

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF APRIL, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Aaliyah Lyttle, Timothy Lopez, Lindsey Cronk, DeAsia Frazier, Alex Podyaced, and Tony Anderson, Members of the Grove Community Partnership Youth Soccer Teams, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated the "Yield on Green" signsposted at the intersection of Monticello Avenue (Route 321) and Ironbound Road (Route 615) for left-hand turns on green has reduced traffic congestion at the intersection; stated that the traffic signal project at the intersection of Airport Road (Route 645) and Mooretown Road (Route 603) will be completed this week; stated that due to the increased traffic levels along Route 60 in Norge, a traffic signal has been installed at Norge Elementary School; and stated that traffic signals have been installed at the intersection of Sandy Bay Road (Route 681) and Jamestown Road (Route 31) to handle the increasing traffic volumes and that the timing of the lights will be monitored for appropriate adjustments.

Mr. Hicks stated that construction has begun along Ironbound Road (Route 615) between Sandy Bay Road (Route 681) and Jamestown Road (Route 31) in preparation of improvement work to the road and advised that residents may have to take alternative routes to their residents while construction is underway.

Mr. Hicks requested a meeting be set up between the Board members and VDOT for an overview of the plan and anticipated community impacts of the 1-64 overlay project that will take place over the next few years and stated that the overlay work will occur during the late evening hours and all lanes will be open during the day.

Mr. Hicks stated that the Cranston's Mill Pond Road (Route 632) guard rail was not warranted, however, the curve will be lined with traffic guides and he would provide the Board with status reports on the improvement.

Mr. McGlennon inquired how long the Ironbound Road (Route 615) improvement project between Sandy Bay Road (Route 681) and Jamestown Road (Route 31) is anticipated to last.

Mr. Hicks stated the contract is slated to end in late June, however, VDOT anticipates the project may be completed by the end of May; and thanked the residents along Ironbound Road for their input and support of the project.

Mr. McGlennon thanked Mr. Hicks for the management approach and one-on-one effort to speak with the homeowners along Ironbound Road to gain their cooperation in the project.

Mr. McGlennon requested drainage ditches along Jamestown Road (Route 31) near the Kingswood subdivision and along Spring Road (Route 1401) and Oxford (Routes 718 and 727) be maintained to get water flowing better.

Mr. McGlennon inquired if Brandon Circle (Route 627) could be repaired,

Mr. McGlennon requested potholes and drainage ditches along Lake Powell Road (Route 618) near the Gospel Spreading Church be repaired.

Mr. Hicks stated that a system is being implemented that will be more responsive to citizens and Board issues regarding drainage ditches. The system, a matrix, will prioritize concerns within each district and VDOT will provide monthly reports on the issues as part of the Board's agenda. The matrix will allow VDOT to focus on citizen calls concerning drainage **concerns**, provide citizens with repair time frames, tracking of repair work, and accountability for repair work.

Mr. Bradshaw thanked Mr. Hicks for the work on Cranston's Mill Pond Road (Route 632) and for the stoplight at the Norge Elementary School.

E. PUBLIC COMMENT

1. Mr. **Hugh Gouldman**, 3020 Sweet Gum Lane, stated concern that there is no reference in the proposed Budget for funding the radio system maintenance and recommended funding the maintenance and repairs with a bond or lease purchase.

2. Mr. Ed Oyer, 139 Indian Circle, stated a series of **homes** in Hampton Roads were consumed by fire from flames from a neighboring unit due to the proximity of each unit and requested the Board enact zoning requirements to keep standards adequate to prevent such incidents; and stated that in 1996 citizen's spoke against a proposed emergency medical transport fee and inquired why staff felt that citizen attitudes have changed regarding this fee.

F. CONSENT CALENDAR

Mr. Harrison made a motion to adopt the items on the Consent Calendar

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

1. Carry Forward Funds - Colonial Narcotics Enforcement Task Force

R E S O L U T I O N

CARRY FORWARD FUNDS -

COLONIAL NARCOTICS ENFORCEMENT TASK FORCE

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional enforcement program known as the Colonial Narcotics Enforcement Task Force; and

WHEREAS, the Colonial Narcotics Enforcement Task Force has \$1,594 in carry forward funds from FY 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby makes the following appropriation to the FY 2004 General Fund Budget:

Revenue:

Carry Forward Funds (001-390-0700) \$1,594

Expenditure:

Police Department (001-062-0395) \$1,594

2. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Richard B. Prince, III

R E S O L U T I O N

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

CIVIL CHARGE - RICHARD B. PRINCE, III

WHEREAS, Richard B. Prince, III, is the owner of a certain parcel of land, commonly known as 9206 Diascund Road, designated as Parcel No. (02-40) on James City County Real Estate Tax Map No. (1-33), hereinafter referred to as the ("Property"); and

WHEREAS, on or about December 4, 2003, approximately 750 square feet of the Resource Protection Area on the Property was graded and the native vegetation was removed; and

WHEREAS, Richard B. Prince, III, agreed to a Restoration Plan to replant six trees and six shrubs on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, Richard B. Prince, III, has agreed to pay \$750 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation

Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$750 civil charge from Richard B. Prince, III, as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

G. PUBLIC HEARINGS

Ms. Suzanne Mellen, Director of Budget and Accounting, without an objection from the Board, requested that the Board concurrently hold the Public Hearings for the next six budget related items on the Board's agenda.

1. FY 2005 - 2006 County Budeet
2. An Ordinance to Amend and Reordain Chapter 3 Animal Control of the Code of the County of James City, Virginia, by Amending Article III, Dog Licenses, Section 3-48, Annual Fee: and on Dogs and Kennels; and Section 3-49. Annual Doe License Fee: Exemption for Certain Dogs
3. An Ordinance to Amend and Reordain Chapter 4. Building Regulations. of the Code of the County of James City, Virginia. by Amending Article I. Virginia Uniform Statewide Buildine Code, Division 2. Permit and Inspection Fees. Section 4-8. Generally
4. An Ordinance to Amend and Reordain Chapter 8, Erosion and Sediment Control. of the Code of the County of James City, Virginia, by Amending Section 8-5, Permits, Fees, Bonding, et
5. 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, Health and Sanitation, Sections 11-14, County R Containers
6. An Ordinance to Amend and Reordain Chapter 20. Taxation, of the Code of the County of James City, Virginia, by Amending Article V. Special Tax for Enhanced 911 Emergency Telephone System. Section 20-25. Tax Imposed

Ms. Mellen provided an overview of the proposed FY 2005-06 Budget and Ordinance changes as well as the County's fiscal goals for FY 2005-06.

Mr. McGlennon inquired if staff would be able to bring forward the implications of the General Assembly action on the State Budget by May 11 when the Board is scheduled to adopt the FY 2005 County Budget.

Ms. Mellen stated that staff would keep the Board informed of any budgetary actions at the State level.

Mr. Goodson opened the Public Hearings.

1. Mr. Robert Dunn, 3318 Running Cedar Way, stated support for a two cent reduction in the Real Estate Tax Rate and commented on the rapidly increasing assessment levels of real estate over the past few years.

2. Mr. John McCrimmon, 810 Colonial Avenue, Executive Director of the Retired and Senior Volunteer Program (RSVP), commented that the RSVP has provided volunteers to the County at a fiscal contribution level equivalent to \$2,000 per year, and requested additional funding from the County to assist in RSVP's continued service to the County through its volunteers.

3. Mr. Andrei (Andy) K. Helms, 105 William South, stated concern at the increasing amount of money paid by residents, especially those on fixed incomes for real estate taxes due to the escalating assessment rates and requested the Board support the proposed rate reduction for property taxes.

4. Ms. Lynne Christensen, Executive Director of the Heritage Humane Society, requested funding in the amount of \$374,000, which is currently over and above the amount in the proposed County Budget, for a co-located animal control/animal shelter; stated that the necessity for a co-located shelter is a public safety issue and the funding will cover space, care, and equipment for the animals; and stated that the Heritage Humane Society looks forward to continuing the partnership with the County and thanked the Board for its consideration of the requested funding amount.

5. Mr. Richard Streko, 6061 Allegheny Road, stated support for the proposed Real Estate Tax reduction and requested the Board consider increasing the Property Tax Exemption level to \$40,000; and stated that he did not see any reason for the proposed third high school and recommended that the Schools add onto the existing school structures.

6. Mr. Lafayette Jones, Jr., 102 Flintlock Road, requested additional funding for the proposed Freedom Park and provided an overview of the history of the Park site and its potential benefit to the County as a revenue generator.

7. Ms. Vickie Martin, 4808 Powner Court, James Blair Middle School PTA President, stated that James Blair Middle School is not receiving adequate funding from the Schools, that parents have purchased supplies for students to perform class work, commented that James Blair Middle School has the highest percentage of low-income family students on free/reduced lunches, and stated that the students need to be embraced and special needs addressed in the classrooms. Ms. Martin requested additional funding for the Schools to cover staffing and supply needs, and to provide SOL assistance for students.

8. Ms. Beth Hall, 3440 Hunter's Ridge, commented on the special needs of students at James Blair Middle School, commented on the stretched resources available to James Blair Middle School classes; and requested the Board allocate funds for equal opportunities for all students in the School system and especially for James Blair Middle School to cover adequate staffing, materials, equipment, and supplies.

9. Ms. Laura Holmes Jost, 2640 Jockey's Neck Trail, requested the Board support the proposed reduction in the Real Estate Tax Rate and commented that the proposal is reasonable because the revenue will still increase as a result of the assessment levels.

10. Mr. Mike Ludwick, 4493 Village Park Drive West, commented that with the additional funding needed to fully fund the School's Budget and prepare for a proposed third high school facility, the Board should not support a reduction in the Real Estate Tax Rate. By keeping the tax rate at its \$.86 current level, growth will not be encouraged as much as it would be if the tax rate was lowered.

Mr. Ludwick presented a \$20 check to the Board representing the difference between \$.86 and the proposed \$.85 for one year, and stated that he would prefer that the \$20 was allocated to the Schools than to him as a reduction in taxes.

11. Mr. Ben Altshuler, 222 Virginia Avenue, commented on the necessity of public transportation in the community, recommended the formation of a citizen committee to identify potential

users and funding sources for the Williamsburg Area Transport (WAT), and stated that the more frequent and reliable the transport service is, the more it will be utilized.

12. Ms. Holly Noel Wagner, 104 Evergreen Way, stated that she is a parent of a student at Clara Byrd Baker Elementary School, stated that they moved to Williamsburg because of the quality of area schools, and request the Board fully fund the School's Budget.

13. Mr. Bill Bryant, 4985 Hickory Sign Post Road, commended the County and WAT for improving public transportation service, stated opposition to the proposed increase in fare rates because of the effects it will have on existing riders; requested the Board consider alternatives to fare increases including modest advertising on busses to reduce expenditures and targeting a larger audience, supported the proposal for a citizen committee on public transportation; and encouraged the Board not to support a fare rate increase.

14. Ms. Holly Flood, 121 Chanco Road, stated support for the Board's initiative to fully fund the Libraries and ask the Board to fully fund the School's Budget as a vital community service.

15. Mr. Bob Warren, 104 Gullane Sheet, commented that he perceived that the Commonwealth is following in the footsteps of California where that State has outsourced jobs and the disposable income of retirees has become squeezed, and citizens are relocating out of California. He stated that when localities cut taxes they help people stay; and requested the Board support the Real Estate Tax Rate reduction.

16. Mr. Theodore Allen, 5668 Centerville Road, requested the Board put back expenditures cut out of the Proposed Budget and keep the Real Estate Tax Rate at the current level, sustain the current fare rates of WAT, fund the proposed Freedom Park, and reestablish the County's depleted disaster fund.

17. Mr. Michael Lewis, 110 Rich Neck Road, requested the Board deny the proposed reduction in tax rate and utilize the funds to support the existing needs of the community and in the Proposed Budget.

18. Mr. Frank Tsuhas, 6264 Glenwilton Lane, stated opposition to the proposed rate increases of WAT, commented on the potential adverse impact on residents, the disabled, and visitors if the rate increase is approved; and suggested a nominal charge be assessed to students riding on the public transportation. Mr. Tsuhas also recommended that instead of funding one more Planner position to handle the backlog in that Division, the Board decrease the complication and requirements of the approval process. Mr. Tsutras commented on the bureaucracy of the County processes and how it is negatively impacting the County.

19. Mr. Ed Oyer, 139 Indian Circle, stated concerns about some of the figures mentioned in the Proposed Budget including debt service, tax rates and fees, and funding for the purchase of an ambulance; and stated concern that the amount of expenditure in the County's Budget is not directly proportionate to the population increase in the County.

20. Mr. Kevin Walsh, 108 Puffin Lane, commented that government should raise funds at the same rate as inflation, that government spending should be in keeping with inflation, and stated support for the reduction in the Real Estate Tax Rate.

21. Mr. Chris Henderson, 101 Keystone, stated support for the proposed reduction in the tax rate and encouraged economic development in the County; suggested that economic development in the County flounders because of the frustration of businesses in their inability to locate in the County due to regulatory constraints; recommended the Board proactively rezone key areas for commercial development, and recommended the promotion of new business in the County.

As no one else wished to speak to these matters, Mr. Goodson closed the Public Hearings.

Without Board objection, Mr. Goodson deferred the cases until May 11, 2004.

7. Offer and Conveyance of a Portion of Properties Located at 6450 Centerville Road and 5700 Warhill Trail to the State Board for Community Colleges

Mr. Wanner presented a resolution offering a 73.46-acre portion of the Warhill Tract to the State Board for Community Colleges as the location for the Historic Triangle Campus of the Thomas Nelson Community College (TNCC).

Mr. Wanner stated that adoption of the resolution is the first step in the process of transferring the 73.46 acres to the State Board for Community Colleges.

Mr. Goodson opened the Public Hearing.

1. Mr. Dick Calver, 5509 North Mallard Run, representative of the TNCC, thanked the Board on behalf of State Board for Community Colleges and TNCC for recognizing the benefits of having a TNCC presence in the County, the benefits to the citizens of the educational and economic value to the community, and requested consideration in the modifying and configuration of site boundary adjacent to County property.

Mr. Goodson stated that the Board looks forward to working with TNCC in the development of the Historic Triangle Campus.

2. Mr. Ben Alshuler, 222 Virginia Avenue, City of Williamsburg, inquired about the location of the proposed new campus.

Mr. Wanner provided a brief explanation to its location and stated the property is owned by the County, the County is offering a portion of tract to TNCC and another portion could be offered to the Williamsburg/James City County School Division dependent upon the success of a referendum in the fall.

Mr. Alshuler recommended that the portion of tract offered to the College should be located further in-site to alleviate traffic concerns associated with a juvenile student body at the potential high school facility and a cultural center.

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

Mr. Harrison made a motion to adopt the resolution

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

RESOLUTION

OFFER AND CONVEYANCE OF A PORTION OF PROPERTIES LOCATED AT 6450

CENTERVILLE ROAD AND 5700 WARHILL TRAIL TO THE STATE BOARD FOR

COMMUNITY COLLEGES

WHEREAS, James City County currently owns a certain parcel containing approximately 67.7 acres located at 6450 Centerville Road in the Powhatan District, designated as Tax Parcel No. 3210100013, and currently owns a certain parcel containing approximately 521.7 acres

located at 5700 Warhill Trail in the Powhatan District, designated as Tax Parcel No. 3210100012; and

WHEREAS, the State Board for Community Colleges, on behalf of Thomas Nelson Community College, has indicated a desire to acquire a portion of the properties located at 6450 Centerville Road and 5700 Warhill Trail, for the purpose of constructing the new Historic Triangle Campus; and

WHEREAS, James City County desires to convey to the State Board for Community Colleges a portion of the aforementioned properties, said portion consisting of approximately 73.46 acres and further described in accordance with that certain plat made by AES Consulting Engineers dated April 14, 2004, entitled "Plat Showing Boundary Line Adjustment and Boundary Line Extinguishment Between Parcel 1 And Parcel 2, Warhill Tract and Subdivision Of Parcel 3 & Parcel 4 Warhill Tract," said parcel to be conveyed labeled as "Adjusted Parcel 2" and hereafter referred to as the "Campus Parcel"; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should offer to convey the Campus Parcel by Deed of Gift to the State Board for Community Colleges, with actual conveyance subject to acceptance of the offer by the State Board for Community Colleges with approval by the Governor, and subject to the Board of Supervisors approval of a Dedication Agreement between James City County and the State Board for Community Colleges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct Sanford B. Wanner, County Administrator, to offer to convey by Deed of Gift the aforementioned Campus Parcel to the State Board for Community Colleges to be utilized for the purpose of constructing the new Historic Triangle Campus.

BE IT FURTHER RESOLVED that the Board of Supervisors does hereby authorize and direct Sanford B. Wanner, County Administrator, to execute a deed and any other documents required to convey by Deed of Gift the Campus Parcel to the State Board for Community Colleges on behalf of Thomas Nelson Community College, such conveyance being subject to acceptance of the offer to convey by the State Board for Community Colleges with the approval by the Governor, and subject to the Board of Supervisors of James City County approval of a Dedication Agreement between James City County and the State Board for Community Colleges.

8. Case No. SUP-15-04. Lafayette High School Temporary Classroom Trailers

Mr. Matthew Arcieri, Planner, stated that Bruce Abbott of AES Consulting Engineers applied on behalf of Williamsburg-James City County Public Schools to allow the placement of two temporary classroom trailers at Lafayette High School, 4460 Longhill Road, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3). The two temporary classroom trailers will be used to merge the Child Development Resources (CDR) classes into a single location.

Mr. Goodson opened the Public Hearing.

I. Mr. Michael E. Thornton, WJCC Assistant Superintendent of Finance & Administrative Services, stated that there are restroom facilities located in the trailers to accommodate the needs of younger children.

Mr. McGlennon inquired about the placement of the trailers on the site and their proximity to the playground equipment.

Mr. **Thornton** stated that the trailers would be located within 65 feet of the CDR playground equipment.

Mr. Bradshaw inquired if the temporary classroom trailers and trailer location are acceptable to CDR.

Mr. Thornton stated that CDR has reviewed the application and the site is acceptable to them.

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

Mr. McGlennon made a motion to adopt the resolution.

Mr. Harrison requested staff and the Schools look into long-range planning with Schools for preschools to have better facilities and not trailers.

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

RESOLUTION

CASE NO. SUP-15-04. LAFAYETTE HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, temporary classroom trailers accessory to an existing school may be permitted upon the issuance of a special use permit by the Board of Supervisors; and

WHEREAS, the **Williamsburg** - James City County School Board has applied for a special use permit to allow two new temporary classroom trailers at Lafayette High School on property owned and developed by the applicant located at 4460 **Longhill** Road and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of temporary classroom trailers as described above and on the attached site location map with the following condition:

1. These permits shall be valid until July 1, 2007.

9. **Case No. SUP-24-03. James City County Communications Tower – Forge Road**

Mr. Matthew D. **Arcieri**, Planner, stated that Richard M. Miller, Fire Chief, applied for a special use permit (SUP) to construct a communications tower at 3135 Forge Road, zoned **B-1**, General Business, and further identified as Parcel No. (1-27) on James City County Real Estate Tax Map No. (12-3).

Staff found the proposal to be generally consistent with the County's Performance Standards for Wireless Communications Facilities and generally consistent with the 2003 Comprehensive Plan.

At its meeting on April 5, 2004, the Planning Commission recommended approval of the case by a vote of 7-0.

Staff recommended the Board approve the permit application with conditions.

Mr. Brown inquired about the location of the tower site near the Convenience Center and how that would impact the operation of the Convenience Center.

Mr. William C. Porter, Jr., stated that staff is looking for sites to relocate the Convenience Center to and invited public input on a possible location within a 2.5-mile radius of its current location.

Mr. Brown inquired if the property to the west of the Emergency Operations Center is an adequate site for the relocation of the Convenience Center.

Richard Miller, Fire Chief, stated that zoning and setback requirements limit the site's use and with the additional requirements from VDOT the site is not adequate, especially due to the limited line-of-site for vehicles to access the property.

Mr. Goodson inquired if the tower structure will have sufficient room for co-locations.

Chief Miller stated that the tower is insufficient in size for co-location and its only purpose is to send signals from the dispatch to the tower in **Hankins** Industrial Park and to the Landfill tower.

Mr. Harrison inquired if the site is the best and only location for the tower.

Chief Miller stated that it is ideal as it places the tower farther away off Forge Road and nearer to the tower's mechanical radio room.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution

Mr. Bradshaw stated that this tower is the final important link for the radio system; commented on the value of the system, especially to cover the dead zones in the existing system; and stated that the Board anticipates the users of the Convenience Center will be inconvenience for only a short time while an alternate site is identified.

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

RESOLUTION

CASE NO. SUP-24-03. JAMES CITY COUNTY COMMUNICATIONS TOWER -

FORGE ROAD

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, antennas and towers in excess of 60 feet in height are a specially permitted use in the B-1, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 5, 2004, recommended approval of Case No. SUP-24-03 by a 7-0 vote to permit the construction and operation of a 140-foot-tall tower as part of the James City County 800-MHz trunked radio system at the James City County Emergency Operations Center on 3135 Forge Road and further identified as Parcel No. (1-27) on James City County Real Estate Tax Map No. (12-3).

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. 24-03 as described herein with the following conditions:

1. This Special Use Permit shall be valid for a total of one tower. The maximum height of the tower shall not be greater than 140 feet. The tower site shall be developed generally in accordance with the site layout titled "Special Use Permit Plan for 140' Cellular Tower on the James City County Property" dated December 1, 2003, and revised March 19, 2004, with minor changes approved by the Director of Planning.
2. Final building design, location, orientation, and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
3. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit, or the permit shall become void.
4. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including the number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
5. The tower shall have a finish that is grey in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
6. No advertising material or signs shall be placed on the tower.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. BOARD CONSIDERATION

1. Adoption of Rules and Reaulations for Riverview Sanitary District

Mr. Larry M. Foster, General Manager of the James City Service Authority (JCSA), stated that to offset the costs of the improvements to the Riverview Water System, the Board agreed to assess a \$5,000 fee for those connecting to the acquired water system. To collect the fee, the Circuit Court Judge Samuel T. Powell signed an order establishing the Riverview Sanitary District ("District"), which empowers the Board of Supervisors to establish the rules and regulations governing the District.

Mr. Foster recommended the Board approve the resolution adopting the JCSA's Regulations Governing Utility Service as the operating guidelines for the Riverview Plantation Sanitary District with the exception of Section 32 C (1) and (2), which establish water connection fees. The guidelines for connecting to the Riverview Water System are provided in the resolution.

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

ADOPTION OF RULES AND REGULATIONS FOR RIVERVIEW SANITARY DISTRICT

WHEREAS, on March 1, 2004, the James City County Circuit Court, by order, established the Riverview Sanitary District of James City County ("District") for the purpose of improving water service to the Riverview Plantation Subdivision; and

WHEREAS, the Board of Supervisors hereby agrees to delegate the responsibility of the day-to-day operations of the District to the James City Service Authority (JCSA); and

WHEREAS, to offset a portion of the estimated \$1.2 million in costs to improve the District water system, the Board of Supervisors ("Board") has agreed to assess all current and future property owners served by the system a \$5,000 connection fee; and

WHEREAS, the District requires operating guidelines for the day-to-day administration of the water system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the JCSA's Regulations Governing Utility Service as the operating guidelines for the District excepting Sections 32 C 1 and 2, which establish water system connection fees. The Board also agrees to delegate to the JCSA the day-to-day operations of the District. The connection fees for the Riverview Plantation Water system shall be as follows:

All properties connecting to the Riverview Sanitary District Water System, including both existing customers of Riverview Plantation Water System and any future new customers shall pay a connection fee of \$5,000.

If the \$5,000 fee is not paid or arrangements are not made to pay the fee within 180 days from the date of the connection to the system, a lien shall be placed on the property for the full amount of the connection fee.

Any property owner currently connected to the Riverview Water System can, on request, enter into a payment program with the JCSA to allow deferred payments for up to 60 months at a rate of prime plus 2 percent. The rate will be recalculated on July 1 of each year if the loan has an outstanding balance.

Any property owner connecting to the water system in the future can defer payments in accordance with Section 2G of the JCSA's Regulation Governing Utility Service; current terms require 25 percent down with the balance to be paid over up to 48 months at an 8 percent interest rate.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, recapped some additional citizen comments from 1996 regarding a proposed emergency medical transport fee and requested the Board deny the proposal.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner invited citizens to participate in the development of the FY2005/2006 Budget during the Budget Work Sessions to be held at 7 p.m. on April 29, May 4, and May 6.

Mr. Wanner stated that the jurisdiction of James City County was recognized as a Community Action Agency star.

Mr. Wanner recommended the Board recess briefly for the James City Service Authority Board of Directors meeting and a Williamsburg Area Transport Board of Directors meeting, then reconvene to complete its business, following which the Board should adjourn to 7 p.m. on April 29 for a Budget Work Session.

K. BOARD REQUESTS AND DIRECTIVES -None

L. RECESS

Mr. Goodson recessed the Board at 9:17 p.m. for a James City Service Authority Board of Directors meeting and a Williamsburg Area Transport Board of Directors meeting.

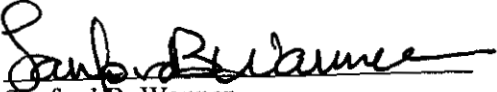
Mr. Goodson reconvened the Board at 9:19 p.m.

M. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

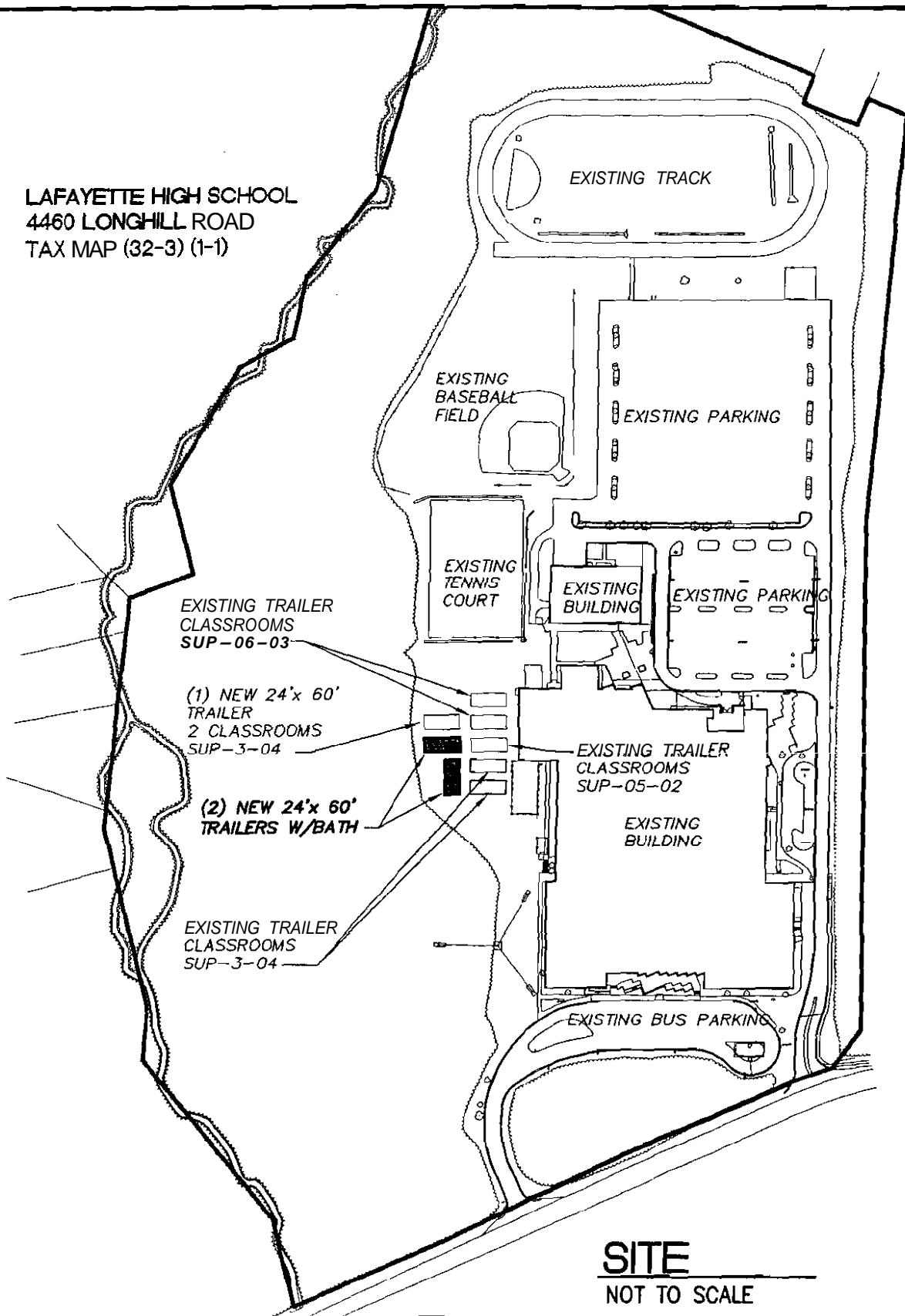
On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (5). NAY: (0).

At 9:19 p.m. Mr. Goodson adjourned the Board until 7 p.m. on April 29, 2004.


Sanford B. Wanner
Clerk to the Board

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LAFAYETTE HIGH SCHOOL
4460 LONGHILL ROAD
TAX MAP (32-3) (1-1)



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