

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF JUNE, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. **ROLLCALL**

James G. Kennedy, Chairman, Stonehouse District  
Jay T. Harrison, Sr., **Vice** Chairman, Berkeley District

John J. **McGlennon**, Jamestown District  
Michael J. Brown, **Powhatan** District  
Bruce C. **Goodson**, Roberts District

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

B. **MOMENT OF SILENCE**

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

C. **PLEDGE OF ALLEGIANCE**

Mr. Taylor **Overton**, a student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

D. **PUBLIC COMMENT**

1. Mr. Steve Wigley, Chairman of the Historic Triangle Bicycle Advisory Committee (HTBAC), stated that the **HTBAC** endorsed the **Greenway** Master Plan and requested the Board provide the funding mechanism to keep the Plan active.

2. Mr. Daniel Shaye-Pickell, Vice President of the Colonial **Roadrunners**, stated support for the **Greenway** Master Plan and the safe **soft** surface trails proposed in the Plan, commended Paul Tubach and the **Greenway** Steering Committee members for their work on the Plan, requested the two-foot soft surface shoulders be widened to four feet. and stated that the Colonial Roadrunners endorse the Plan.

3. Mr. Alan Robertson, Chairman **of the** Parks and Recreation Advisory Commission, stated that the Commission endorses the **Greenway** Master Plan, commended the **Greenway Steering** Committee members, staff, and all those involved in the project, and stated that the Commission unanimously supports the Plan.

4. Ms. **Caren Schumacher**, Executive Director of the **Williamsburg** Land Conservancy, stated strong support of the Conservancy for the **Greenway** Master Plan that will protect and enhance the community character, and requested the Board adopt the Plan as presented.

5. Mr. Ed Oyer, 139 **Indian** Circle, stated concern about the School's Request for Proposals for irrigation wells of the athletic fields when there are watering constraints on citizens, stated concern regarding outstanding issues with the **Chickahominy** Riverfront Park, and commented on the School's expense to replace off-brand computers.

6. Mr. Jim Dorsey, 105 **Glenwood** Drive, stated support for the **Greenway Master** Plan and requested the Board set aside funding for the Plan.

## E. PRESENTATION

### 1. Resolution of Appreciation – Edward T. Overton, Jr.

Mr. Kennedy presented Mr. Edward T. **Overton**, Jr., with a resolution of appreciation for his 22 years of **service** to the County through his position with the Extension Office.

Mr. **Overton** commented on the special heritage the Extension Office has in the County and thanked all for the support over the 22 years and for the Resolution of Appreciation.

### 2. July is Recreation and Parks Month

Mr. Kennedy presented Mr. Ned **Cheely**, Director, Division of Parks and Recreation, with a resolution recognizing July as Recreation and Parks Month.

## F. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer for the Virginia Department of Transportation, was available to answer questions from the Board.

Mr. McGlennon requested a speed study be conducted on **Jamestown** Road (Rt. 31) west of Lake Powell.

## G. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar

Mr. Harrison requested items numbers 8, Title V Grant; 10, Water Conservation Guidelines, and 11, Adoption of Administrative Plan for the Section 8 Housing Choice Voucher Program and Public Housing Agency Plan Certifications be pulled.

Mr. **McGlennon** made a motion to adopt the remaining items on the Consent Calendar.

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

1. July – Recreation and Parks Month

RESOLUTION

JULY - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities touch the lives of individuals, families, and groups, positively impacting the health of our citizens and the social, economic, and environmental quality of our community; and

WHEREAS, parks, greenways, open spaces, and trails provide a welcome respite from our fast-paced lifestyles while simultaneously protecting and preserving our natural environment; and

WHEREAS, July **2002 has** been designated as Recreation and Parks Month by the National Recreation and Park Association and the James City County Parks and Recreation **Advisory** Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park **services** and recognizes that they are essential to the quality of life.

2. Dedication of Streets in Settlers Mill. Section 6

RESOLUTION

DEDICATION OF STREETS IN SETTLERS MILL. SECTION 6

WHEREAS, the streets described on the attached Additions Form **SR-5(A)**, fully incorporated herein by reference, are shown on plats recorded in the **Clerk's** Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia **Department** of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, **1993**, for comprehensive **stormwater** detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form **SR-5(A)** to the secondary system of State highways, pursuant to **§33.1-229**, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be **forwarded** to the Resident Engineer for the Virginia Department of Transportation.

3. Resolution of Appreciation – Edward T. Overton, Jr.

**RESOLUTION OF APPRECIATION**

**EDWARD T. OVERTON, JR.**

WHEREAS, Edward T. **Overton, Jr.**, Unit Director **of the** James City County **Virginia** Cooperative Extension Office, is retiring; and

WHEREAS, Ed has served Virginia Cooperative Extension for 31 years and **has** served James City County for 22 of those years; and

WHEREAS, during his tenure, Ed worked to maintain a profitable and sustainable agricultural industry; developed a Master Gardener program; endeavored to protect water quality and enhance water conservation; and recruited, trained, and managed numerous volunteers; and

WHEREAS, Ed constantly demonstrated the highest level of dedication and professionalism in his job.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and honors Edward T. **Overton, Jr.**, for his 22 years of dedicated **service** to the citizens of James City.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby wish Edward T. **Overton, Jr.** a long, healthy, and happy retirement.

4. Carry Forward Funds – DCJS Grant for Records Management System

**RESOLUTION**

**CARRY FORWARD FUNDS – DCJS GRANT**

WHEREAS, the Police Department applied for and received a grant from the Department of Criminal Justice Services for a new **Records** Management System in the amount of \$134,900 in FY 2002; and

WHEREAS, the Board of **Supervisors** approved the acceptance **of the** grant and the necessary matching funds on January 8, 2002; and

WHEREAS, the Police Department will not expend any grant **funds** by June 30, 2002

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declare \$134,900 as a continuing appropriation from the **N** 02 Police Department's budget (001-062-0530) to be **carried** forward to the **N** 03 Budget for the purpose of **installing** the Records Management System.

5. Carry Forward Funds – Bulletproof Vest Partnership Program Grant

R E S O L U T I O N

CARRY FORWARD FUNDS - BULLETPROOF VEST PARTNERSHIP PROGRAM

WHEREAS, the Police **Department** applied for and received a grant from the Bulletproof Vest Partnership Program in the amount of \$4,094.56 in Fiscal Year 2002; and

WHEREAS, the Board of Supervisors approved the acceptance of the grant **and the necessary matching** funds on July 24, 2001; and

WHEREAS, the Police **Department will** not expend all grant funds by June 30, 2002

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declares \$3,144.88 as a continuing appropriation from the FY 2002 Police Department's Budget (001-062-035) to be carried forward to the FY 2003 budget year for the purpose of purchasing additional bulletproof vests for police officers.

6. Destruction of Paid Personal **Property** Tax Tickets

R E S O L U T I O N

DESTRUCTION OF PAID PERSONAL PROPERTY TAX TICKETS

WHEREAS, the Code of Virginia §58.1-3129 states that the Treasurer may, with the consent of the **governing** body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in **accordance** with the retention regulations pursuant to the Virginia Public Records Act (**§42,1-76 et seq.**); and

WHEREAS, the tax tickets hereby referred to are paid personal property tax records from 1995 and 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the paid personal property **tax** records from 1995 and 1996.

7. Destruction of Paid Real Estate Tax TicketsR E S O L U T I O NDESTRUCTION OF PAID REAL ESTATE TAX TICKETS

WHEREAS, the Code of Virginia §58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§42,1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid real estate tax records from 1995 and 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the paid **real** estate tax records from 1995 and 1996.

9. Resolution Encouraging All County Residents and Businesses to Follow Outdoor Water Use RegulationsR E S O L U T I O NENCOURAGING COUNTY RESIDENTS AND BUSINESS TOFOLLOW OUTDOOR WATER USE REGULATIONS

WHEREAS, the James City **Service** Authority's water system has been experiencing significant water demands; and

WHEREAS, these water demands have significantly surpassed historical levels and placed undue stress on the water system; and

WHEREAS, as a result of the sustained levels of water demand and a deep concern for the extended stress on the system causing a well facility failure further exacerbating the problem, the Board of Supervisors approved an Emergency Ordinance **regulating the** days and hours for outdoor water use for James City **Service** Authority customers; and

WHEREAS, many County residents obtain their water from **Newport** News Water Works, private wells or other water sources that are not subject to the provisions of the Emergency Ordinance.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that those citizens in James City County not subject to the provisions of the Emergency Ordinance adhere to the spirit and guidelines in the Emergency Ordinance to reduce **confusion** on who can use water for outdoor uses, maintain equity for all citizens, and conserve water.

8. Title V Grant

Mr. **Needham S. Cheely, III**, Director of Parks and Recreation, stated that the Virginia Department of Criminal Justice **Services** has awarded James City County's Department of Parks and Recreation a \$64,487 **Title V** Delinquency Prevention Incentive Matching Grant to assist with the establishment of a new after-school program, "Beyond the Bell," for referred middle school students.

Mr. **Cheely** stated that the County will match the grant and requested the Board approve the resolution authorizing the appropriation of the **funds**.

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION**

**TITLE V GRANT**

WHEREAS, the Virginia Department of Criminal Justice **Services** has made matching **funds** available for the development of youth-at-risk programs; and

WHEREAS **funds** are needed for two full-time limited term Senior Recreation Leaders to operate a new middle school after-school **program** at the County's two community centers for **referred youth-at-risk**.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$64,487 grant awarded by the Virginia Department of Criminal Justice Services and creates the two **full-time** limited term positions for the "Beyond the Bell" program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation in the FY 03 Budget:

Revenues:

From the Commonwealth \$64,487

Expenditures:

Full-time limited term salaries (0011610110)	\$41,600
Fringe benefits (0011610150)	20,787
Operating supplies (0011610318)	<u>2,100</u>
	<u>\$64,487</u>

10. Water Conservation Guidelines

Ms. Lisa **Meddin**, Water Conservation Coordinator, stated that applicants for rezoning and special use permits have requested guidelines defining expectations of the County for water conservation measures. In response to these inquiries, staff drafted water **conservation guidelines**, had those **guidelines** reviewed by the Water Conservation Committee, and now presented those Guidelines for adoption.

Mr. **McGlennon** made a motion to adopt the resolution endorsing the Water Conservation Guidelines.

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

**RESOLUTION**

**WATER CONSERVATION GUIDELINES**

WHEREAS, applications to **rezone** land or for a special use permit have proffers or conditions that require the applicant to incorporate water conservation techniques into the proposed development; and

WHEREAS, guidelines have been developed by staff and the Water Conservation Committee to assist applicants in defining what **can** be incorporated in a water conservation plan for a development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, endorses the attached Water Conservation Guidelines to assist applicants in **rezoning and** special use permit cases in developing a water conservation plan for their proposed development.

11. Adoption of Administrative Plan for the Section 8 Housing Choice Voucher Program and Public Housing Agency Plan Certifications

Mr. Richard Hanson, Housing and Community Development Administrator, stated that the Public Housing Authority (PHA) is required to adopt an Administrative Plan that states local policies on matters for which Federal law and HUD regulations provide discretion to the **PHA**. Additionally, a Five-Year and Annual **PHA** Agency Plan must be submitted.

Mr. Hanson requested the Board adopt the resolution approving the Administrative Plan, and authorizing the Chairman to execute the PHA Certifications of Compliance with the PHA Plans and related Regulations.

Mr. Harrison made a motion to adopt the resolution.

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



## RESOLUTION

### SECTION 8 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN AND AGENCY PLAN

WHEREAS, the James City County Office of Housing and Community Development has been designated as the Public Housing Agency (PHA), VA-041, and authorized to operate the Section 8 Housing Choice Voucher Program within James City County; and

WHEREAS, a **PHA** which operates the Section 8 Housing Choice Voucher Program must adopt an Administrative Plan which states local policies on matters for which the **PHA has** discretion; and

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 **created the** Public Housing Agency Five-Year and Annual Plan (Agency Plan) requirement; and

WHEREAS, the Office of Housing and Community Development has prepared the Administrative Plan and the Agency Plan and provided opportunities for public review and comment in accordance with U.S. **Department** of Housing and Urban Development (HUD) regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the Administrative Plan for the Section 8 Housing Choice Voucher Program dated June 25, 2002, authorizes the submission of the Administrative Plan and the Agency Plan to HUD, and authorizes the Chairman of the Board of Supervisors to execute the **PHA** Certifications of Compliance with the **PHA** Plans and Related Regulations form.

#### H. PUBLIC HEARINGS

##### 1. Case No. SUP-11-02, Kristiansand Sewer Extension

Ms. Karen Drake, Planner, stated that Mr. Danny **Poe**, on behalf of the James City Service Authority, applied for a special use permit to allow the **construction** of 2,000 feet of gravity sewer mains and lateral connections within the Kristiansand development **zoned** R-2, General Residential, and located within the Kristiansand development including **portions** of Nina Lane, Troll's Path, Viking Road, and **Haradd** Lane, further identified as Parcel No. (1-51A) on James City County Real Estate Tax Map No. (23-2).

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

The Planning Commission, at its meeting on June 3, 2002, voted unanimously to recommend approval of the special use permit.

Staff recommended the Board approve the special use permit with conditions

The Board and staff held a discussion regarding the impacts of this permit request on the previously issued special use permit and time limits on the special use permits.

The Board and staff held a brief discussion **regarding** the connection fees for residents in Kristiansand and the circumstances prompting this initiative.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy closed the Public **Hearing**

Mr. **McGlennon** made a motion to adopt the resolution.

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

## RESOLUTION

### CASE NO. SUP-11-02. KRISTIANSAND SEWER EXTENSION

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 extension of public sewer **services** is a specially permitted use in the R-2, General Residential, **zoning** district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 3, 2002, recommended approval of Case No. SUP-11-02 by a vote of 7 to **0** to permit the extension of public sewer services to a portion of the **Kristiansand** subdivision within Virginia **Department** of Transportation right-of-way, the James City **Service** Authority (JCSA) easements or on JCSA property located at 201 **Haradd** Lane further identified as Parcel No. (1-51**A**) on James City County Real Estate **Tax** Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 11-02 as described herein with the **following** conditions:

1. Construction, operation, and maintenance **of the** sewer extension shall comply with all local, State, and Federal requirements.
2. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
3. For sewer construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and **future** results of the proposed sewer extension not create adverse effects on the public health, safety, comfort, or convenience, or value of the surrounding property and uses thereon.
4. Vehicular access to all residences **along** the **affected** right-of-ways, **including** Nina Lane, Troll's Path, Viking Road, and Haradd Lane, shall be maintained at **all** times.
5. All construction activity on the sewer extension shall occur between **7:00 a.m.** and **5:00 p.m.**, Monday through Friday.
6. The applicant shall avoid removing tree and bushes along the sewer extension corridor, except as shown on the approved site plan. Trees and bushes damaged during construction shall be replaced with a tree or bush of equal type as approved by the Planning Director.

7. Start of construction, **as** defined in the James City County Zoning Ordinance, shall have commenced within 24 months **of this** special use permit approval, or the **permit** shall be void.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. An Ordinance to Amend **Chapter 20** of the James City **County** Code to Provide a Tax on Local Telecommunication **Service**

Mr. John E. McDonald, Manager of Financial and Management **Services**, stated that Section 20-25 **of the** Code of James City County, Virginia, **as** authorized **by** the Code of Virginia, would establish a tax, per month, not to exceed \$1.20 on telecommunications services known as a Consumer Utility Tax. Section 20-70 and 20-71 of the Code of James City County, Virginia, and would reduce the current E-911 tax from \$2.20 per month to **\$.75** per month.

Mr. McDonald stated that this item was not properly advertised and requested the Board hold a public hearing for those in attendance, and then staff will re-advertise the Ordinance amendment for the Board's meeting on July 23.

The Board and staff held a brief discussion on the revenue neutral tax proposal.

Mr. Kennedy opened the Public Hearing

1. Mr. Jay **Everson**, 103 **Branscome** Boulevard, stated concern for a cellular tax on County residents who cannot get cellular service within the County.

As no one else wished to speak, Mr. **Kennedy** closed the Public Hearing. At the request of staff the Board agreed not to take any action until after holding the Public Hearing on July 23.

3 A **Ordinance** t **m** d **Chapter 1. General Provision Section 1** **of the James City County Code by Providing a Courthouse Fee on Criminal and Traffic Cases**

Mr. Leo P. Rogers, Deputy County Attorney, stated that effective July 1, 2002, **if the** Ordinance is adopted, a \$5.00 fee will be imposed as part **of the** costs for each criminal or **traffic** case in the local district or circuit courts where the defendant is convicted. The **funds** would then be disbursed to the **Sheriff's** Office to fund courthouse security. Additionally, a \$25.00 processing fee **will** be imposed following a conviction in the local district or circuit courts for an individual admitted to a **county**, city, or regional jail. These funds will be disbursed to the Sheriff's Office to **defray** the cost of processing persons into the jail.

Mr. Rogers stated that the \$5.00 fee would expire on July 1, 2004, unless reauthorized by the General Assembly and readopted by the Board of Supervisors.

Mr. Kennedy opened the Public Hearing

1. Mr. Ed **Oyer**, 139 Indian Circle, stated support for this initiative **with** an expiration date if not reauthorized and adopted.

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

Mr. **Goodson** made a motion to adopt the Ordinance.

On a roll call vote, the vote **was**: AYE: McGlennon, Brown, **Goodson**, Kennedy (4). NAY: Harrison (1).

4. An Ordinance to Amend Section 20-13.5 of the James City County Code by Providing an Exemption from Personal Property Tax for Specially Equipped Motor Vehicles

Mr. Richard Bradshaw, Commissioner of the Revenue, stated **that the** proposed Ordinance will expand the exemption clause on personal property taxes on specially equipped vehicles for disabled persons. The Commissioner of the Revenue will make a determination as to which vehicles qualify for the exemption based on the definition of "disabled" provided in the State Code.

Mr. **Goodson** stated concern about potential abuse of the exemption due **to the** vagueness of the Ordinance language in reference to "disabled."

Mr. Bradshaw stated that there are assurances in place for the handicapped designation.

Mr. McGlennon inquired what the potential fiscal impact would be to the County.

Mr. Bradshaw stated that the impacts will be nominal as only 64 vehicles are currently exempted and **staff** anticipates only a few additional vehicles to qualify with the proposed **Ordinance**.

Mr. Kennedy opened the Public **Hearing**.

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

Mr. McGlennon made a motion to adopt the Ordinance.

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

5. An Ordinance to Amend Chapter 13 of the James City County Code: Driving Automobiles. Etc.. While Intoxicated or Under the Influence of Any Drug

Mr. Leo Rogers, Deputy County Attorney, stated that County police are charging traffic **offenders** under the County Code which must be amended to reflect the State's changes to the applicable Driving While Intoxicated and **traffic** laws. The proposed Ordinance incorporates by reference the 202 amendments made by the General Assembly to Chapter 13.

Mr. Kennedy opened the Public Hearing

As no one wished to speak, Mr. **Kennedy** closed the Public Hearing.

Mr. McGlennon made a motion to adopt the Ordinance

Mr. **Goodson** inquired about the procedures for State Police charging vs. County Police charging under the Codes.

Mr. Rogers stated that the County charges fall under the County Code, and State Police charges fall under the **Code** of Virginia.

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

1. BOARD CONSIDERATION

1. 2002 Greenway Master Plan

Mr. Needham S. Cheely, III, Director of the Division of Parks and Recreation, stated that over the past 16 months, staff and the **Greenway** Steering committee, Citizen Advisory Group, Parks and Recreation Advisory Commission, and various other interested groups have been working to produce the 2002 **Greenway** Master Plan.

Mr. Cheely stated that citizen input was gathered throughout the process **from** public meetings, focus groups, direct mailings, newspaper articles, **etc.**, and the proposed plan incorporates those ideas and concerns.

Staff recommended approval of the 2002 **Greenway** Master Plan, action plan, and maps

Mr. McGlennon made a motion to adopt the items.

Mr. Brown stated concern about encumbering a one-cent on the Real Estate **Tax** rate to a specific initiative such as this Plan at this time.

Mr. Kennedy stated support for Mr. Brown's statement and suggested that initiative be discussed during the next budget cycle.

The Board and staff discussed the funding mechanism for the proposed Plan.

Mr. Brown made a motion to amend the resolution to include a statement that states:

"Wow, Therefore Be It Further Resolved that the funding of **greenway** and trail capital improvement projects will be considered within the context of future James City County annual budget prioritizations."

(1). On a roll call vote, the vote was: AYE: Brown, **Goodson**, Harrison, Kennedy (4). NAY: McGlennon

Mr. Kennedy requested a roll call vote on the motion to adopt the amended resolution.

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

RESOLUTION

2002 GREENWAY MASTER PLAN

WHEREAS, the Board of Supervisors appointed the **Greenway** Steering Committee in March 2001 to take an active role with staff in the development and review of technical information for the **Greenway** Master Plan; and

WHEREAS, the **Greenway** Steering Committee worked 12 months to prepare the Plan, endorsed the **Greenway** Master Plan with the Action Plan funding mechanism and maps; and

WHEREAS, the James City County Parks and Recreation Advisory Commission, following a public hearing

on the Plan, endorsed the **Greenway** Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the 2002 **Greenway** Master Plan.

NOW, THEREFORE, BE IT **FURTHER** RESOLVED that the funding of **greenway** and trail capital improvement projects will be **considered** within the context of future James City County annual budget **prioritizations**.

**J. PUBLIC COMMENT** -None

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner **recommended** the Board recess briefly for a Board of Director's meeting, then rewnvene to go into closed session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to wnsider the acquisition of parcels of property and Section 2.2-2711 (A) (1) of the Code of Virginia to consider the appointments of individuals to County Boards **and/or** Commissions, following which the Board adjourn until 7 p.m. on **July 9, 2002**.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. **Goodson** requested information on the feasibility of elimination of the County decal as Virginia Beach is doing.

Mr. Kennedy and Mr. **McGlennon** requested a condensed data sheet for distribution regarding the **odd/even** watering restrictions or a similar simple sheet for citizens to reference.

Mr. **McGlennon** inquired as to how many citations have been issued in connection with the watering restrictions.

Mr. Bob Smith, Assistant General Manager of the James City Service Authority, **stated** that 47 first warnings have been issued, and 62 requests have been made for the 60-day exemption.

Mr. Kennedy recessed the Board for a brief break at 8:17 p.m.

Mr. Kennedy reconvened **the** Board at **8:26** p.m.

**M. CLOSED SESSION**

Mr. **Harrison** made a motion to go into closed session pursuant to section 2.2-3711 (A) (3) **of the** Code of Virginia to consider the acquisition of parcels of property, and Section 2.2-3711 (A) (I) of the Code of Virginia to consider the appointments of individuals to County Boards **and/or** Commissions.

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

Mr. Kennedy convened the Board into closed session at **8:27 p.m.**

At **9:05** p.m. Mr. Kennedy reconvened the Board into open session.

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

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

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

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

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

Mr. **McGlennon** made a motion to reappoint Steven **Wigley** and to appoint Katherine Preston to the Historic Triangle Bicycle Advisory Committee for three-year terms, terms to expire on **June 24, 2005**; to reappoint John McDonald to a four-year term on the Middle Peninsula Juvenile Detention Commission, term to expire on July 1, 2006; and to appoint L. Carlyle Ford to the Agricultural and Forestal District Advisory Committee.

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

The Board and staff discussed shared service opportunities with the Schools.

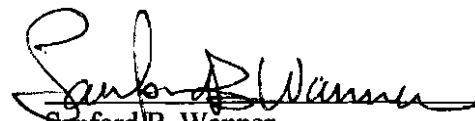
**N. ADJOURNMENT**

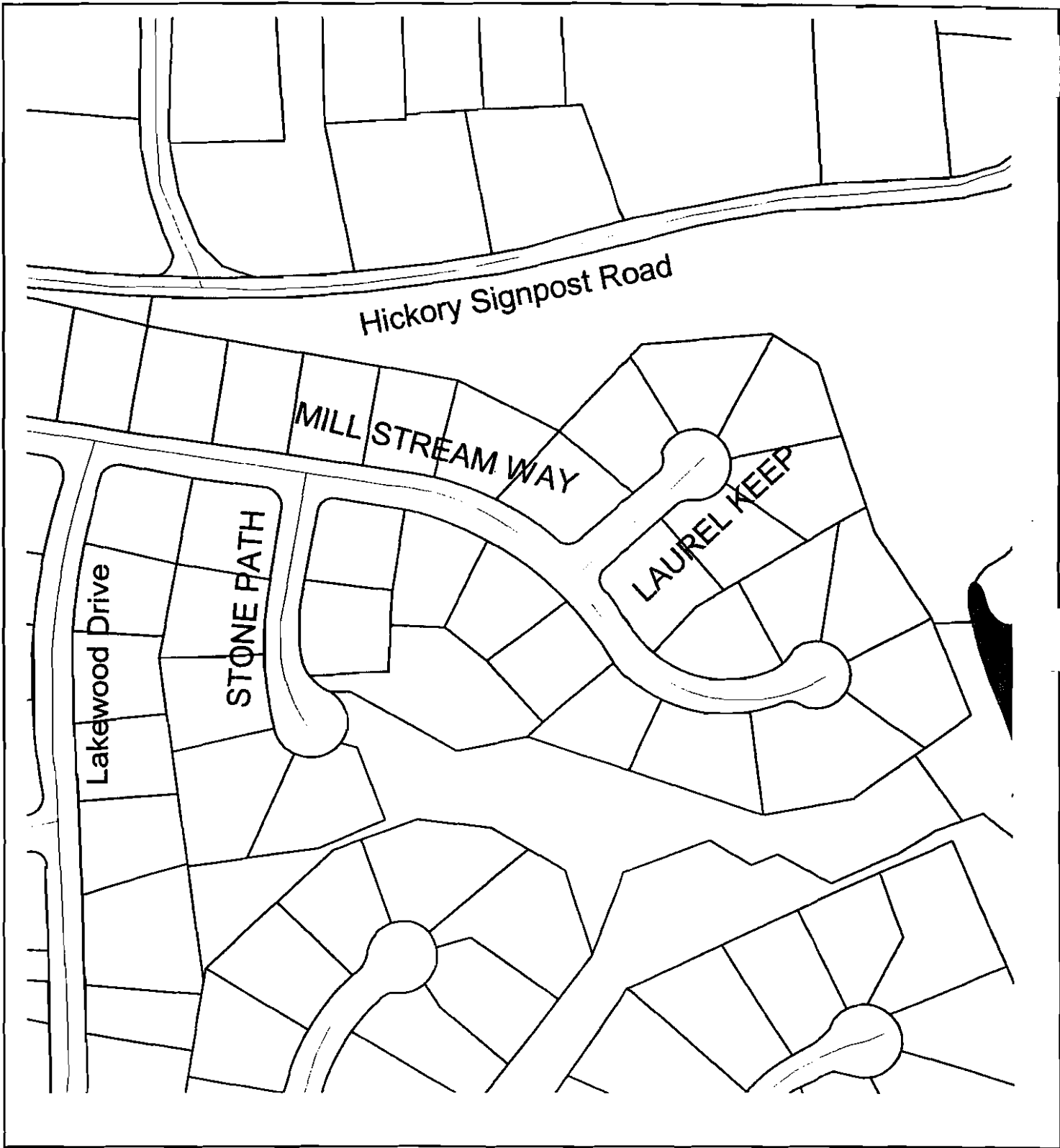
Mr. Kennedy requested a motion to adjourn until 7 p.m. on July 9, 2002

Mr. **McGlennon** made a motion to adjourn.

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

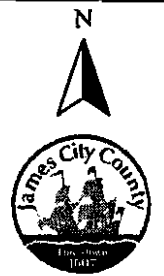
Mr. Kennedy adjourned the Board at **9:40 p.m**

  
Sanford B. Wanner  
Clerk to the Board



# DEDICATION OF STREETS IN SETTLERS MILL, SECTION 6

 Streets Being Dedicated





## In the County of James City

By resolution of the governing body adopted **June 25, 2002**

The following Form SR-5A is hereby **attached and incorporated as part of the governing body's resolution** for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):



### Report of Changes in the Secondary System of State Highways

Form SR-5A  
Secondary Roads Division 5/1/99

**Project/Subdivision**

**Settler's Mill, Section 6**

**Type of Change: Addition**

The following **additions** to the Secondary System of State **Highways**, pursuant to the statutory **provision** or provisions cited, are **hereby** requested, the right of way for **which**, including additional easements for **drainage** as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

**Route Number and/or Street Name**

**Mill Stream Way, State Route Number 1695**

**Description: From** W 1694 (Lakewood Drive)

**To:** Rt 1699 (Stone Path)

A distance of: **0.06** miles.

Right of Way Record: **Filed** with tile Land Records **Office** on 05/18/2002. Plat Book 73. Pages 13-15, with a width of 50'

**Description: From:** Rt 1699 (Stone Path)

**To:** Rt 1687 (Laurel Keep)

A distance of: **0.08** miles.

Right of Way **Record:** Filed with **the** Land **Records** Office on 05/18/2002, Plat Book 73. Pages 13-15, with a width of 50'

**Description: From** Rt 1687 (Laurel Keep)

**To:** **Cul-de-sac**

A distance of: **0.15** miles.

**Right of Way Record:** Filed with the Land **Records Office** on **05/18/2002**, Plat Book 73. Pages 13-15. **with** a width of 50'

**Laurel Keep, State Route Number 1687**

**Description: From** Rt 1695 (Mill Stream Way)

**To:** **Cul-de-sac**

A distance of: **0.05** miles.

Right of Way Record: Filed with the Land Records Office on **05/18/2002**, Plat Book 73. Pages 13-15, with a width of 50'

**Stone Path, State Route Number 1699**

**Description: From:** Rt 1695 (Mill Stream Way)

**To:** **Cul-de-sac**

A distance of: **0.07** miles.

Right of Way **Record:** Filed with the Land Records **Office** on **05/18/2002**, Plat Book **73**, Pages 13-15. with a width of 50'

ADOPTED

JUN 25 2002

ORDINANCE NO. 156A-9

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 AMENDING SECTION 1-13. COURTHOUSE FEE.

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 amending Section 1-13, Courthouse maintenance; court security and jail processing fees.

Chapter 1. General Provisions

Sec. 1-13. Courthouse fee ~~maintenance, court security and jail processing fees.~~

(a) A fee of 52.00 shall be assessed and imposed as part of the costs incident to each civil action and each criminal and/or traffic case in the district or circuit courts ~~for the City of Williamsburg and County of James City.~~ This fee shall be in addition to all other fees prescribed by law. The clerk of the court shall remit fees collected under this section to the treasurer of the county. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors for the construction, renovation or maintenance of the courthouse, jail or court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

(b) ~~A fee of \$5.00 shall be assessed as part of the costs incident to each criminal or traffic case prosecuted in the district or circuit courts for the City of Williamsburg and County of James City in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard and shall be remitted to the treasurer of the county. The~~

Ordinance to Amend and **Reordain**  
 Chapter I. General **Provisions**  
 Page 2


*treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors to the county sheriff's office for the funding of courthouse security personnel. The provisions of this subsection shall expire on July 1, 2004*

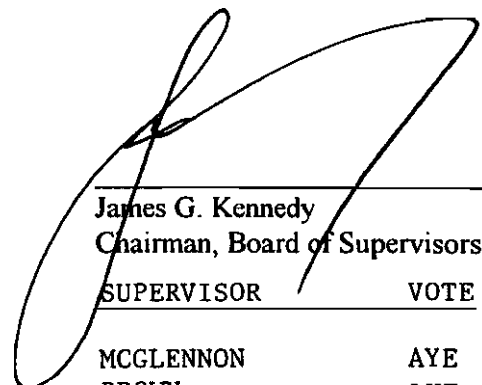
*(c) A processing fee of \$25.00 shall be assessed by the district and circuit courts for the City of Williamsburg and the County of James City on any individual admitted to a county, city or regional jail following conviction in such court. Such fee shall be ordered as apart of court costs collected by the clerk, deposited into the account of the county treasurer. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors to the sheriffs office to defray the costs of processing arrested persons into the local or regional jails.*

State law reference-Assessment for courthouse construction, renovation or maintenance as part of fees incident to criminal or traffic cases, Code of Va., § 17.1-281; § 53.1-120 and § 15.2-1613.1.

This ordinance shall become effective July 1, 2002.

ATTEST:

  
 Sanford B. Wanner  
 Clerk to the Board

  
 James G. Kennedy  
 Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	NAY
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of June, 2002.

ADOPTED

JUN 25 2002

ORDINANCE NO. 107A-39

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. BY AMENDING SECTION 20-13.5, EXEMPTION FROM PERSONAL PROPERTY TAX FOR SPECIALLY EQUIPPED MOTOR VEHICLES.

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 20-13.5. Exemption from personal property tax for specially equipped motor vehicles.

Chapter 20. Taxation

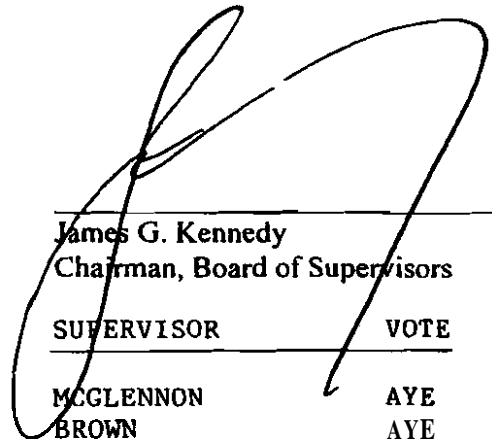
Article III. Personal Property Tax

Section 20-13.5. Exemption from personal property **tax** for **specially** equipped motor vehicles.

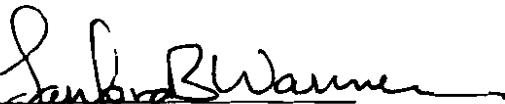
(a) Motor vehicles specially equipped to provide transportation for physically handicapped individuals shall be exempt from personal property taxation if such motor vehicle is licensed with special plates pursuant to section 46.2-73<sup>1</sup> of the Code of Virginia, as **amended**; ~~or the owner of the vehicle demonstrates to the commissioner of the revenue that the vehicle is regularly used to transport a person who is disabled, as defined in Virginia Code Section 58.1-3506.3, as amended, and that such disabled person resides in the household of the vehicle owner.~~

**State law reference - Code of Va. § 58.1-3506.1.**

Ordinance to Amend and Reordain  
Chapter 20. Taxation  
Page 2

  
\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of June,  
2002.

ADOPTED

JUN 25 2002

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 66A-47

AN ORDINANCE TO AMEND AND **REORDAIN** CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES **CITY**, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, **DRIVING** AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors **of the** County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and **reordained** by amending Article I, In General, Section 13-7, Adoption of state law; and Article **II**, Driving Automobiles, etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of state law, generally.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and in force on July 1, ~~2001~~ 2002, except those provisions and requirements the violation of which constitutes a felony and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable

Ordinance to Amend and **Reordain**  
 Chapter 13. Motor Vehicles and Traffic  
 Page 2

within the county. Such provisions and requirements are hereby adopted, **mutatis mutandis, and made a part** of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.

State law reference -Authority to adopt state law on the subject, Code of Va., § 46.2-1313

Article II. Driving Automobiles, Etc., While Intoxicated  
 or Under the **Influence** of any Drug

**Sec.** 13-28. Adoption of state law, generally.

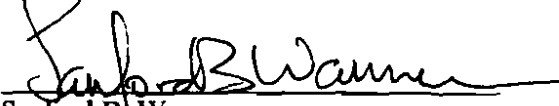
Article 9 (section **16.1-278 et seq.**) of Chapter 11 of Title 16.1 and Article 2 (section 18.2-266 et seq.) of chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, ~~2001~~ 2002, are hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be **unlawful** for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

State law reference - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

Ordinance to Amend and Reordain  
Chapter 13. Motor Vehicles and Traffic  
Page 3

This Ordinance shall become effective on July 1, 2002.

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of June, 2002.