

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF APRIL, NINETEEN HUNDRED NINETY-SEVEN, AT 5:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Robert A. Magoon, Jr., Chairman, Jamestown District
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. Casey Property Community Development Authority

Mr. Magoon called the meeting to order and Mr. Sanford B. Wanner, County Administrator, introduced Mr. John T. P. Horne, Manager of Development Management. Mr. Horne described the basic structure, the Authority boundary, list and location of CDA improvements, financial structure and the governance structure.

The Board supported the Casey Property Community Development Authority concept.

Mr. Magoon recessed the Board for dinner at 6:22 p.m.

Mr. Magoon reconvened the Board at 7:03 p.m.

C. PRESENTATIONS

1. Resolutions of Appreciation - Police Department

Mr. Robert C. Key, Police Chief, recognized individuals from Federal agencies that had assisted with investigation and prosecution of four drug-related conspiracy cases.

Mr. Magoon read and presented resolutions to Michael R. Smythers, Executive Assistant United States Attorney and Gina Marie Humphrey, Supervisory Secretary, Norfolk and Newport News Division of the United States Attorney's Office for the Eastern Division of Virginia; Robert E. Bradenham, II, Fernando Groene and Arenda W. Allen (in absentia), Assistant United States Attorney with the United States Attorney's Office for the Eastern Division of Virginia, respectively; David R. Coes, Special Agent of the Federal Bureau of Investigations, Lewis D. Shelton, Special Agent of the Virginia State Police, Garnice T. Graham, Investigator with New Kent County Sheriff's Office, detailed to the Colonial Narcotics Enforcement Task Force, respectively.

Mr. DePue expressed the Board's appreciation of the highly successful operation.

2. 1996 Historical Preservation Awards

Mr. Magoon assisted Mr. Jim Dorsey, Chairman, Historical Commission, who read and presented resolutions from the Historical Commission to Mr. Alex Gould, National Park Service, Jamestown Island Archaeological Assessment and to Mr. William Kelso, Association for the Preservation of Virginia Antiquities, Jamestown Rediscovery.

3. Hampton Roads Partnership - Barry E. DuVal

Mr. Barry E. DuVal, President and Chief Executive Officer, Hampton Roads Partnership, explained the mission statement and primary focus of regional cooperation and economic development. He mentioned the current work activities of the organization.

D. **MINUTES - April 8, 1997**

Mr. Magoon asked if there were additions or corrections to the minutes.

Mr. Taylor made a motion to approve the minutes.

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

E. **HIGHWAY MATTERS**

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), reported that bids were received and work would begin on turn lanes on Route 60 east of Busch Gardens; bids should be received in June for the left-turn lane on Strawberry Plains in front of Virginia Department of Transportation, and was hopeful that funding for existing Route 199 might be available in Spring 2000.

Mr. DePue asked for a check of pavement deterioration of Route 5 in front of Patriot's Colony where the turn lane was constructed; asked for reduction in the speed limit on Route 5 to 45 miles from Bright Horizons Learning Center to beyond the new high school; a further reduction to 25 miles per hour at Jamestown High School and to consider flashing warning signs before the construction of a turn lane for Jamestown High School; and asked for explanation of how Forest Heights Road could be built in a 30-foot wide right-of-way and meet County/State requirements.

Mr. Elliott responded that the School Board was responsible for installation of flashing light and traffic would be monitored to warrant a need for a stoplight. He stated that the State could not violate County Code requirements for the first 1,000 feet of Forest Heights Road where 30 feet would not meet County standards.

Mr. Sisk asked the status of a pedestrian button at Jamestown Road (Route 31) and Route 199 intersection.

Mr. Elliott stated that the request was being monitored.

Mr. Taylor complimented the Department of Transportation for the completion of the excellent bridges on Diascund Road (Route 603).

Mr. Edwards asked that the traffic be monitored soon after school opens in September to determine if a stop light is warranted on Route 5 at Jamestown High School and asked whether Route 199 contracts contain limitations on the time of day of contractors hours.

Mr. Elliott stated that the request to monitor traffic at Jamestown High School would be completed and repeated as the Greensprings development proceeded, and he responded that although the contractors work during nighttime hours on rare occasion to minimize traffic impact, he would hope that the complaints would not recur.

Mr. Magoon asked for information about forming of BMP's at the Route 5/Route 199 intersections and asked the status of Greensprings Road (Route 614) being designated a Virginia Byway.

Mr. Elliott stated temporary BMP measures were being taken at Route 5/Route 199 and he would provide the BMP plans to the County when they are available.

Mr. O. Marvin Sowers, Jr., Director of Planning, responded that correspondence had been received from Richmond Department of Transportation that designation of Greensprings Road as a Virginia Byway would be restudied during May.

F. CONSENT CALENDAR

Mr. Magoon asked if a Board member wished to remove any items from the Consent Calendar.

Mr. Sisk made a motion to approve the Consent Calendar.

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

1. Regional Competitiveness Program Incentive Fund - Hampton Roads Partnership

RESOLUTION

REGIONAL COMPETITIVENESS PROGRAM INCENTIVE AWARD

HAMPTON ROADS PARTNERSHIP

WHEREAS, the Hampton Roads Partnership has been working towards improvement in regional cooperation and economic development; and

WHEREAS, the General Assembly has increased the Regional Competitiveness Program (RCP) incentive fund to \$6,000,000 for distribution during 1997-98 fiscal year; and

WHEREAS, upon qualification, Hampton Roads Partnership would be eligible for \$1,500,000 of the RCP incentive funds that could be spent on programs to improve the region's competitive position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the Hampton Roads Partnership as the appropriate agency to receive the first year's allocation of incentive funds.

2. Bicycle Month - May 1997**RESOLUTION****BICYCLE MONTH**

WHEREAS, the Historic Triangle Bicycle Advisory Committee, together with local, state, and national bicycle clubs and organizations, are celebrating Bicycle Month throughout the month of May 1997; and

WHEREAS, the development of safe and convenient bikeways is an important component of enhancing tourism and, by extension, economic development; and

WHEREAS, many organizations and groups throughout the County and region will be conducting activities related to bicycling during May 1997, for the purpose of promoting bicycling as a wholesome leisure activity as well as an environmental friendly alternative to the automobile.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby recognizes May 1997 as Bicycle Month in James City County, and all citizens are urged to reacquaint themselves with bicycling, share the road with a cyclist, and participate in events sponsored by the Historic Triangle Advisory Committee.

3. Budget Amendment - Communications and Neighborhood Connections**RESOLUTION****BUDGET TRANSFER - ELECTORAL BOARD**

WHEREAS, the Board of Supervisors has been requested by the James City County Electoral Board to provide additional funds in FY 1997 to meet the new election day staffing requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following transfer of funds be authorized:

From:

Operating Contingency \$12,715

To:

Electoral Board \$12,715

4. Budget Appropriation to Police Department - Grant Funds

RESOLUTION

APPROPRIATION TO THE POLICE DEPARTMENT

WHEREAS, the Department of Motor Vehicles has approved a grant to provide \$1,500 to the Police Department for the Bicycle Safety Program; and

WHEREAS, there are no matching funds required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments within the FY 97 General Fund:

Revenues:

From the Commonwealth \$1,500

Expenditures:

Police Department Budget \$1,500

G. **PUBLIC HEARINGS**

1. Case No. SUP-7-97. Joanne Johnson Replacement Manufactured Home

Mr. John Patton, Development Management Technician, stated that Ms. Joanne Johnson had applied for a special use permit to replacement of a manufactured home in R-8, Rural Residential, located at 2641 Chickahominy Road, further identified as Parcel No. (1-15) on James City County Real Estate Tax Map No. (21-4). He stated the replacement met Administrative Guidelines for Placement of Manufactured Homes.

Staff recommended approval of the application with conditions listed in the resolution.

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

Mr. Taylor made a motion to approve the special use permit.

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

RESOLUTION

CASE NO. SUP-7-97. JOANNE JOHNSON REPLACEMENT MANUFACTURED HOME

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

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

Applicant:	Joanne Johnson
Real Estate Tax Map No.:	(21-4)
Parcel No:	(1-15)
Address:	2164 Chickahominy Road
District:	Stonehouse
Zoning:	R-8, Rural Residential
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the manufactured home described in the application. If the manufactured home is removed, this permit shall become void. Any replacement shall 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. 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standard. 3. The manufactured home shall be connected to the existing septic drain field and public water supply in accordance with Health Department James City Service Authority requirements prior to occupancy. 4. The manufactured home currently existing on the property shall be removed prior to placement of the new unit.

2. Case No. SUP-14-97. Kennedy Family Subdivision

Mr. Patton stated that Mr. Cary Kennedy had applied for a special use permit to allow a family subdivision of a 3.1 acre parcel into two parcels in A-1, General Agricultural, located at 9405 Racefield Road, further identified as Parcel No. (5-6) on James City County Real Estate Tax Map No. (4-3).

Staff determined that the proposed use would exceed the recommended dwelling unit density of the Comprehensive Plan but would be consistent with the surrounding zoning and development.

Staff recommended denial of the special use permit which would conflict with the Restrictive Covenants of the Racefield Subdivision.

Mr. Magoon opened the public hearing.

1. Mr. Cary Kennedy, 9405 Barnes Road, asked for approval of the request in order that his handicapped daughter could live independently.

2. Ms. Betty Smith, 9347 Barnes Road, on behalf of several neighbors, spoke in opposition to subdividing the parcel which would set a precedent for the neighborhood. She suggested the option that Mr. Kennedy could build an addition to his existing residence.

3. Mr. James McCroy, 9427 Barnes Road, asked the Board for support and stated that Mr. Kennedy was aware of the restrictive covenant when the property was purchased.

4. Mr. R. M. Hazelwood, Toano, stated the restrictive covenants were written so that parcels in subdivisions that he developed could not be subdivided nor have installation of manufactured homes.

Mr. Magoon closed the public hearing.

Mr. DePue asked for an explanation of why County does not approve resolutions that conflict with restrictive covenants.

Mr. Frank M. Morton, III, County Attorney, stated the Board of Supervisors does not enforce restrictive covenants, and in the past has chosen to abide by the language in a covenant.

Mr. Magoon asked whether staff had pursued other alternatives.

Mr. Patton responded that any dwelling within 10 feet had to be attached and the present residence had separate living space so another kitchen could not be added, although the residence could be expanded.

Mr. DePue made a motion to accept the staff recommendation.

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

3. Ordinance Amendment, Chapter 9, Licenses, Section 9-4, Adoption of Guidelines, BPOL Tax

Mr. Leo P. Rogers, Deputy County Attorney, stated that the proposal would incorporate the Virginia Department of Taxation's Guidelines for Business Professional and Occupational License Tax Imposed by City, County and Town Ordinances.

Staff recommended approval of the ordinance.

Mr. Magoon momentarily left the meeting and Mr. Edwards, Vice-Chairman, opened the public hearing.

1. Mr. R. M. Hazelwood, Toano, inquired what were the changes.

Mr. Rogers responded that the County was required to adopt the 1997 guidelines, but there were no changes.

Mr. Magoon returned to the meeting and closed the public hearing.

Mr. Sisk made a motion to approve the ordinance.

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

4. Bid Award - Lease of Cropland at Warhill Tract

Mr. William C. Porter, Jr., Assistant County Administrator, stated that bid for lease was advertised and copies sent to five area farmers. He stated one bid was received from Mr. C. S. Taylor, for the lease of a 30-acre site north and west of the power line on the Warhill Tract, in the amount of \$900 per year for a 3-year period.

Staff recommended approval of the resolution.

Mr. Taylor stated that he would abstain from discussion or vote because the lessee was a family member.

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

Mr. Sisk made a motion to approve the resolution.

(1). On a roll call, the vote was: AYE: Edwards, Sisk, DePue, Magoon (4). NAY: (0). ABSTAIN: Taylor

H. BOARD CONSIDERATIONS

1. Ordinance to Amend Chapter 18, Taxation, Article VI, Adding Section 18-27.1, Establish Due Dates of Real Estate Property Taxes
2. Ordinance to Amend Chapter 18, Taxation, Article VI, Section 18-27.1, Change Due Dates of Real Property Taxes
3. Ordinance to Amend Chapter 18, Taxation, Article III, Section 18-13, Change Due Dates of Personal Property Taxes
4. Ordinance to Amend Chapter 18, Taxation, Article I, Section 18-7.4, Penalties and Interest for Late Payment of Taxes
5. Ordinance to Amend Chapter 18, Taxation, Article V, Section 18-25, Enhanced 911 Emergency Telephone System Tax
6. Ordinance to Amend Chapter 18, Taxation, Article IV, Section 18-14, Transient Lodging Tax

Ms. Carol O. Davis, Assistant Manager of Financial and Management Services, stated the Ordinance amendments to implement the Fiscal Year 1998 budget were: Sections 18-27.1, when real property taxes due and payable (effective for 1997), December 5, 1997; Section 18-27.1, when real property taxes due and payable (effective January 1, 1998), June 5 and December 5, 1998; Section 18-13.1, when personal property taxes are due and payable (effective January 1, 1998), June 5 and December, 1998; Section 18-7.4, penalties and interest for late payment of taxes (effective July 1, 1997) increase from 8 percent to 10 percent; Section 18-25, tax imposed, enhanced 911 emergency telephone service from \$0.90 to \$1.20 (effective July 1, 1997); and Section 18-14, tax levied, increased transient lodging tax from 2 percent to 4 percent (effective July 1, 1997).

Staff recommended approval of the Ordinance amendments.

Mr. Sisk suggested that a motion be made for each Ordinance.

Mr. Edwards made a motion to approve Item H-1, establish due dates of real estate property taxes.

On a roll call, the vote was: AYE: Edwards, Sisk, DePue, Magoon (4). NAY: Taylor (1).

Mr. Edwards made a motion to approve Item H-2, change due dates of real estate property taxes.

On a roll call, the vote was: AYE: Edwards, Sisk, DePue, Magoon (4). NAY: Taylor (1).

Mr. Edwards made a motion to approve Item H-3, change due dates of personal property taxes.

On a roll call, the vote was: AYE: Edwards, Sisk, DePue, Magoon (4). NAY: Taylor (1).

Mr. Edwards made a motion to approve Item H-4, penalties and interest for late payment of taxes.

On a roll call, the vote was: AYE: Edwards, Sisk, DePue, Magoon (4). NAY: Taylor (1).

Mr. Sisk made a motion to approve H-5, enhanced 911 emergency telephone system tax.

The Board discussed the need for the emergency telephone system, compared County tax to amount assessed in other localities, and County subsidized approximately two-thirds of the cost of the system.

On a roll call, the vote was: AYE: Edwards, Sisk, DePue, Magoon (4). NAY: Taylor (1).

Mr. DePue made a motion to approve H-6, transient lodging tax.

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

7. Fiscal Year 1998 Budget

Ms. Davis stated that the appropriation resolution reflected the changes made at the budget work sessions.

Staff recommended approval.

Mr. DePue made a motion to approve the resolution.

Mr. Edwards asked that another term be used for the wording when identifying local contribution to schools in future budgets.

Mr. DePue expressed pride for the inclusion of investment for land preservation for green space in the budget.

Mr. Taylor stated he could not support the budget because of the land preservation funding and twice-a-year tax collection.

Mr. Magoon indicated that no other community had taken the initiative to preserve green and open space.

On a roll call, the vote was: AYE: Edwards, Sisk, DePue, Magoon (4). NAY: Taylor (1).

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1997, and ending June 30, 1998, 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:

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

GENERAL FUND EXPENDITURES

Administrative	\$ 901,360
Elections	215,080
Human Resource	827,126
Financial Administration	2,040,238
Public Works	2,408,839
Information Resource Management	889,382
Development Management	2,378,871
Judicial	1,251,419
Public Safety	8,046,029
Community Services	4,241,972
Nondepartmental	2,736,048
WJCC Schools	39,097,553
Library and Arts Center	2,253,049
Regional Jail	783,137
Mental Health	407,579
Social Services	735,253
Public Health	408,810
Contributions - Other	<u>289,886</u>
TOTAL EXPENDITURES	<u>\$69,911,631</u>

The appropriation for education includes \$35,099,799 as a local contribution to the Williamsburg-James City County Schools and a pass through of State Sales Tax revenue estimated at \$3,997,754. Whatever is actually received from State Sales Tax for Education will be forwarded to the schools.

GENERAL FUND REVENUES

General Property Taxes	\$45,856,351
Other Local Taxes	10,947,664
Licenses, Permits and Fees	3,633,561
Fines and Forfeitures	65,000
Revenue from Use of Money and Property	1,470,000
Revenue from the Commonwealth	6,385,181
Revenue from the Federal Government	69,650
Charges for Current Services	1,401,291
Miscellaneous Revenues	<u>82,933</u>
TOTAL REVENUES	<u>\$69,911,631</u>

- That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.87
Tangible Personal Property on each \$100 assessed value	4.00
Machinery and tools on each \$100 assessed value	4.00
Enhanced E-911	\$1.20/Month
Real Estate on each \$100 assessed value	
Route 5 Transportation Improvement District	\$0.01

PROPOSED CAPITAL BUDGET:Revenues:

Estimated Prior Year Fund Balance	\$ 1,487,088
City of Williamsburg	3,712,000
Contribution - General Fund	1,111,048
Debt Financing	-7,000,000
Semi-Annual Tax Billing	18,929,667
Other Revenue	<u>208,000</u>
	<u>\$18,447,803</u>

Expenditures:

Public Safety	\$ 2,251,390
Education	5,773,493
Community Services	4,515,000
General	800,516
Development Projects	4,127,204
Recreation	<u>980,200</u>
	<u>\$18,447,803</u>

DEBT SERVICE FUNDRevenues:

From General Fund - Schools	\$6,300,000
From General Fund - Other	1,300,000
Interest on Bond Proceeds	300,000
From Capital Fund	400,000
Transfer from Capital Projects Reserve	<u>1,491,235</u>
Total Debt Service Fund Revenues	<u>\$9,791,235</u>
Current Year Expenditures	<u>\$9,791,235</u>
Debt Service Fund Disbursements	<u>\$9,791,235</u>

VIRGINIA PUBLIC ASSISTANCE FUNDRevenues:

From the Federal Government/Commonwealth	\$1,550,061
From the General Fund	670,293
Comprehensive Services Act	144,356
Other	<u>84,299</u>

Total Virginia Public Assistance Fund Revenues	<u>\$2,449,009</u>
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Expenditures:

Administration and Assistance	<u>\$2,449,009</u>
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Total Virginia Public Assistance Fund Expenditures	<u>\$2,449,009</u>
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COMMUNITY DEVELOPMENT FUNDRevenues:

General Fund	\$ 215,079
Grants	315,864
Generated Program Income	<u>244,076</u>

Total Community Development Fund Revenues	<u>\$ 775,019</u>
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Expenditures:

Administration and Programs	<u>\$ 775,019</u>
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Total Community Development Fund Expenditures	<u>\$ 775,019</u>
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3. 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.
4. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase with various increases based on performance and funded at an average of 4.0 percent, granted to employees in FY 98.

8. Virginia Public School Authority School Bonds - Series 1997A

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Supplemental Bond Resolution approved the final interest rates for the school bond issue and ratified the bonds, and the second resolution appropriated the remainder of the bond proceeds.

Staff recommended approval of the resolutions.

Mr. Sisk made a motion to approve the resolutions..

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY:

(0).

RESOLUTION

**RATIFYING CERTAIN PROVISIONS OF A RESOLUTION AUTHORIZING
THE ISSUANCE OF NOT TO EXCEED \$18,800,000 GENERAL OBLIGATION
SCHOOL BONDS, SERIES 1997 A, OF JAMES CITY COUNTY, VIRGINIA**

WHEREAS, on March 11, 1997, the Board of Supervisors of James City County, Virginia (the "Board"), adopted a resolution (the "Bond Resolution") authorizing the issuance of up to \$18,800,000 General Obligation School Bonds, Series 1997 A (the "Bonds") for sale to the Virginia Public School Authority (the "VPSA") pursuant to the terms thereof; and

WHEREAS, the Board desires to ratify and confirm certain provisions of the Bond Resolution.

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

1. Interest Rates on the Bonds and Principal Payment Schedule. As provided in the Bond Resolution, the actual interest rates on the Bonds are tied to the interest rates on certain bonds issued by the VPSA, which rates were determined by the VPSA on April 10, 1997. The Board hereby ratifies the actual principal payment schedule and interest rates for the Bonds, which are set forth on Schedule I attached hereto. This Schedule I will also be attached to the form of the Bonds.
2. Ratification. The Bond Resolution is hereby ratified and confirmed and is in full force and effect. To the extent any provision of the Bond Resolution conflicts with any provision of this Resolution, the provisions of this Resolution shall control. This Resolution shall take effect immediately.

RESOLUTION

VPSA BOND PROCEEDS

WHEREAS, the Board of Supervisors of James City County has chosen to borrow \$18,800,000 for school projects through the Virginia Public School Authority (VPSA); and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby increases the monies appropriated for the following projects by the amounts so listed:

Jamestown High School	\$1,000,000
Rawls Byrd Elementary School	3,000,000
Matthew Whaley Elementary School	1,800,000
Lafayette High School	<u>1,500,000</u>
	<u>\$7,300,000</u>

I. PUBLIC COMMENT

1. Mr. Jim Dorsey, 105 Glenwood Drive, stated that CSX Railroad planned to vacate the Norge Train Station building. He emphasized that the building has significant historic value. Mr. Dorsey requested the Board to consider implementing preservation and relocation of the building for use by all citizens.

Mr. Magoon stated the preservation of Norge Train Station would be discussed at a future time.

2. Mr. John Rhein, 3505 Hunter's Ridge, asked whether a covenant adopted for a subdivision could be changed.

Mr. Morton responded that the covenant could be changed with permission of all existing property owners.

Mr. Rhein stated that Continental Cable Company had laid fiber optic cable in Powhatan Crossing subdivision one and one-half years ago and installation of the cable had not been completed.

Mr. Magoon asked staff to respond during County Administrator's Report at the May 13, 1997, Board of Supervisors meeting to citizen request that Cox Communications complete hookups of fiber optics cable installed over a year ago in Powhatan Crossing subdivision.

3. Mr. Ed Oyer, 139 Indian Circle, spoke on the budget and taxes and asked the status of the setbacks in the manufactured home parks.

4. Mr. John T. P. Horne, 3016 East Brittington Court, urged County citizens interested in growth management to compliment Board members on their action of funding land preservation and green space.

5. Mr. R. M. Hazelwood, Toano, spoke in opposition to the County funding of land preservation because it competed with private enterprise.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner asked Mr. Rogers to address Mr. Oyer's concerns of cable franchise fee and setbacks.

Mr. Rogers stated that Continental Cablevision included the franchise fee in its monthly bill and Cox Communications itemized its bill. He responded that the manufactured home park owner would provide a surveyed property line boundary with each setback of 15 feet.

Mr. Wanner announced that the book on the County's history, James City County: Keystone of the Commonwealth by Martha McCartney would be unveiled at a news conference on Saturday, May 10, 1997, 10:30

a.m. at National Park Service Visitors Center at Jamestown. He stated orders at discounted prices until May 10, 1997, would be accepted at County Administration Office and Satellite Office.

Mr. Wanner advised that a memorandum had been provided to the Board of Supervisors regarding the abandoned vehicles in the Grove area; the Historical Commission and CSX Railroad would be contacted regarding the Norge Train Station; and household chemical collection would begin on Saturday, May 10, 1997, at Tewning Road Convenience Center. He recommended a recess for a James City Service Authority Board of Directors meeting, and a recess of the Board until Tuesday, May 13, 1997, at 5:00 p.m. for a work session at the conclusion of the Board of Supervisors meeting.

K. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked staff to respond to Mr. Hazelwood's request regarding zoning of his property near Anderson's Corner.

Mr. Sisk suggested that staff check other sections of the County for abandoned vehicles.

Mr. Edwards asked that a resolution be prepared urging our Federal legislators to fund AMTRAK train service.

Mr. Magoon stated for the public that a response had been received from the Telecommunications Companies regarding working together on a Master Plan for towers. He stated Mr. Paul Holt, Planner, had written Mr. R. Dee Curtis of Sand Hill Drive that Federal Antitrust Laws prohibit companies from working together and trying to coordinate their needs.

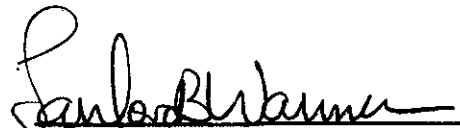
Mr. Magoon recessed the Board for a James City Service Authority meeting at 9:32 p.m.

Mr. Magoon reconvened the Board at 9:55 p.m.

Mr. Sisk made a motion to recess until Tuesday, May 13, 1997, at 5:00 p.m. for a work session.

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

The Board recessed at 9:56 p.m.



Sanford B. Wanner
Clerk to the Board

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 9-4, ADOPTION OF GUIDELINES.

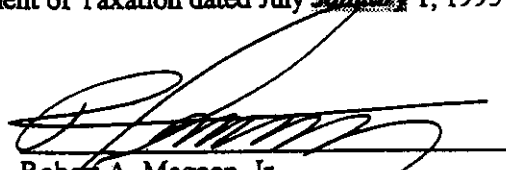
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by amending Section 9-4, Adoption of guidelines.

Chapter 9. Licenses

Article I. In General

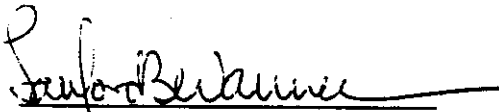
Sec. 9-4. Adoptions of guidelines

Except as otherwise modified by this chapter, there is hereby adopted by reference as if fully set forth herein the Guidelines for Business, Professional and Occupational License Tax Imposed by City, County and Town Ordinances, issued by the Commonwealth of Virginia Department of Taxation dated July ~~January~~ 1, 1995 ~~1997~~.



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April, 1997.

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into June 10, 1997, by JAMES CITY COUNTY, VIRGINIA ("County"), and Cliff Taylor ("Tenant").

WITNESSETH:

The County leases to the Tenant to occupy and use only for agricultural and related purposes the following described property located in James City County, Virginia:

The designated cropland portion of the Warhill Tract owned by County, consisting of thirty acres, more or less, including nonexclusive right of ingress and egress, being a portion of the tract designated in the James City County Tax Map as Map Identification Number (32-1) (01-0-0012) and further described in the attached sketch designated Exhibit A.

The term of this lease shall be three years beginning March 1, 1997, and ending February 29, 2000. This lease may be terminated by either party upon written notice, given December 1 prior to the lease year in which termination is to be effective. Any crops remaining on the property after termination notification shall be removed by the Tenant prior to the termination date, if desired by the Tenant.

For the occupancy and use of the property, the Tenant agrees to pay the County an annual rent of \$400. Said rent shall be payable yearly in the full amount of due for the respective year, in advance for that year, on March 1 of that year.

The parties further agree:

1. The Tenant will control soil erosion as completely as possible by strip cropping, contouring, and by filling in or otherwise controlling small washes or ditches that may form.
2. The County reserves the right of its officers, employees, and agents to enter upon said premises at any time for the purpose of viewing, surveying, testing and boring, the same not to interfere with the occupancy of the Tenant.
3. The Tenant shall eradicate Johnson grass.
4. The Tenant shall not cut live trees except with the written permission of the County.
5. The Tenant shall comply with all requirements of the Invitation to Bid which is attached to this Lease as Exhibit B. The terms of the Invitation to Bid are incorporated in this Lease by reference.
6. The Tenant shall not sublet said property or any part thereof or assign this Lease without the written consent of the County.

RESOLUTION

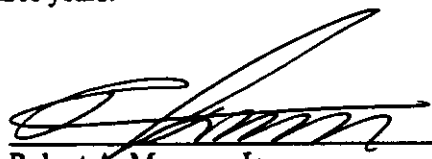
AWARD OF LEASE OF CROPLAND, WARHILL TRACT

WHEREAS, the James City County Board of Supervisors wants to continue the farming of cropland on the Warhill Tract; and

WHEREAS, the lease of cropland on the Warhill Tract has been advertised and a public hearing has been held on said lease; and

WHEREAS, one responsive bid has been received from C. S. Taylor in the amount of \$900 per year for three years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the award of the bid for the lease of cropland on the Warhill tract to Mr. C. S. Taylor in the amount of \$900 per year for three years.



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

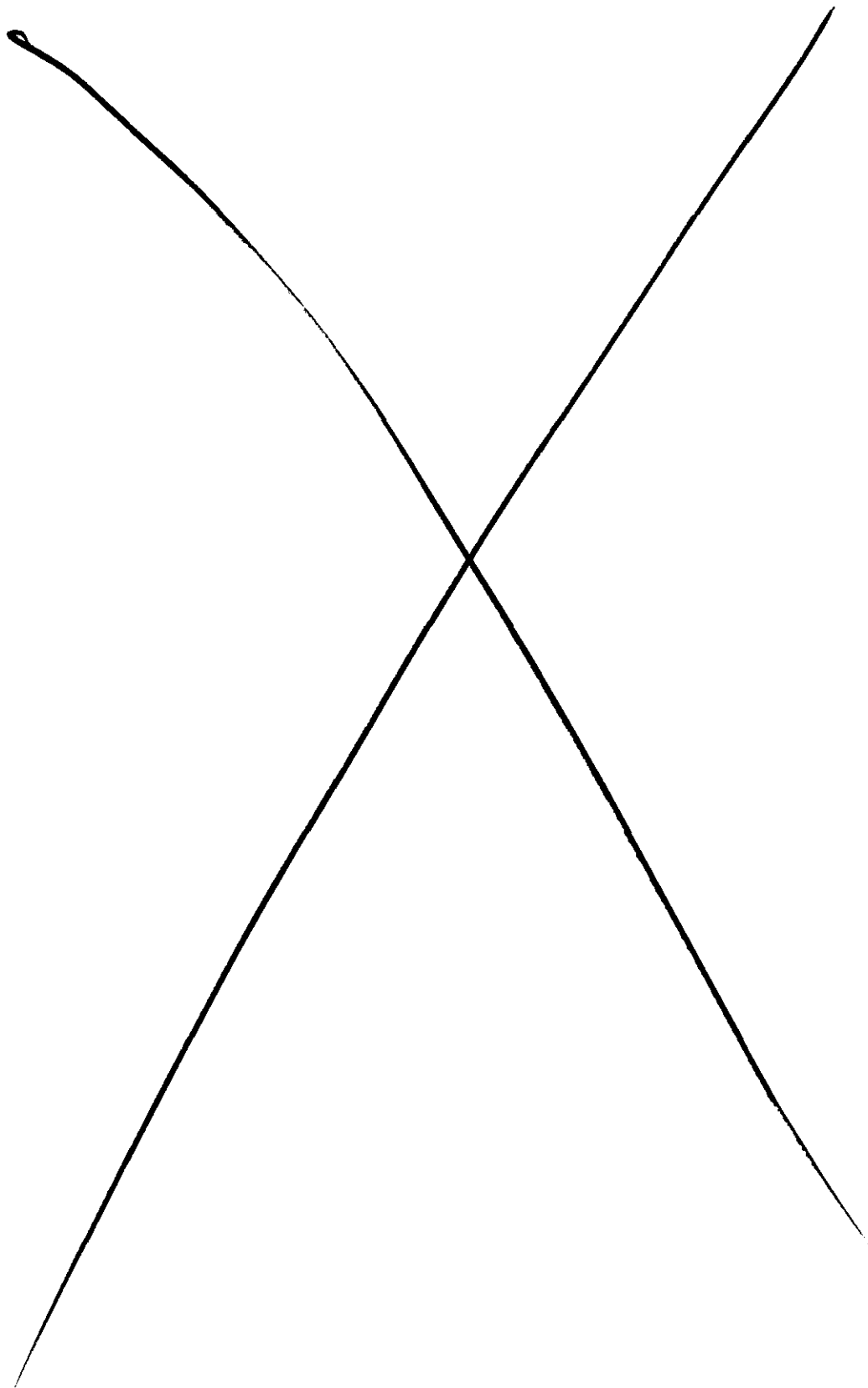
ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	ABSTAIN
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April, 1997.

Warhillt.res



APPROVED AS TO FORM:

[Signature]
County Attorney

COMMONWEALTH OF VIRGINIA,
COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 25th day of April, 1997, by Sanford B. Wanner, County Administrator.

Mary Frances Rieger
Notary Public

My Commission Expires: October 31, 1997.

COMMONWEALTH OF VIRGINIA,
~~CITY~~/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 17th day of June, 1997, by Clifton Taylor, Tenant.

Mary Frances Rieger
Notary Public

My Commission Expires: October 31, 1997

leaseagr.txt

APR 22 1997

ORDINANCE NO. 107A-25

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, REAL ESTATE ASSESSMENT, SECTION 18-27.1, WHEN REAL PROPERTY TAXES DUE AND PAYABLE.

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 18-27.1, When real property taxes due and payable.

Chapter 18. Taxation

Article VI. Real Estate Assessment

Section 18-27.1. When real property taxes due and payable.

~~County taxes on real property shall be due and payable on or before December fifth of the year in which the same are assessed. County taxes on real property shall be due and payable in two equal installments. One installment shall be due and payable on or before June fifth of the year after such taxes are assessed and the other installment shall be due and payable on or before December fifth of the year such taxes are assessed. There shall be a half year installment payment due on June 5, 1998, based on the January 1, 1997 assessment. This section shall not be construed to prohibit the payment of the whole of any taxes levied against any taxpayer in one lump sum at any time, provided that any penalties and interest that may have accrued on the whole or any part thereof shall be paid therewith.~~

State Law Reference - Code of Va., §58.1-3916.

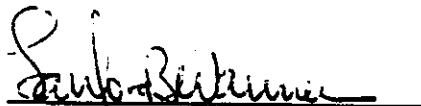
Ordinance to Amend and Reordain
 Chapter 18. Taxation
 Page 2

This ordinance shall become effective on January 1, 1998.



Robert A. Magoon, Jr.
 Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April,
 1997.

rprop2.ord

APR 22 1997

ORDINANCE NO. 107A-24

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, REAL ESTATE ASSESSMENT, BY ADDING SECTION 18-27.1, WHEN REAL PROPERTY TAXES DUE AND PAYABLE.

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 adding Section 18-27.1, When real property taxes due and payable.

Chapter 18. Taxation

Article VI. Real Estate Assessment

~~Section 18-27.1. When real property taxes due and payable~~

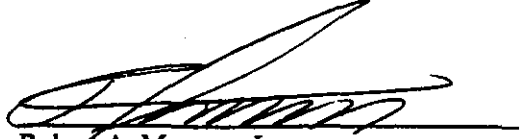
~~County taxes on real property shall be due and payable on or before December 31st of the year in~~

~~which the same are assessed.~~

~~State law reference - Code of Va., §58.1-3916.~~

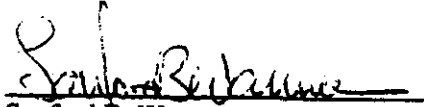
This ordinance shall be effective immediately and expire on December 31, 1997.

Ordinance to Amend and Reordain
Chapter 18. Taxation
Page 2



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April,
1997.

realprop.ord

APR 22 1997

ORDINANCE NO. 107A-22

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, PERSONAL PROPERTY TAX, SECTION 18-13.1, WHEN PERSONAL PROPERTY TAXES DUE AND PAYABLE.

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 18-13.1, When personal property taxes due and payable.

Chapter 18. Taxation

Article III. Personal Property Tax

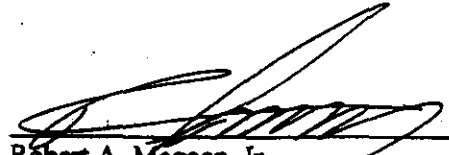
Section 18-13.1. When personal property taxes due and payable.

County taxes on personal property shall be due and payable ~~on or before December fifth of the year in which the same are assessed.~~
~~on or before December fifth of the year in which the same are assessed.~~

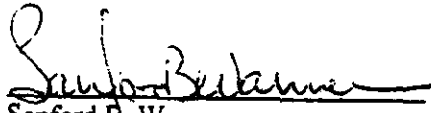
~~State Board of Supervisors, Code of Virginia, 1997~~

This ordinance shall become effective on January 1, 1998.

Ordinance to Amend and Reordain
Chapter 18. Taxation
Page 2


Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April,
1997.

perprop.ord

APR 22 1997

ORDINANCE NO. 107A-21

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 18-7.4, PENALTIES AND INTEREST FOR LATE PAYMENT OF TAXES.

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 18-7.4, Penalties and interest for late payment of taxes.

Chapter 18. Taxation

Article I. In General

Section 18-7.4. Penalties and interest for late payment of taxes.

~~Pursuant to Sections 58.1-3915 and 58.1-3916 of the Code of Virginia, 1950, as amended, the board of supervisors hereby imposes the following penalties and interest for the late payment of county levies. Each person failing to remit county levies on or before the fifth day of December shall incur a penalty thereon of ten (10) per cent or ten dollars (\$10.00), whichever is greater, provided, however, that the penalty shall in no case exceed the amount of tax due. Said penalty shall be added to the amount due from such person, which, when collected by the treasurer, shall be accounted for in said person's settlements; in addition thereto, interest in the amount of eight (8) per cent per annum shall commence the first day of the month following the month in which such taxes are due.~~ ~~Any person failing to pay any County real estate or personal property tax, or any~~ ~~before either of its two installments is due, or failing to pay any such County tax on or before the fifth day~~ ~~of December of the year in which it becomes due, or the first day thereafter which is not a Saturday or Sunday,~~

Ordinance to Amend and Reordain
Chapter 18. Taxation
Page 2

~~on a legal holiday shall incur a penalty of seven and one-half percent. Said penalty shall be added to amount due from such persons which, when collected by the Treasurer, shall be accounted for in said person's settlements. In addition thereto, interest in the amount of ten percent per annum shall commence the first day of the month following the month in which such taxes are due.~~

~~State law reference: Code of Va. Title 58.16~~

This ordinance shall become effective July 1, 1997.



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April, 1997.

taxation.ord

APR 22 1997

ORDINANCE NO. 107A-20

BOARD OF SUPERVISOR
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18. TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, SPECIAL TAX FOR ENHANCED 911 EMERGENCY TELEPHONE SYSTEM, SECTION 18-25, TAX IMPOSED.

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 18-25, Tax imposed.

Chapter 18. Taxation

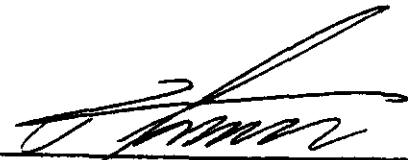
Article V. Special Tax for Enhanced 911 Emergency Telephone System

Section 18-25. Tax imposed.

Pursuant to the provisions of Section 58.1-3813 of the Code of Virginia, there is hereby imposed a special tax of ~~\$0.50~~ ~~51.20~~ per month on each consumer of telephone service for each telephone line provided by any corporation subject to the provisions of chapter 26 of title 58.1 of the Code of Virginia; provided, however, that this tax is not imposed on federal, state or local government agencies. ~~The definitions provided in article 4, chapter 38 of title 58.1 shall apply to this article.~~

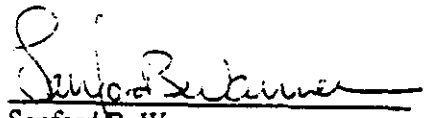
This ordinance shall become effective July 1, 1997.

Ordinance to Amend and Reordain
Chapter 18. Taxation
Page 2



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	NAY
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April,
1997.

911system.ord

APR 22 1997

ORDINANCE NO. 107A-23

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, TRANSIENT LODGING TAX, SECTION 18-14, TAX LEVIED.

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 18-14, Tax levied.

Chapter 18 Taxation

Article IV. Transient Lodging Tax

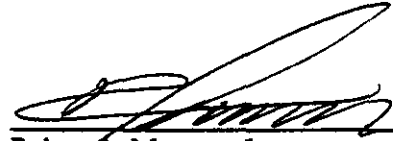
Section 18-14. Tax levied.

There is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by laws, on each transient a tax equivalent to two (2) percent of the total amount paid for lodging by or for any such transient to any hotel. Such tax shall be collected from such transient at the time and in the manner provided by this article.

~~State Law reference Code of Va. § 58-13819~~

This ordinance shall become effective on July 1, 1997.

Ordinance to Amend and Reordain
Chapter 18. Taxation
Page 2



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of April,
1997.

transient.ord