 9427 Richmond Road, stated she had no objections to the permit.

Mr. Brown closed the public hearing.

Mr. Taylor stated he felt a time limit was unnecessary.

Mr. Brown made a motion to approve one mobile home with no time limit.

Mr. Edwards made a motion to amend the motion to place a five-year time limit on the mobile home.

On a roll call, the vote on the amendment motion was AYE: DePue, Edwards, Mahone (3). NAY: Brown, Taylor (2). The motion passed by a 3-2 vote.

On a roll call, the vote on the main motion with the amendment was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

RESOLUTION

Of Approval
Case No. SUP-12-86. James S. Smith

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of one mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	James S. Smith
Real Estate Tax Map ID:	(2-4)
Parcel No.	(1-62)
Address:	9355 Richmond Road
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	This permit is valid for five years from the date of issuance. The permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the mobile home is not placed on the property within one year from the date of approval, then the permit shall become void.

Further Conditions:	The mobile home shall be skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
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The number of bedrooms shall not exceed three.

Existing trees shall be retained within 20 feet of all property lines except where clearing is necessary for driveways or utilities.

The driveway shall be maintained with an all-weather surface and

accessible to emergency vehicles
at all times.

3. Case No. SUP-13-86. Ernest E. Roberts

The Planning Department recommends approval of the permit subject to five conditions.

Mr. Brown opened the public hearing.

1. Mr. Peter Roberts, 114 Arden Drive, spoke in favor of the permit. Mr. Roberts stated the mobile home was for his father and eventually he would remove the mobile home. Mr. Roberts stated the property would never be subdivided and the Health Department assures him that there is no problem with sharing the septic system.

Mr. Brown closed the public hearing.

Mr. Oliver requested the Board defer the issue until staff could meet with the applicant and prepare a clear recommendation to the Board. Mr. Oliver stated staff was worried about the precedent this could set on septic systems.

In response to a question by Mr. Brown, Mrs. Gussman stated that if the property were subdivided, all types of problems could occur and staff does not want to start a precedent of shared septic systems.

Mr. Morton suggested the Board use language in the resolution to the effect that if the property were subdivided in the future, the permit would become void.

Mr. DePue made a motion to approve the permit with the stipulation that if the property is subdivided in the future, the permit on the mobile home will become void.

On a roll call vote, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

RESOLUTION

Of Approval

Case No. SUP-13-86. Ernest E. Roberts

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Ernest E. Roberts
Real Estate Tax Map ID:	(45-1)
Parcel No.	(1-2)
Address:	2872 John Tyler Highway
District:	Powhatan
Zoning:	A-1, General Agricultural
Permit Term:	This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not

exercised it shall become void one year from the date of approval.

Further Conditions:

The mobile home shall be skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

The number of bedrooms shall not exceed two.

Existing trees shall be retained within 20 feet of all property lines except where clearing is necessary for the driveway, utilities or the mobile home itself.

If the property is subdivided in the future, the permit on the mobile home will become void.

An all-weather surfaced driveway shall be constructed and maintained accessible to emergency vehicles at all times.

4. Case No. SUP-14-86. Colethea Simpson

The Planning Department recommends denial of the permit.

Mr. Taylor stated the water works had already acquired 200 feet and inquired as to why the City of Newport News required an additional 200 feet.

Mrs. Gussman responded that according to the Planning Department's map, 200-feet had not been acquired for waterway from this property.

Mr. Brown opened the public hearing.

1. Mrs. Colethea Simpson, the applicant, spoke in favor of the permit and stated there were several mobile homes in the area and a mobile home was the only housing she could afford.

Mr. Brown closed the public hearing.

Mr. Brown stated concerns about enough right-of-way for widening the road and inquired as to when the Health Department would review the property for an alternate septic location.

Mrs. Gussman responded the Health Department would review the property next week.

Mr. Oliver stated the Highway Department would also need to be contacted for their review.

Mr. Edwards made a motion to defer action on this issue until the next Board meeting on May 5th.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

Mr. Oliver noted that this was the second and technical public hearing on the next two agenda items.

5. Ordinance Amendment, Chapt. 4, Establish and Increase Code Compliance Fees

Staff recommends adoption of the fees.

Mr. John McDonald, Director of Financial and Management Services, noted that the Certificate of Occupancy inspection fee had been changed to a flat fee of \$20 instead of \$15 per staff visit. Mr. McDonald requested the Board amend the ordinance to make it effective July 1, 1986.

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Taylor stated he opposes the fee increases and stated that he felt fees were escalating too fast and he would prefer to raise them in smaller increments.

Mr. DePue stated he felt the proposed fees moved the County toward a user fees basis, thereby placing the burden on people moving into the County, and that if fees were not increased, the tax rate would have to be increased.

Mr. DePue made a motion to approve and amend the ordinance to become effective July 1, 1986.

On a roll call, the vote was AYE: Brown, Edwards, DePue (3). NAY: Mahone, Taylor (2). The motion passed by a 3-2 vote.

6. Ordinance Amendment, Sect. 19A-4(c), Increase Processing of Wetlands Permit Fees

Staff recommends adoption of the fees.

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the fees.

Mr. Taylor stated that he felt an additional fee of \$100 per acre was inexcusable and he opposes such action.

Mr. DePue stated it was better to make the people who apply pay fees rather than increase the tax rate and make everyone pay.

Mr. Brown stated that it was rare to have a Wetlands application for over an acre and that consulting studies were expensive and he felt it was more reasonable to have the applicants cover the costs of these studies.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone (4). NAY: Taylor (1). The motion passed by a 4-1 vote.

F. CONSENT CALENDAR - None

G. BOARD CONSIDERATIONS

It was the consensus of the Board to move agenda item G-8 forward on the agenda.

8. Chickahominy Road CDBG Grant Application

Staff recommends approval of the resolution.

Mr. Anthony Conyers, Jr., Community Services Director, gave a presentation to the Board on the proposed program strategy to improve Chickahominy Road. Mr. Conyers stated that in addition to the \$700,000 CDBG grant application funds, state, federal, local and private funds would be committed to the area which would enhance the chance for funding.

Mr. Brown noted previous programs, i.e., Carriage Road, the Grove area and Forest Glen, as noteworthy community improvements and stated he hoped the County would be awarded the grant.

Mr. Taylor made a motion to approve the resolution.

Mr. Conyers stated he felt the County had a strong application and that he was optimistic.

Mr. DePue stated he hoped there would be as much success on Chickahominy Road as in previous projects.

Mr. Edwards asked Mr. Conyers if \$700,000 would fund all the proposed improvements.

Mr. Conyers responded that the most serious problems would be dealt with first, but that \$700,000 would not fund all projects. Mr. Conyers stated that housing partnerships will be encouraged to work on the project with the County.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

RESOLUTION

Chickahominy Road Community Development Block Grant Application

WHEREAS, financial assistance is available to units of general local government through the Commonwealth of Virginia Community Development Block Grant Program (VCDBG); and

WHEREAS, in order to avail itself of such financial assistance it is necessary to file with the Virginia Department of Housing and Community Development an application for a Community Improvement Grant, and

WHEREAS, James City County wishes to apply for \$700,000 in VCDBG funds to be used in undertaking a comprehensive improvement project in the designated Chickahominy Road Neighborhood.

WHEREAS, \$248,800 in local funds are allocated to the project and approximately \$1.4 million in private funds and \$1 million in other public funds will also be expended on this project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to file an application, including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development and to provide such additional information as may be required by the Department.

1. Six-Year Secondary Road Construction Program

Staff recommends adoption of the resolution and the priority list.

Mr. Brown noted the revised priority list was the result of discussions in a Work Session.

Mr. DePue made a motion to approve the resolution and priority list.

Mr. Brown stated he regretted that highway funding was dropping and hoped the trend did not continue.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

RESOLUTION

THE SIX-YEAR SECONDARY ROAD CONSTRUCTION PROGRAM

WHEREAS, the James City County staff has reviewed the needs for construction projects to improve the secondary road system within the County and has found numerous roads in need of improvements to eliminate

deficiencies from state road standards, to reduce hazards to public safety and to provide adequate roadways for increasing traffic volumes; and

WHEREAS, the James City County Planning Commission has reviewed the report of secondary road construction projects and has recommended the priorities contained in the report to the Board of Supervisors; and

WHEREAS, the Board of Supervisors and the resident engineer of the Williamsburg Office of the Virginia Department of Highways and Transportation have jointly held a public hearing of the Six-Year Secondary Road Construction Program.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, the James City County Six-Year Secondary Road Construction Program, April, 1986, as prepared by the James City County Department of Planning and the Virginia Department of Highways and Transportation, is established as the County's secondary road construction program priorities.

2. Ordinance Amendment, Sect. 8-9 and 8-10, Increase County Landfill Fees and Charges

Staff recommends adoption of the fees and charges.

Mr. Edwards made a motion to approve the ordinance.

Mr. Taylor stated he opposes the ordinance.

Mr. Mahone stated that the landfill fees and charges did not cover landfill operating costs and if the charge became a problem, residents could haul their own trash.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone (4). NAY: Taylor (1). The motion passed by a 4-1 vote.

3. Resolution - Increase Planning and Zoning Fees

Staff recommends adoption of the fees.

Mr. Brown made a motion to approve the resolution.

Mr. DePue stated developers would be the ones to pay these fees.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone (4). NAY: Taylor (1). The motion passed by a 4-1 vote.

R E S O L U T I O N

Adoption of Fees Incident to the Administration of the Zoning Ordinance

WHEREAS, it is the policy of the Board that fees be charged to offset the costs incident to the administration of Chapter 20, Zoning, of the Code of the County of James City; and

WHEREAS, Section 20-6 of said Code specifies that such fees shall be established by resolution of the Board of Supervisors; and

WHEREAS, the Board finds the following fees to be reasonable and necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, effective July 1, 1986, establishes the following fees, which are incident to the administration of Chapter 20, Zoning, to be charged and collected at the time of application for, review of, or amendment thereto:

Procedure

Fee

- 1) Amendments to the Zoning Ordinance
 - a) Generally, and rezonings for 10 acres or less \$200
 - b) Rezonings for greater than 10 but less than 50 acres \$400
 - c) Rezonings for 50 acres or greater \$600
- 2) Applications for Special Use Permits
 - a) Generally \$300
 - b) For a mobile home on an individual lot \$100
- 3) Appeals to the Board of Zoning Appeals \$ 10
- 4) Site Plan Review
 - a) Administrative review \$ 50
 - b) For residential structures \$100 plus \$10 per residential unit
 - c) For any business or shopping complex \$100 plus \$10 per each 2,500 sq. ft. Building Coverage
 - d) For an amendment to an approved plan \$100
- 5) Master Plan Review
 - a) Initial review \$150
 - b) Revision of plan \$ 50
- 6) Final Plan Review
Fee required as appropriate for site plan or subdivision review.
- 7) Sign Permits
Three dollars per square foot of gross sign area.

4. Establishment of Forestal Districts

Mr. Frank Morton stated that adoption of County ordinances is triggered by applications and that for each forestal district application there would be a corresponding ordinance. Mr. Morton stated that this process permits flexibility by the Advisory Committee, the Planning Commission and/or the Board of Supervisors in fashioning a district to reflect the surrounding circumstances. Mr. Morton encouraged the Board to adopt the resolution.

Mr. Taylor inquired if the law allows forestal districts and land use tax at the same time.

Mr. Morton responded in the affirmative and stated that they were both available at this time.

Mr. Taylor inquired as to why a vote was necessary when both programs were available and all the Board was required to do was to activate the program and lower the requirement of 500 acres.

Mr. DePue stated he felt comfortable with the proposed program and felt it was a good approach to slow down development. Mr. DePue further stated that he was pleased that Mr. Bill Apperson volunteered to be on the forestal district advisory committee.

Mr. DePue made a motion to approve the resolution.

Mr. Taylor stated he opposes the proposed program and repeal of land use taxes. Mr. Taylor further stated that he did not feel small landowners would cooperate in the proposed program.

Mr. DePue stated staff would contact small landowners and stated he felt this program could help them.

On a roll call, the vote was AYE: Brown, Edwards, DePue (3). NAY: Mahone, Taylor (2). The motion passed by a 3-2 vote.

RESOLUTION

Establishment of Forestal Districts

WHEREAS, the Board of Supervisors of James City County recognizes and concurs in the Commonwealth's policy to conserve and protect and to encourage the development and improvement of its forestal lands for the production of forestal products; and

WHEREAS, it is the determination of the Board that such goals are best facilitated by encouraging the establishment of forestal districts as permitted by the Code of Virginia, 1950, as amended; and

WHEREAS, the Board is desirous of maximum participation in the forestal program as it exists, and

WHEREAS, the Board is further desirous of seeking special legislation from the 1987 Session of the General Assembly that would permit the Board to accommodate the particular needs of James City County and specifically to reduce the minimum requirement for qualifying acreage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declares that it is the Board's policy to cooperate with landowners in the establishment of forestal districts as permitted by the Code of Virginia, 1950, as amended and in pursuit thereof authorizes and directs the County Administrator immediately begin to accomplish the following:

1. To develop an outreach program to provide information on the benefits of participation in such a program as well as assistance in aiding any potential applicants in applying for such a program.
2. To prepare forms and ordinances that facilitate the application for and timely adoption of forestal districts upon qualifying applications being submitted.
3. To prepare as a part of the County's 1987 Legislative Program such special legislation that would permit the County to craft a program to meet its specific needs and to discuss and seek the assistance of our legislative representatives in giving successful passage of such legislation.

5. Ordinance Amendment, Sect. 18-7.1, Revoke Provisions for Special Assessment for Land Preservation for Real Property Devoted to Forest Use

Staff recommends repeal of land use taxes for forestry.

Mr. Taylor noted the repeal would not become effective until January 1, 1987.

Mr. DePue encouraged those residents who wanted to apply for forestal districts to start getting their applications ready for submittal.

Mr. Morton requested the Board amend the ordinance to become effective April 21, 1986 instead of July 1, 1986.

Mr. Edwards made a motion to approve and amend the ordinance to become effective April 21, 1986.

Mr. Mahone stated he and Mr. DePue attended a seminar on growth last Saturday. Mr. Mahone stated that the seminar indicated that forestry land more than paid for itself. Mr. Mahone stated that only 90 out of 210 parcels protected by forestry land use taxes were less than 50 acres. Mr. Mahone stated he was concerned with keeping these lands from being developed and felt these were good reasons to vote against the repeal of land use taxes.

Mr. Taylor stated he felt this program would help only a few large landowners and small landowners would not benefit from it.

Mr. Brown stated that he felt land use taxes were being used as a tax deferral program under open space and that the proposed program would eliminate this loophole.

On a roll call, the vote was AYE: Brown, Edwards, DePue (3). NAY: Mahone, Taylor (2). The motion passed by a 3-2 vote.

6. Adoption of the FY87 Budget

Staff recommends adoption of the FY87 Budget.

Mr. Edwards made a motion to approve the FY87 Budget.

Mr. Taylor stated he had wanted the cuts from the Operating and Capital budgets to reduce the tax rate. Mr. Taylor further stated that if he had known these cuts would not affect the tax rate he might not have voted for them and accordingly he could not support the motion.

Mr. Mahone stated the funds going to new positions were excessive and that school administrators' salaries were too high. Mr. Mahone stated he had wanted to decrease funding for professional services, new vehicles, data processing costs, and travel and conferences. Mr. Mahone stated revenue was up \$1.5 million and felt a two-cent tax increase was unnecessary.

Mr. Mahone made a motion to instruct the County Administrator to eliminate one more new position, with funds saved being added to the Contingency account.

Mr. Edwards stated that growth in the County justifies the new positions. Mr. Edwards further stated that everything had been discussed in the Budget Work Sessions and he felt the Budget should not be redone.

Mr. Brown stated he would need to know what position was to be eliminated before he could cast a favorable vote.

Mr. DePue stated he was the originator of the motion, but he did not feel the budget resolutions should be changed.

Mr. Taylor stated he could support the motion, but he would prefer to know which position was to be eliminated.

Mr. DePue stated staff could change the Budget at a later date by an amendment.

On a roll call, the vote was AYE: DePue, Mahone, Taylor (3). NAY: Brown, Edwards (2). The motion passed by a 3-2 vote.

Mr. DePue informed the public that it appeared that he was the swing/pivot man on votes for the Budget this year. Mr. DePue re-emphasized that in the FY83 Capital Projects budget only 10% funded school needs and for the FY87 Capital Projects budget, 80% would be used to fund schools. Mr. DePue stated the County's needs have grown and cannot be ignored. Mr. DePue stated he hoped this budget would lay the groundwork for future years and that he felt the Board did the best job possible considering the major challenges facing the County. Mr. DePue requested staff to prepare a resolution for Board consideration to present to the School Board asking them to cut their cost of living increase to 6% for their administrators.

Mr. Brown stated that he felt the budget was a responsible budget but not a popular budget. Mr. Brown stated that the actions taken on the budget would promote revenues to finance a five-year School Capital Improvements Program.

Mr. Taylor commended Mr. Oliver and John McDonald for holding the School Budget down.

Mr. Edwards noted that this was the 15th budget that he and Mr. Taylor had voted on and that he felt this one was different from the others in that it reflects more where the County is going, which he felt made more sense.

On a roll call, the vote was AYE: Brown, Edwards, DePue (3). NAY: Mahone, Taylor (2). The motion passed by a 3-2 vote.

The Board commended Mr. John McDonald, Director of Financial and Management Services, for the preparation of the budget.

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1986, and ending June 30, 1987, for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein and to set tax rates on real estate, tangible personal property and machinery and tools to provide certain revenue in support of those appropriations;

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

- (1) The following amounts are hereby appropriated in the General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND EXPENDITURES

Legislative Services	\$ 459,612
Administrative Services	412,423
Elections	67,717
Financial Administration	945,025
General Services	894,937
Planning and Development	766,458
Public Works	767,161
Judicial Administration	271,008
Public Safety	3,836,944
Community Services	725,542
Education	10,655,795
Public Health and Welfare	685,406
Contributions	569,889
Non-Departmental	982,291
Total General Fund Expenditures	<u>\$ 22,040,208</u>

The appropriation for education includes \$9,779,980 as a contribution to the Williamsburg-James City County Schools.

GENERAL FUND REVENUES

General Property Taxes	\$ 13,960,416
Other Local Taxes	2,718,608
Licenses, Permits and Fees	2,045,098
Fines and Forfeitures	30,000
Revenue from Use of Money and Property	355,684
Revenue from the Commonwealth	2,787,265
Revenue from the Federal Government	10,894
Charges for Current Services	45,703
Miscellaneous Revenues	86,140
Total General Fund Revenues	<u>\$ 22,040,208</u>

- (2) That the tax rates be set on the following property for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 Assessed Value	\$.69
Tangible Personal Property on each \$100 Assessed Value	4.00
Machinery and Tools on each \$100 Assessed Value	4.00

- (3) That the following amounts are hereby appropriated for the funds as indicated in the amounts as shown below:

CAPITAL PROJECTS FUND

Revenues:

FY 1986 Carryforward	\$ 643,513
Sales Tax Proceeds	711,000
Annexation Payment	125,000
Bonded Indebtedness	<u>4,000,000</u>

Total Capital Project - Fund Revenues	<u>\$ 5,479,513</u>
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Expenditures:

Schools	\$ 4,362,100
Recreation	146,250
Public Safety	185,000
Development Projects	91,513
Solid Waste	336,000
General Administration	91,850
Environmental Protection	110,000
Capital Contingency	<u>156,800</u>

Total Capital Projects- Fund Expenditures	<u>\$ 5,479,513</u>
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DEBT SERVICE FUND

Beginning Fund Balance	\$ 41,638
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Revenues:

Literary Fund - Debt Issue	\$ 530,000
Lease Revenue - Social Services	45,360
Interest - Lease Purchase Deposit	21,000
From General Fund - General	\$ 470,000
From General Fund - Schools	869,315

Total Debt Service Revenues	<u>\$ 1,977,313</u>
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Current Year Expenditures	<u>\$ 1,010,443</u>
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Ending Fund Balance	<u>\$ 966,870</u>
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VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From Federal Government	\$ 65,422
From the Commonwealth	842,046
From the General Fund	280,000
Fund Balance	<u>20,912</u>

Total Virginia Public Assistance Fund Revenues	<u>\$ 1,208,380</u>
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Expenditures:

Administration and Assistance	\$ 1,208,380
Total Virginia Public Assistance Fund Expenditures	<u>\$ 1,208,380</u>

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 39,800
Carryforward Grants	60,000
Generated Program Income	470,500
Other	<u>917</u>
Total	<u>\$ 571,217</u>

Expenditures:

Administration and Programs	\$ 571,217
Total	<u>\$ 571,217</u>

SANITARY DISTRICT NO. 2

Revenues	<u>\$ 244,350</u>
Expenditures	<u>\$ 244,350</u>

- (4) The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
- (5) The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors with a 2.0 percent employee salary and wage increase to be granted effective July 1, 1986. The average merit increase for the employees shall be funded at 4.0 percent of salaries with a range from 0 to 6.0 percent. The compensation plan shall be adjusted to add an 8th step to the pay range.
- (6) The County Administrator be authorized to implement the position reclassifications as proposed in the FY1987 Budget and to grant 5% pay adjustments to those who fall below the new entry pay level for those positions.

7. Supplemental Appropriation - General Relief

Staff recommends adoption of the resolution.

Mr. Brown made a motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor

(5). NAY: (0).

R E S O L U T I O NSupplemental Appropriation - Social Services

WHEREAS, the State Board of Social Services has allocated additional funds to James City County; and

WHEREAS, these funds are to be used in the County General Relief Program;
and

WHEREAS, no additional appropriation of local funds is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that \$4,993.00 in State Board of Social Services funds be appropriated to the County Department of Social Services account 007-082-5701 to be used for General Relief programs.

H. PUBLIC AUDIENCE - None

I. REPORTS OF THE COUNTY ADMINISTRATOR - None

J. BOARD REQUESTS AND DIRECTIVES

Mr. DePue requested staff to prepare a report on prior contacts regarding the Norge Post Office and to have the report given to him prior to the meeting on Thursday. Mr. DePue further suggested the Board sign a resolution of support for a post office in Norge and present it to Congressman Bateman and Senator Tribble.

Mr. DePue addressed Mrs. Victoria Gussman, Director of Planning, and stated he felt a more comprehensive plan was required for sidewalks on Longhill Road and stated he wanted to be more involved with the process.

Mr. Brown commented that he felt that condensing the Budget Work Sessions into two weeks instead of a month was a much better process.

Mr. Mahone inquired as to the status of Judge Carneal's request for a secretary.

Mr. Oliver responded staff would prepare a report before the end of the fiscal year.

Mr. Taylor made a motion to recess.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

The Board recessed at 5:51 p.m. and reconvened back into public session at 5:54 p.m.

Mr. Edwards made a motion to go into Executive Session to discuss personnel issues pursuant to Section 2.1-344(a)(1) of the Code of Virginia, 1950 as amended.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

The meeting convened into Executive Session at 5:54 p.m. and reconvened into public session at 6:04 p.m.

Mr. Mahone made a motion to reappoint Thomas Johnson, Larry Waltrip and Sgt. Marshall Forrest to the Transportation Safety Commission.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor. NAY: (0).

Mr. Mahone made a motion to nominate John Hughes to the Wetlands Board.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

Mr. Taylor made a motion to adjourn.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

The Board adjourned at 6:05 p.m.


James B. Oliver, Jr.
Clerk to the Board

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE 1, VIRGINIA UNIFORM STATEWIDE BUILDING CODE, DIVISION 3, PERMIT FEES, SECTION 4-8, GENERALLY; ARTICLE VI, REGISTRATION AND QUALIFICATION OF CONTRACTORS AND TRADESMEN, DIVISION 2, ELECTRICIANS, SECTION 4-42, CERTIFICATE OF QUALIFICATION -- APPLICATION; EXAMINATIONS; FEES; DIVISION 3, PLUMBERS, SECTION 4-53, CERTIFICATE OF QUALIFICATION - GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained, effective July 1, 1986, by amending Section 4-8, Generally; Section 4-42, Certificate of qualification - Application; examinations; fees; and Section 4-53, Certificate of qualification - Generally.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 3. Permit and Inspection Fees

Sec. 4-8. Generally.

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

(1) Building Permits:

- (a) The minimum fee for any building permit shall be ten dollars (\$10.00).

- (b) For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be as follows:

Total Square Footage:

0 - 40,000 square feet, per square foot	\$0.06
40,001 or more square feet, plus \$0.05 per square foot in excess of 40,000 square feet	\$2,400.00

- (c) For the construction of a garage, barn, pole shed, or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be five cents (\$0.05) per square foot of the exterior dimensions of the building.

- (d) For the alteration or repair of any building or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one (1) per cent of the current value of all service, labor and materials.
- (e) For the demolition or razing of any building or structure having a floor area greater than two hundred (200) square feet the fee shall be ten dollars (\$10.00). No fee shall be charged for a permit to raze a building with a floor area of two hundred fifty (250) square feet or less.
- (f) For the erection, placement or removal of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of five cents (\$0.05) per square foot of the gross floor area.
- (g) For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one (1) per cent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be ten dollars (\$10.00).
- (h) Reinspections: When a building, electrical, mechanical or plumbing inspector is required to make a reinspection of work for the convenience of the contractor or subcontractor because of incomplete, inadequate, or improper work, or because the inspector could not obtain reasonable access to the work to be inspected, there shall be a fifteen dollar (\$15.00) reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

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

(2) Plumbing permits:

- (a) The minimum fee for any plumbing permit shall be ten dollars (\$10.00).
- (b) For the installation of each plumbing fixture or appliance, the fee shall be four dollars (\$4.00).
- (c) For the installation of the water distribution system in each building, the fee shall be four dollars (\$4.00).
- (d) For the connection of any building drain to a public or private sanitary sewage disposal system, the fee shall be four dollars (\$4.00).
- (e) For each sewer (sanitary or storm), manhole (sanitary or storm), roof drain, or other similar device, the fee shall be four dollars (\$4.00).
- (f) Reinspection: When a building, electrical, mechanical or plumbing inspector is required to make a reinspection of work for the convenience of the contractor or subcontractor because of incomplete, inadequate, or improper work, or because the inspector could not obtain reasonable access to the work to be inspected, there shall be a fifteen dollar (\$15.00) reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

(3) Electrical permits:

- (a) The minimum fee for any electrical permit shall be ten dollars (\$10.00).
- (b) For the installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:

	Single Phase	Three Phase
0 - 60 amps	\$20.00	\$25.00
61 - 100 amps	25.00	30.00
101 - 150 amps	30.00	35.00
151 - 200 amps	35.00	40.00
Over 200 amps, plus \$10.00 for each additional 50 amps or fraction thereof over 200 amps	35.00	40.00

- (c) For the installation of a temporary service, or the reconnection of a mobile home, the fee shall be ten dollars (\$10.00).
- (d) For increasing the size of the electrical service to any building structure, or mobile home, the fee shall be twenty dollars (\$20.00) for service up to and including two hundred (200) amperes; or twenty dollars (\$20.00) plus ten dollars (\$10.00) for each fifty (50) amperes or fraction thereof over two hundred (200) amperes. For relocation of any existing service for which the size is not increased, the fee shall be ten dollars (\$10.00). No additional fee shall be charged for outlets when the size of the service is increased.
- (e) For the addition to any existing electrical installation, the fee shall be based on the number of outlets to be installed at the following rates:
- | | |
|--|---------|
| 1 - 100 outlets | \$10.00 |
| Over 100 outlets, plus \$0.10 for each outlet
over 100..... | 10.00 |
- (f) Reinspection: When a building, electrical, mechanical or plumbing inspector is required to make a reinspection of work for the convenience of the contractor or subcontractor because of incomplete, inadequate or improper work, or because the inspector could not obtain reasonable access to the work to be inspected, there shall be a fifteen dollar (\$15.00) reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.
- (4) Mechanical and gas permits:
- (a) The minimum fee for any mechanical or gas permit shall be ten dollars (\$10.00).
- (b) Basic permit fee:
- | | |
|--|---------|
| (1) First \$1,000.00 value | \$20.00 |
| (2) Over \$1,000.00 value, plus \$5.00 per
\$1,000.00 or fraction thereof | 20.00 |
- (c) For the replacement, repair, or alteration of mechanical systems or equipment in existing buildings, structures, or additions thereto:
- | | |
|--|---------|
| (1) First \$1,000.00 value | \$10.00 |
| (2) Over \$1,000.00 value, plus \$5.00 per
\$1,000.00 or fraction thereof | 10.00 |
- EXCEPTIONS: Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required.

- (d) Fuel piping permit fee: $0.005 \times \$1,000.00$ of valuation or fraction thereof. Note: Fee applies when permit is issued for fuel piping work only.
- (e) L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit fee (total water capacity in gallons):
- | | |
|--|---------|
| 0 - 500 | \$15.00 |
| 501 - 2,000 | 20.00 |
| Over 2,000, plus \$1.00 per 10,000 gallons | 20.00 |
- (f) Tanks and associated piping for flammable liquids permit fee (capacity in gallons):
- | | |
|---|---------|
| 0 - 10,000 | \$15.00 |
| 10,001 - 20,000 | 20.00 |
| 20,001 - 50,000 | 25.00 |
| Over 50,000, plus \$5.00 per 25,000 gallons or fraction thereof | 25.00 |
- (g) For the removal of storage tanks, the minimum fee shall be ten dollars (\$10.00).
- (h) For fire suppression systems, the permit fee shall be (includes standpipes):
- (1) New construction: Same as basic fee in subsection (b)(1) above.
 - (2) All others: Same as basic fee in subsection (b)(1) above.
- (i) Elevators, dumbwaiters, moving stairways, moving walks, manlifts on special hoisting and conveying equipment permit fee:
- (1) New construction: Same as basic fee in subsection (b)(1) above.
 - (2) All others: Same as basic fee in subsection (b)(1) above.
- (j) Permit reissuance fee: Permits becoming invalid, as specified by the Code, may be reissued up to a period of five (5) years and charged a fee of ten dollars (\$10.00) for each six-month period.
- (k) Reinspection: When a building, electrical, mechanical or plumbing inspector is required to make a reinspection of work for the convenience of the contractor or subcontractor because of incomplete, inadequate, or improper work, or because the inspector could not obtain reasonable access to the work to be inspected, there shall be a fifteen dollar (\$15.00) reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.
- (5) Elevator inspections:
- (a) The fee for a semi-annual elevator inspection shall be thirty-five dollars (\$35.00).
 - (b) Reinspection: When an inspector is required to make a reinspection of an elevator for the convenience of the owner of the elevator or because the elevator fails to pass the inspection, there shall be a twenty-five dollar (\$25.00) reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

(6) Plan Review Fee:

- (a) The fee for the review of building plans shall be ten dollars (\$10.00) for each one thousand square feet of floor space reviewed. Such review fee shall be paid at the office of building inspections prior to the plan review.
- (b) Revised plans: There shall be no fee for the review of revised building plans unless such plans are substantially different than the original plans and necessitate the issuance of additional review comments. Such revised plans shall be subject to an additional fee equal to the fee provided for in subsection (a), above.

(7) Certificate of Occupancy Inspection:

- (a) The fee for an inspection for a Certificate of Occupancy shall be twenty dollars (\$20.00).
- (b) No Certificate of Occupancy shall be issued until all inspection fees have been paid.

(8) Mobile Home Installation Fee:

- (a) The fee for the inspection of the installation of a mobile home shall be forty dollars (\$40.00).
- (b) The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home.
- (c) Reinspection: When an inspector is required to make a reinspection of a mobile home for the convenience of the mobile home owner because of incomplete, inadequate, or improper installation, or because the inspector could not obtain reasonable access to the mobile home to be inspected, there shall be a fifteen dollar (\$15.00) reinspection fee for each reinspection. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

Article VI. Registration and Qualification of Contractors and Tradesmen

Division 2. Electricians

Sec. 4-42. Certificate of qualification — Application; examinations; fees.

(a) Every person desiring to obtain a certificate of qualification as an electrician shall make written application to the board of electrical examiners on forms to be supplied by the building official.

(b) All written examinations shall be based on the National Electrical Code as included in the Virginia Uniform Statewide Building Code and the provisions of this chapter as pertains to electrical work. The examination for master electrician shall also examine the applicant's ability to lay out and plan electrical work, his knowledge of physics, mechanics and mathematics insofar as they apply to electrical design and construction, and his general fitness to supervise and direct the installation of electrical work.

(c) Any applicant for a certificate of qualification who shall fail to achieve a passing score on a written examination may, after payment of the examination fee, be re-examined within the same calendar year. No applicant, however, shall take the written examination more than twice in the same calendar year.

(d) Each applicant for a certificate of qualification as an electrician shall pay an examination fee at the time he submits his application. Examination fees shall be:

- (1) Master electrician \$35.00
- (2) Journeyman electrician \$25.00

Division 3. Plumbers

Sec. 4-53. Certificate of qualification — Generally.

(a) Every person desiring to obtain a certificate of qualification as a plumber shall make written application to the board of plumbing examiners on forms to be supplied by the building official.

(b) All written examinations shall be based on the BOCA Basic Plumbing Code as incorporated in the Virginia Uniform Statewide Building Code and the provisions of this chapter as pertain to plumbing. The examination for master plumber shall also examine the applicant's ability to lay out and plan plumbing construction, his knowledge of physics, hydraulics and mathematics insofar as they apply to plumbing design and construction, and his general fitness to supervise and direct the installation of plumbing work.

(c) Any applicant for a certificate of qualification who shall fail to achieve a passing score on a written examination may, after payment of the examination fee, be re-examined within the same calendar year. No applicant, however, shall take the written examination more than twice in the same calendar year.

(d) Each applicant for a certificate of qualification as a plumber shall pay an examination fee at the time he submits his application. Examination fees shall be:

- (1) Master plumber \$35.00
- (2) Journeyman plumber \$25.00

ORDINANCE NO. 65A-4

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19A, WETLANDS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, USE PERMITS, SECTION 19A-4, REQUIRED FOR CERTAIN ACTIVITIES; APPLICATION GENERALLY; FEE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19A, Wetlands, of the Code of the County of James City, is hereby amended and reordained effective July 1, 1986, by amending Section 19A-4, Required for certain activities; application generally; fee.

Chapter 19A. Wetlands

ARTICLE II. USE PERMITS

Sec. 19A-4. Required for certain activities; application generally; fee.

(a) Any person who desires to use or develop any wetland within this county, other than for those activities specified in section 19A-3 above, shall first file an application for a permit with the wetlands board directly or through the commission.

(b) An application shall include the following: The name and address of the applicant; a detailed description of the proposed activity and a map, drawn to an appropriate and uniform scale, showing the area of wetland directly affected, with the location of the proposed work thereon, indicating the area of existing and proposed fill and excavation, especially the location, width, depth and length of any proposed channel and the disposal area, all existing and proposed structures; sewage collection and treatment facilities, utility installation, roadways, and other related appurtenances or facilities, including those on adjacent uplands, and the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental off-site effects; the completion date of the proposed work, project or structure and such additional materials and documentation as the wetlands board may deem necessary.

(c) A nonrefundable processing fee to cover the cost of processing shall accompany each application, as follows:

- i) For permits affecting 20,000 square feet or less of wetlands - one hundred dollars (\$100.00).
- ii) For permits affecting more than 20,000 but not more than 40,000 square feet of wetlands - two hundred dollars (\$200.00).
- iii) For permits affecting more than 40,000 square feet of wetlands - two hundred (\$200.00) plus one hundred dollars (\$100.00) for each acre in excess of one acre of affected wetlands.

ORDINANCE NO. 116A-10

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, LANDFILL ORDINANCE, SECTION 8-9, HOUSEHOLD WASTE, SECTION 8-10, INDUSTRIAL REFUSE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, of the Code of the County of James City, is hereby amended and reordained effective July 1, 1986, by Amending Section 8-9, Household waste, Section 8-10, Industrial refuse.

Chapter 8. Health and Sanitation

Article II. Landfill Ordinance

Sec. 8-9, Household waste.

(a) Individuals using an automobile, station wagon, half-ton panel truck or half-ton pickup truck, with a valid county motor vehicle tag, decal or sticker, for the purpose of disposing of household refuse at the county landfill shall not be required to pay for disposal of refuse, provided, that the refuse being disposed of was neither collected nor hauled for a fee. Commercial haulers, under contract with the County to service County refuse containers, shall not be required to pay for disposal of refuse collected from County refuse containers.

(b) Commercial, industrial and governmental waste generators who bring their own refuse to the landfill, and commercial refuse operators-haulers regardless of the origin of the refuse shall pay the following fees:

Twelve dollars (\$12.00) per ton, computed on the basis of twelve cents (\$0.12) per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be two dollars (\$2.00) per load.

Any person exempted from payment of the charge for the disposal of refuse as provided in paragraph (a) above will not be assessed any charges as provided in this paragraph.

(c) The director may promulgate reasonable rules and regulations to permit certain materials (for example, soil or gravel) determined to be beneficial in the proper operation and maintenance of the landfill to be disposed of without charge to the hauler.

(d) Tires. Whenever more than two (2) passenger car tires are disposed of on any occasion at the county landfill by any person, firm or corporation, a separate fee of thirty-five cents (\$0.35) shall be charged for each tire above two (2). The director may at his discretion authorize the disposal of tires other than passenger car tires, at a charge per tire to be negotiated between the director and hauler disposing of the tires.

Section 8-10, Industrial refuse.

(a) Prior to the acceptance of industrial refuse at the landfill, the person desiring to dispose of same shall secure a permit from the director. Prior to the issuance of such a permit, the director shall determine the compatibility of the specific refuse with the landfill method of disposal. In determining such compatibility, the director shall consider disposal volume, difficulty of handling, employee safety, likelihood of equipment damage, any unusual health and environmental problems and current state and federal regulations.

(b) The disposal charge for industrial refuse that does not require disposal in a separate location (trench) from household or commercial waste shall be assessed on the basis of the charges defined in Section 8-9 (b) unless covered by paragraph (d) below.

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of twelve dollars (\$12.00) per ton but may be higher as determined by the director. In establishing the fee for disposal of a specific waste requiring separate disposal, the director shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, state and federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) Separate contracts. The administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the county annually, and may be offered to generators that exceed eight thousand (8,000) tons per year. No such contract will guarantee the county less than ninety-six thousand dollars (\$96,000.00) per year.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 18-7.1, LAND USE ASSESSMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation, is hereby amended and reordained by amending Section 18-7.1, Land Use Assessment.

Chapter 18. Taxation

Article I. In General

Sec. 18-7.1 Land use assessment.

The County of James City declares that the preservation of real estate devoted to agricultural or horticultural uses within its boundaries is in the public interest; and therefore, such qualifying real estate shall be taxed in accordance with the provisions of Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia, 1950, as amended, (hereinafter referred to as the Code) and pursuant to the terms of this section.

(1) Application by property owner of any real estate.

- (a) The owner as defined in Section 58.1-3234 of the Code, meeting the criteria set forth in Sections 58.1-3230 and 58.1-3233 of the Code, may on or before November 1st, of each year, apply to the commissioner of the revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in Section 58.1-3236 of the Code. Such application shall be on forms provided by the state department of taxation and supplied by the commissioner of the revenue and shall include such additional schedules, photographs and drawings as may be required by the commissioner of the revenue.
- (b) Each application shall be accompanied by a fee of ten dollars (\$10.00) per parcel plus ten cents (\$0.10) per acre or portion thereof contained in such parcel. For purposes of this paragraph contiguous parcels owned by the same applicant or applicants shall be treated as a single application.
- (c) A separate application shall be filed for each parcel listed in the land book.
- (d) No fee shall be levied for those reapplications by the same owner made in subsequent years for property previously processed under this section.

- (2) Valuation of real estate. Upon receipt of any application, the commissioner of the revenue shall determine whether the subject property meets the criteria for taxation of agricultural or horticultural land under Section 58.1-3236 of the Code. If the commissioner of the revenue determines that the subject property does not meet such criteria, he shall determine the value of such property for its qualifying use, as well as its fair market value, such qualifying use to be determined as follows:

- (a) In addition to use of his personal knowledge, judgment and experience as to the value of agricultural or horticultural real estate, he shall, in arriving at the value of such land, consider available evidence of agricultural or horticultural capability and the recommendation of value of such real estate as made by the state land evaluation advisory committee.
 - (b) In determining whether the subject property meets the criteria for "agricultural use" or "horticultural use" the commissioner of the revenue may request an opinion from the commissioner of agriculture and commerce. Upon the refusal of the commissioner to issue an opinion, or in the event of an unfavorable opinion which does not comport with standards set forth pursuant to Section 58.1-3230 of the Code, the party aggrieved may seek relief from any court of record wherein the real estate in question is located. If the court finds in his favor, it may issue an order which shall serve in lieu of an opinion for the purposes of this section.
 - (c) The use and fair market value of any qualifying property shall be placed in the land book before delivery to the treasurer, and the tax for the next succeeding tax year shall be extended from the use value.
- (3) Change in use of real estate assessed; roll-back taxes.
- (a) There is hereby imposed a roll-back tax, with interest thereon, in such amounts as may be determined under Section 58.1-3237 of the Code upon any property as to which the use changes from a qualifying to a nonqualifying use.
 - (b) The owner of any real estate liable for roll-back taxes shall report to the commissioner of the revenue on forms to be prescribed, any change in the use of such property to a nonqualifying use and shall pay the roll-back tax then due.
- (4) Failure to report change in use; misstatements in applications.
- (a) On failure to report and pay within sixty (60) days following such change in use, such owner shall be liable for an additional penalty equal to twenty-five (25) per centum of the amount of the roll-back tax and interest, which penalty shall be collected as a part of the tax. In addition to such penalty, there is hereby imposed interest of one-half per centum of the amount of the roll-back tax, interest and penalty, for each month or fraction thereof during which the failure to comply continues.
 - (b) Any person making a material misstatement of fact in any application filed pursuant hereto shall be liable for all taxes, in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the taxing jurisdiction, together with interest and penalties thereon, and he shall be further assessed with an additional penalty of one hundred (100) per centum of such unpaid taxes.
- (5) The provisions of Title 58.1 of the Code applicable to local levies and real estate assessments and taxation with the necessary changes, including, without limitation; provisions relating to tax liens and the correction of erroneous assessments, and for such purposes the roll-back taxes shall be considered to be deferred real estate taxes.

State law reference - Code of Virginia, Section 58.1-3229 et seq.