

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF APRIL, 1998, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that taxes should be lowered and school budget reduced. He mentioned that composting facilities are being further regulated because of pollutants. He also stated the County was 79 percent above the State averaged in spending for Parks and Recreation.

C. HIGHWAY MATTERS

Mr. James Brewer, Assistant Resident Engineer, stated that Route 199 projects were on schedule for completion in Fall 1999.

Mr. Sisk once again asked for a response to Assistant County Administrator's April 14, 1997, letter requesting that the remainder of the right-of-way on Ron Springs Drive (Route 667) be cleared and graded.

Mr. Brewer stated that the area in question was not Virginia Department of Transportation property.

Mr. Nervitt asked that a flashing light be installed to alert citizens to slow traffic at construction area on Longhill Road (Route 612) near the Williamsburg West subdivision.

Mr. Brewer stated that he would have VDOT's traffic safety personnel from Richmond would investigate because there was a fatality.

Mr. Edwards asked that the County Administrator work with Virginia Department of Transportation staff in responding to Mr. Nervitt's request of a flashing light for safety purposes.

D. CONSENT CALENDAR

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

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

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

1. Approval of Minutes for April 14, 1998, Regular Meeting
2. Budget Amendment, Fire Department

RESOLUTION

BUDGET AMENDMENT - FIRE DEPARTMENT

WHEREAS, James City County has been granted awards totaling \$2,500 by the Virginia Department of Health for fire prevention and bike safety training.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 98 General Fund as follows:

Revenue:

| | |
|----------------------|-----------------|
| Department of Health | <u>\$ 2,500</u> |
|----------------------|-----------------|

Expenditures:

| | |
|-----------------|-----------------|
| Fire Department | <u>\$ 2,500</u> |
|-----------------|-----------------|

E. PUBLIC HEARING

1. Case No. SUP-1-98. Peter and Frances Derks (Continued from April 14, 1998)

Ms. Jill E. Schmidle, Planner, stated that this case was deferred at the April 14, 1998, Board of Supervisors' meeting to allow time to study issues regarding an accessory apartment. She further stated that Peter and Frances Derks had applied for a special use permit to allow an accessory apartment within an existing single-family structure, zoned R-1, Limited Residential, located at 110 Vaiden Drive, further identified as Parcel No. (8-1-9) on James City County Real Estate Tax Map No. (38-4).

Staff determined there were no covenants on this property and that the proposal was consistent with the surrounding zoning, development and the Comprehensive Plan.

In concurrence with staff, the Planning Commission by a vote of 7-0 recommended approval with conditions listed as Numbers 1 and 2 in the resolution.

Staff recommended approval of the resolution with additional conditions listed as Numbers 3 and 4.

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

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION**CASE NO. SUP-1-98. PETER AND FRANCES DERKS ACCESSORY APARTMENT**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 2, 1998, unanimously recommended approval of Case No. SUP-1-98 to allow an accessory apartment within an existing single-family structure at 100 Vaiden Drive, further identified as Parcel No. (8-1-9) on James City County Real Estate Tax Map No. (38-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-1-98 as described herein, with the following conditions:

1. Prior to 18 months from the issuance of this special use permit, the accessory apartment shall be occupied by a tenant or the permit shall become void.
2. All parking shall be limited to the existing parking area.
3. The accessory apartment can be rented only while the primary residence is occupied by the owner.
4. A certified copy of the Board of Supervisors' Special Use Permit Resolution shall be recorded against the property in the Circuit Court Clerk's Office of the Courthouse.

2. **Case No. AFD-1-98. Barrett's Ferry (Proposed Creation of Barrett's Ferry Agricultural and Forestal District**

Mr. Gary Pleskac, Senior Planner, stated that Dr. Baxter Bell had applied to create a new Agricultural and Forestal District of approximately 210 acres, zoned A-1, General Agricultural, designated Rural Lands and Conservation Area on the Comprehensive Plan, located at 1671 John Tyler Highway, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (43-2).

Staff determined the proposal was compatible with surrounding zoning and land uses and was consistent with the Comprehensive Plan. Staff recommended an eight-year term and conditions listed in the Ordinance.

In concurrence with staff, except for the eight-year term, the Agricultural and Forestal District Advisory Committee, by a vote of 9-0, and the Planning Commission, by a vote of 6-0, both recommended approval of the request with a four-year term.

Board and staff discussed tax advantage, preservation from development, timbering activities, and rationale of the eight-year term versus four-year term.

Mr. Edwards opened the public hearing.

1. Mr. R. M. Hazelwood, Jr., 300 Old Stage Road, Toano, stated that the term should be set for four years as requested by land owner, AFD Board and Planning Commission, and the tax break given because farm land does not require County services.

Mr. Edwards closed the public hearing.

Mr. Bradshaw made a motion to amend the Now, Therefore, Be It Resolved clause of the Ordinance from eight years to four years.

Mr. Edwards stated that a work session to set policy and guidelines for AFD's would be scheduled before expiration dates of current terms in October 1998.

On a roll call to amend, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Bradshaw made a motion to approve the amended Ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

3. Case Nos. Z-1-98 and SUP-4-98. James City County District Sports Complex

Mr. Paul Holt, Planner, stated that Mr. Bernard M. Farmer, Jr., on behalf of James City County, had applied to rezone approximately 442 acres from R-4, Residential Planned Community, to R-8, Rural Residential, and for a special use permit to operate a public community recreation facility, entrance located on Longhill Road across from Longhill Gate subdivision, further identified as Parcel No. (1-12) on the James City County Real Estate Tax Map No. (32-1).

Staff determined that the proposal was consistent with the surrounding property and zoning and the Comprehensive Plan; access traffic impacts and an archaeological study were addressed in the conditions.

In concurrence with staff, the Planning Commission unanimously recommended approval of the applications.

Board discussion of traffic and maintenance of roadway service levels ensued.

Mr. Nervitt asked whether a roundabout rather than an intersection could be used at the entrance on Longhill Road. Board and staff discussed whether additional traffic from future development had been included; requirement of Virginia Department of Transportation approval before project could begin; consider other traffic calming strategies; and, presentation on traffic calming to VDOT should be carefully structured.

Mr. Nervitt asked staff to contact the Virginia Department of Transportation in Richmond to inquire about the possibility of changing road improvement at the entrance to the District Park Sports Complex to include a roundabout rather than an intersection.

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

Mr. Sisk made a motion to approve the resolutions.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

CASE NO. Z-1-98. JAMES CITY COUNTY -

DISTRICT SPORTS COMPLEX

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified

and a hearing scheduled on Case No. Z-1-98 for rezoning approximately 442 acres from R-4 Residential Planned Community, with proffers, to R-8, Rural Residential; and

WHEREAS, this case is being approved concurrently with James City County Case No. SUP-4-98; and

WHEREAS, the property is designated Federal, State, and County Land on the 1997 James City County Comprehensive Plan; and

WHEREAS, on March 2, 1998, the Planning Commission, per the requirements of §15.2-2232 of the Virginia State Code, found the application substantially in accordance with the adopted Comprehensive Plan; and

WHEREAS, on March 2, 1998, the Planning Commission recommended unanimous approval of this project; and

WHEREAS, the property is identified as Parcel No. (1-12) on the James City County Real Estate Tax Map No. (32-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-1-98.

RESOLUTION

CASE NO. SUP-4-98. JAMES CITY COUNTY -

DISTRICT SPORTS COMPLEX

WHEREAS, Bernard M. Farmer, on behalf of James City County, has applied for a special use permit to operate a public recreation facility; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. SUP-4-98; and

WHEREAS, this case is being approved concurrently with James City County Case No. Z-1-98; and

WHEREAS, under case No. Z-1-98, the property was rezoned from R-4, Residential Planned Community, with proffers, to R-8, Rural Residential; and

WHEREAS, the property is designated Federal, State, and County Land on the 1997 James City County Comprehensive Plan; and

WHEREAS, on March 2, 1998, the Planning Commission, per the requirements of §15.2-2232 of the Virginia State Code, found the application substantially in accordance with the adopted Comprehensive Plan; and

WHEREAS, on March 2, 1998, the Planning Commission recommended unanimous approval of this project; and

WHEREAS, the property is identified as Parcel No. (1-12) on the James City County Real Estate Tax Map No. (32-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-4-98 with the following conditions:

1. All road improvements recommended by a traffic study approved by both the Virginia Department of Transportation and the Director of Planning shall be constructed concurrent with Phase I development of the District Park.
2. A lighting plan shall be reviewed and approved by the Director of Planning. This plan shall indicate that no glare, as determined by the Director of Planning, is cast onto adjacent properties. For all parking lot luminaries, mounted recessed fixtures shall be used with no lens, bulb or globe extending below the casing or otherwise unshielded by the case so that the light source is visible from the side of the fixture. This condition shall not apply to streetlights.
3. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
4. Prior to the issuance of a land disturbing permit, an archaeological study, consistent with County policy, shall be submitted and approved by the Director of Planning.
5. Development of the site shall be generally in accordance with the conceptual plan, as endorsed or amended by the Board of Supervisors, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. A land disturbing permit shall be issued by the County for this project within three years from the date of approval of this special use permit or the permit shall become void.
7. A minimum 150-foot buffer shall be maintained along the property lines of the park site. The buffer may be increased by the Development Review Committee in areas where additional property line buffering is needed. The buffer shall remain generally undisturbed with the exception of breaks for roadway and pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Development Review Committee.

4. Case No. SUP-11-98. Richardson Family Subdivision

Mr. Holt stated that Mr. Langdon Richardson had requested approval of a family subdivision for a residence for his son, Roy Richardson, on 1.16± acres of 32± acres, zoned A-1, General Agricultural, located at 2651 Jolly Pond Road, further identified as a portion of Parcel No. (1-6) on the James City County Real Estate Tax Map No. (35-2).

Staff determined that the proposal was consistent with surrounding development and zoning, the Comprehensive Plan, and provisions for family subdivisions in the Zoning Ordinance.

Staff recommended approval with a condition listed in the resolution.

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

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

CASE NO. SUP-11-98. RICHARDSON FAMILY SUBDIVISION

- WHEREAS, Langdon Richardson has applied for a family subdivision special use permit; and
- WHEREAS, this subdivision is being made for the purpose of transferring a lot by sale or gift to Roy Richardson, an immediate family member, and more specifically the applicants son; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. SUP-11-98; and
- WHEREAS, the property is identified as Parcel No. (1-6) on the James City County Real Estate Tax Map No. (35-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-11-98 with the following conditions:

1. Final subdivision approval must be obtained by the applicant within 18 months of approval of this special use permit or the permit shall become void.

5. Ordinance Amendment, Chapter 20, Taxation, Article III, Personal Property Tax, Change Payment from Equal Installments to a Pro rata Basis

Mr. Leo Rogers, Deputy County Attorney, stated that the proposed change was to the requirement that personal property taxes be paid in two equal installments, changing the word equal to pro rata.

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

Mr. Bradshaw made a motion to approve the Ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

6. Ordinance Amendment, Chapter 2, Administration, Article II, Magisterial District, Election District and Election Precincts, Create an Additional Voting Precinct in Jamestown District

Ms. Judith Trautman, General Registrar, stated that the James City County Electoral Board recommended that a third voting precinct be created in Jamestown Election District to alleviate inconvenience and difficulties of traveling to the Clara Byrd Baker Elementary School for the voters of James Terrace and adjoining areas who are a part of Jamestown Precinct A.

Ms. Trautman and staff recommended approval of the ordinance.

Mr. Edwards opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, spoke in support of the ordinance.

2. Ms. Hattie Thomas, 1239 Oak Drive, stated neighbors did not vote in past elections because of the distance across town to the polling place.

3. Mr. R. M. Hazelwood, Jr., 300 Old Stage Road, reminisced of past days when a district had only a few voters.

Mr. Edwards closed the public hearing.

Mr. McGlennon made a motion to approve the Ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

7. Ordinance Amendment, Chapter 1, General Provisions, Deleting Section 1-12, Disposal of Unclaimed Property, a Duplicate Code Section

Mr. Rogers stated that the Ordinance Amendment for Chapter 1, General Provisions, Section 1-12, Disposal of unclaimed property was being deleted because of similarities to Section 2-16.2(a), Duty of chief of police concerning abandoned or unclaimed tangible personal property.

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

Mr. Sisk made a motion to approve the Ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards declared a break at 8:38 p.m.

Mr. Edwards reconvened the Board at 8:52 p.m.

8. Acquisition of Elementary School Site, George M. Hankins

Mr. Frank M. Morton, III, County Attorney, recommended opening the public hearing to speakers, and continue public hearing in order to allow staff time to pursue positive talks with owner and avoid eminent domain. He requested the Board take no action.

Mr. Edwards opened the public hearing.

1. Ms. Sharon H. Dunn, 2409 Shoreway Lane, Virginia Beach, Virginia, 23454, spoke of the history of the family acreage, and stated that the Board should not seek condemnation of Site 1A with a tentative agreement on Site 2.

2. Mr. George Hankins, Jr., 9583 Shore Drive, No. 232, Norfolk, Virginia, 23518, stated the family had never been interested in selling Site 1A, and the site was valued well above County budget for the school project. He asked the Board to drop the condemnation.

3. Anne Andrew Kellett, wife of Rector, Hickory Neck Episcopal Church, spoke highly of the Hankins' family and in opposition to the condemnation of the property.

Mr. Edwards continued the public hearing.

9. Outdoor Gathering Permit Application, Junior Women's Club, Friday Frolics, May 29, 1998

Mr. John T. P. Horne, Manager of Development Management, stated that Junior Women's Club of Williamsburg, Inc., had applied to hold an outdoor gathering on Friday, May 29, 1998, from 6:00 p.m. to 11:00 p.m. at Williamsburg-Jamestown Airport, 100 Marclay Road, Williamsburg. He further stated all required approvals had been received.

Staff recommended approval of the resolution.

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

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

OUTDOOR GATHERING PERMIT

WHEREAS James City County has received an application from the Junior Women's Club of Williamsburg, Inc., to hold an outdoor gathering on Friday, May 29, 1998, from 6:00 p.m. to 11:00 p.m., at the Williamsburg-Jamestown Airport, 100 Marclay Road, Williamsburg, Virginia 23185; and

WHEREAS, the application was reviewed and approved with comments by the James City County Police Chief, Fire Chief, Emergency Medical Coordinator, the County Health Department, Building Official, and the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to The Junior Women's Club of Williamsburg, Inc., to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

F. BOARD CONSIDERATIONS

1. James City County Fire Station Architectural Contract (Deferred from April 14, 1998)

Mr. Bernard M. Farmer, Jr., Capital Program Administrator, stated that the item was deferred at the April 14, 1998, Board of Supervisors' meeting, to review the option of using an existing fire station design and architect of record to determine feasibility and identify potential cost savings. He reiterated proposals were received and based upon proposed qualifications and evaluations, The TAF Group was selected as the design firm for a new fire station in the vicinity of Greensprings Plantation. He further stated that the fee was within the allocated project budget funded as part of the FY 98 Capital Improvement Budget.

Staff recommended approval of the resolution.

The Board and staff discussed that the firm was known by the County, and other fire station designs had been considered but could not be used because of the operations of this station.

Mr. Nervitt asked that staff provide legal language to the Fire Station Design contract so that this architectural design could be used again for future fire stations.

Mr. Edwards made a motion to approve the resolution.

RESOLUTION**AWARD OF CONTRACT, FIRE STATION DESIGN**

WHEREAS, proposals have been received for the design of the James City County Fire Station; and

WHEREAS, staff has negotiated an acceptable work effort and fees with The TAF Group; and

WHEREAS, the negotiated fees are within the capital budget allocated for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary contract documents for award of a design contract to The TAF Group in the amount of \$74,000.

2. Capital Improvement Program, Fiscal Years 1999-2003
3. Ordinance Amendment, Section 11-14 (b)(1), Increase Convenience Center Fees
4. Proposed Fiscal Year 1999-2000 Budget

Ms. Carol Davis, Assistant Manager of Financial and Management Services, stated that the ordinance amendment increased the coupon fee for disposing of waste at a Convenience Center from \$2.00 to \$3.00 and the resolution reflected changes made by the Board of Supervisors at its April 27, 1998, budget work session.

Staff recommended approval of the Ordinance and resolution.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards made a motion to approve the Ordinance.

On a roll call the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION**RESOLUTION OF APPROPRIATION**

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1998, and ending June 30, 1999, 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

| | |
|---------------------------------|----------------|
| Administrative | \$ 977,541 |
| Elections | 216,356 |
| Human Resource | 958,452 |
| Financial Administration | 2,216,412 |
| Public Works | 2,857,700 |
| Information Resource Management | 1,048,124 |
| Development Management | 2,671,590 |
| Judicial | 1,262,933 |
| Public Safety | 9,131,279 |
| Community Services | 4,610,146 |
| Nondepartmental | 3,041,066 |
| WJCC Schools | 41,987,738 |
| Library and Arts Center | 2,659,514 |
| Regional Jail | 918,969 |
| Mental Health | 427,377 |
| Social Services | 787,149 |
| Public Health | 424,739 |
| Contributions - Other | <u>299,742</u> |

TOTAL EXPENDITURES \$76,496,827

The appropriation for education includes \$37,706,521 as a local contribution to the Williamsburg-James City County Schools and a pass through of State Sales Tax revenue estimated at \$4,281,217. Whatever is actually received from State Sales Tax for Education will be forwarded to the schools.

GENERAL FUND REVENUES

| | |
|--|----------------|
| General Property Taxes | \$50,949,767 |
| Other Local Taxes | 11,634,876 |
| Licenses, Permits and Fees | 3,907,664 |
| Fines and Forfeitures | 65,000 |
| Revenue from Use of Money and Property | 1,314,000 |
| Revenue from the Commonwealth | 6,784,396 |
| Revenue from the Federal Government | 2,100 |
| Charges for Current Services | 1,734,491 |
| Miscellaneous Revenues | <u>104,533</u> |

TOTAL REVENUES \$76,496,827

2. 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 | \$ 1,886,667 |
| City of Williamsburg | 159,500 |
| Contribution - General Fund | 1,278,066 |
| Debt Financing | 7,051,934 |
| Semi-Annual Tax Billing | 2,328,483 |
| Other Revenue | <u>700,000</u> |
| | <u>\$13,404,650</u> |

Expenditures:

| | |
|----------------------|----------------------------|
| Public Safety | \$ 454,000 |
| Education | 7,553,000 |
| Community Services | 1,262,250 |
| General | 1,311,900 |
| Development Projects | 1,183,500 |
| Recreation | <u>1,640,000</u> |
| | <u>\$13,404,650</u> |

DEBT SERVICE FUND**Revenues:**

| | |
|--|---------------------------|
| From General Fund - Schools | \$6,500,000 |
| From General Fund - Other | 1,420,000 |
| Interest on Bond Proceeds | 200,000 |
| Transfer from Capital Projects Reserve | <u>1,808,103</u> |
| Total Debt Service Fund Revenues | <u>\$9,928,103</u> |
| Current Year Expenditures | <u>\$9,928,103</u> |
| Debt Service Fund Disbursements | <u>\$9,928,103</u> |

VIRGINIA PUBLIC ASSISTANCE FUND**Revenues:**

| | |
|---|---------------------------|
| From the Federal Government/Commonwealth | \$2,003,785 |
| From the General Fund | 720,293 |
| Comprehensive Services Act | 230,284 |
| Other | <u>119,747</u> |
| Total Virginia Public Assistance Fund Revenues | <u>\$3,074,109</u> |

Expenditures:

| | |
|---|---------------------------|
| Administration and Assistance | <u>\$3,074,109</u> |
| Total Virginia Public Assistance Fund Expenditures | <u>\$3,074,109</u> |

COMMUNITY DEVELOPMENT FUND

Revenues:

| | |
|--|-----------------------|
| General Fund | \$ 224,935 |
| Grants | 315,864 |
| Generated Program Income | <u>214,517</u> |
| Total Community Development Fund Revenues | <u>\$ 755,316</u> |

Expenditures:

| | |
|--|-----------------------|
| Administration and Programs | \$ <u>755,316</u> |
| Total Community Development Fund Expenditures | <u>\$ 755,316</u> |

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 99.

G. PUBLIC COMMENT

1. Mr. R. M. Hazelwood, Jr., expressed pride in and commended the James City County Fire Department for its timely response to a barn fire on Telegraph Road, Route 647, in New Kent County, on Saturday, April 25, 1998. Mr. Hazelwood asked if the County received any compensation for runs made in New Kent County. He thanked Mr. Nervitt for his motion to reduce the tax rate by \$.02.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner asked Mr. Richard Miller, Fire Chief, to respond to Mr. Hazelwood's public comment. He expressed gratitude for citizens' recognition of volunteer and paid professional staff.

Mr. Miller briefly described direct payments and agreements with adjoining counties and the City of Williamsburg.

Mr. Wanner recommended a recess for a James City Service Authority Board of Directors' meeting and a James City County Transit Company Board of Directors meeting. He recommended that the Board then go into executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions.

Mr. Wanner announced the work session topics of Water Issues and Board Procedures for 2:00 p.m., Wednesday, April 29, 1998,

I. BOARD REQUESTS AND DIRECTIVES - None

Mr. Edwards declared a recess for a James City Service Authority Board of Directors' meeting at 9:21 p.m.

Mr. Edwards reconvened the Board of Supervisors and made a motion to go into executive session as recommended by the County Administrator, at 9:29 p.m.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board into open session, at 9:38 p.m.

Mr. Edwards made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION**CERTIFICATION OF EXECUTIVE MEETING**

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

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.1-344(A)(1) to consider a personnel matter, appointment of individuals to County Board and/or Commissions, convening the executive meeting.

Mr. Edwards made a motion to appoint Robert T. Casey and Brian N. Casey, owner selectees, to the Community Development Authority, for a four-year term, terms expiring April 28, 2002, respectively.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

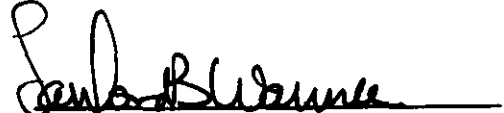
Mr. Edwards made a motion to reappoint Mary Higgins and Alan Robertson to the Parks and Recreation Advisory Commission, for four-year terms, terms expiring April 12, 2002, respectively; to appoint Christine Armstead to the Parks and Recreation Advisory Commission, for a four-year term, term expiring April 12, 2002; and, to reappoint Anthony Conyers, Jr., to the Williamsburg Area Medical Assistance Commission for a one-year term, term expiring April 1, 1999.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

The Board adjourned at 9:40 p.m.



Sanford B. Wanner
Clerk to the Board

042898bs.min

ESTABLISHMENT OF BARRETT'S FERRYAGRICULTURAL AND FORESTAL DISTRICT (AFD-1-98)

WHEREAS, in accordance with Section 15.2-4307 and 15.2-4309 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Barrett's Ferry area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on February 26, 1998, unanimously recommended approval of the application for a term of four years; and

WHEREAS, the Planning Commission following its public hearing on March 2, 1998, recommended approval of the application for a term of four years.

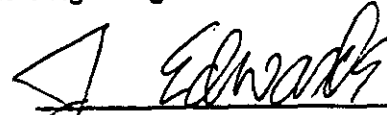
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby create the Barrett's Ferry Agricultural and Forestal District (AFD-1-98) for a period of four years beginning the 28th Day of April, 1998, and includes the following parcel:

| | | |
|--------------|--------------------------|-------------------|
| (43-2) (1-3) | Baxter I. & Anne F. Bell | <u>210.49 ac.</u> |
| | TOTAL: | <u>210.49 ac.</u> |

subject to the following conditions:

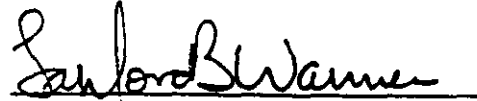
1. That pursuant to the Virginia Code, Sections 15.1-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Barrett's Ferry Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: 1) the subdivision does not result in the total acreage of the District to drop below 200 acres; and 2) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land within the Barrett's Ferry Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District.
 - c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless

Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

| SUPERVISOR | VOTE |
|------------|------|
| SISK | AYE |
| MCGLENNON | AYE |
| BRADSHAW | AYE |
| NERVITT | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 23th day of April, 1998.

afd198.res

APR 28 1998

ORDINANCE NO. 107A-28

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, PERSONAL PROPERTY TAX, SECTION 20-13.1, WHEN PERSONAL PROPERTY TAXES DUE AND PAYABLE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation is hereby amended and reordained by amending Section 20-13.1, When personal property taxes due and payable.

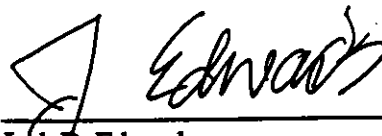
Chapter 20. Taxation

Article III. Personal Property Tax

Sec. 20-13.1. When personal property taxes due and payable.

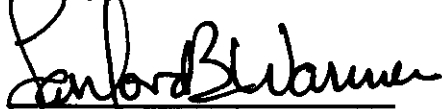
County taxes on personal property shall be due and payable in two equal ~~payments~~ installments on or before June fifth and on or before December fifth of the year in which the same are assessed.

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



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

| SUPERVISOR | VOTE |
|------------|------|
| SISK | AYE |
| MCGLENNON | AYE |
| BRADSHAW | AYE |
| NERVITT | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of April, 1998.

APR 28 1998

ORDINANCE NO. 55A-25

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED; AND SECTION 2-5, ELECTION DISTRICT BOUNDARIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration is hereby amended and reordained by amending Section 2-4, Election precincts and polling places established; and Section 2-5, Election district boundaries.

Chapter 2. Administration

Article II. Magisterial District, Election Districts and Election Precincts

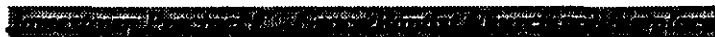
Sec. 2-4. Election precincts and polling places established.

(b) The precincts for each election district and the polling place for each precinct shall be as set forth below:

Jamestown Election District:

Jamestown Precinct A - Clara Byrd Baker Elementary School polling place.

Jamestown Precinct B - Rawls Byrd Elementary School polling place.



Ordinance to Amend and Reordain
Chapter 2. Administration
Page 2

Sec. 2-5. Election district boundaries.

Jamestown Election District:

Jamestown Precinct A. Beginning at a point where State Route 5 intersects the Williamsburg city limits; thence westerly following the centerline of State Route 5 to its intersection with State Route 629; thence westerly along the centerline of State Route 629 to its intersection with State Route 615; thence southerly along State Route 615 to its intersection with State Route 681; thence southerly along the centerline of State Route 681 to its intersection with State Route 31; thence following the centerline of State Route 31 to the point where it intersects with State Route 614; thence northerly following the centerline of State Route 614 to the point where it intersects with State Route 5; thence westerly following the centerline of State Route 5 to the point where it intersects Shell Bank Creek; thence southerly following the centerline of Shell Bank Creek extended to the centerline of the James River; thence easterly following the centerline of the James River and the James City County-Surry County line to a point where it intersects the centerline of State Route 682 extended; thence easterly following the centerline of State Route 682 extended to its intersection with State Route 31; thence easterly following the centerline of State Route 31 to its intersection with the Williamsburg city limits; thence westerly following the Williamsburg city limits to its intersection with State Route 199; thence westerly along the centerline of State Route 199 to the point of beginning.

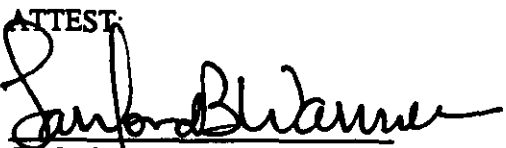
~~Beginning at the Williamsburg city limits on State Route 641; thence proceeding easterly along the York County line to its intersection with the CSXT Railroad spur line; thence westerly along the CSXT Railroad spur line to the CSXT Railroad main line; thence northerly along the centerline of the CSXT Railroad to the Williamsburg City limits; thence easterly along the Williamsburg City limits to the point of beginning.~~

Ordinance to Amend and Reordain
Chapter 2. Administration
Page 3

Jamestown Precinct B. Beginning at a point where State Route 31 intersects the Williamsburg city limits; thence westerly along the centerline of State Route 31 to its intersection with State Route 682; thence westerly along the centerline of State Route 682 to its intersection with the centerline of the James River; thence easterly following the centerline of the James River and the James City County-Surry County line to a point where it intersects the centerline of College Creek; thence northerly following the centerline of College Creek to its intersection with the Colonial Parkway; thence following the centerline of the Colonial Parkway to its intersection with Halfway Creek; thence following the center line of Halfway Creek to its confluence with Tutter's Neck Creek; thence following the centerline of Tutter's Neck Creek to its intersection with the Williamsburg city limits; thence westerly following the Williamsburg city limits to the point of beginning.

Jamestown Precinct C. Beginning at the Williamsburg city limits on State Route 681; thence
proceeding westerly along the centerline of State Route 681 to its intersection with the centerline of
the James River; thence easterly following the centerline of the James River and the James City County-Surry County line to a point where it intersects the centerline of College Creek; thence northerly following the centerline of College Creek to its intersection with the Colonial Parkway; thence following the centerline of the Colonial Parkway to its intersection with Halfway Creek; thence following the center line of Halfway Creek to its confluence with Tutter's Neck Creek; thence following the centerline of Tutter's Neck Creek to its intersection with the Williamsburg city limits; thence westerly following the Williamsburg city limits to the point of beginning.


Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:

Sanford E. Wanner
Clerk to the Board

| SUPERVISOR | VOTE |
|------------|------|
| SISK | AYE |
| MCGLENNON | AYE |
| BRADSHAW | AYE |
| NERVITT | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of April, 1998.

APR 28 1998

ORDINANCE NO. 156A-8

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY DELETING SECTION 1-12, DISPOSAL OF UNCLAIMED PROPERTY, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions is hereby amended and reordained by deleting Section 1-12, Disposal of unclaimed property.

Chapter 1. General Provisions

Sec. 1-12. ~~Disposal of unclaimed property. *Revised.*~~

~~Any unclaimed personal property which has been in possession of the police department and unclaimed for a period of sixty (60) days may be disposed of as provided in subsections (a) through (c) of Section 1-20 of the Code of Virginia. Unclaimed personal property shall be any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, and which the state treasurer has indicated will be deemed to remain under the Uniform Disposition of Unclaimed Property Act.~~

Ordinance to Amend and Reordain
Chapter 1. General Provisions
Page 2



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

| SUPERVISOR | VOTE |
|------------|------|
| SISK | AYE |
| MCLENNON | AYE |
| BRADSHAW | AYE |
| NERVITT | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of April, 1998.

unclaimd.ord

ORDINANCE NO. 116A-31

APR 28 1998

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

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

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

Chapter 11. Health and Sanitation

Article II. Landfill Ordinance

Section 11-14. County refuse containers.

(b) *Convenience Center User Fees:*

- (1) Fees will be charged for the disposal of household refuse and garbage at the county convenience centers. A fee of ~~\$2.00~~ ~~\$3.00~~ shall be imposed for up to 60 gallons of bagged household refuse or the equivalent thereof. Each additional 60 gallons or portion thereof shall be charged an additional ~~\$2.00~~ ~~\$3.00~~ fee.
- (2) The county administrator or designee shall determine the charges for bulky items, such as appliances, furniture and mattresses and box springs. A schedule of these charges shall be posted at each center and a copy provided to each site user.
- (3) The county administrator or designee shall implement a system to collect fees for Convenience Center users.

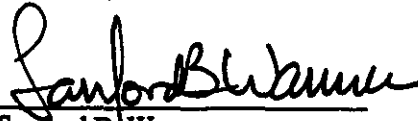
Ordinance to Amend and Reordain
Chapter 11. Health and Sanitation
Page 2

This ordinance shall become effective on July 1, 1998.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| SISK | AYE |
| MCLENNON | AYE |
| BRADSHAW | AYE |
| NERVITT | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of April,
1998.

rfusecon.ord