

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JANUARY 2006, 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
John J. McGlennon, Vice Chairman, Jarnestown District
Jay T. Harrison, Sr., Berkeley District
James O. Icenhour, Jr., Powhatan District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Adam R. Kinsman, Assistant County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Imani Brooks, a seventh-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. David Brown, 1502 Bush Neck Road, stated concern about the real estate assessment increases in the County; questioned the conduct of the County and members of the Board of Equalization in deliberations related to real estate assessments; and stated that land use should not be a factor in the assessment of real estate.

2. Mr. William Ferguson, 310 The Maine West, stated concern about the impact of increased development on traffic patterns in the County, and inquired how much more explosive growth will be permitted by the Board of Supervisors; and requested the County not approve all development proposals presented to the Board for consideration.

3. Mr. Richard Bradshaw, Commissioner of the Revenue, congratulated Mr. Icenhour and Mr. McGlennon on their elections to the Board and stated that Income Tax forms are not available at the Commissioner of the Revenue's Office this year because of a new IRS distribution program; however, State forms are on hand and citizens may visit the post offices or libraries for State and Federal tax forms.

4. Mr. Ed Oyer, 139 Indian Circle, congratulated Mr. Icenhour and Mr. McGlennon on their elections to the Board and thanked Mr. Brown for his service on the Board; requested the railroad tracks be removed from Route 60 E so busses do not have to stop at the abandoned railroad crossings; and stated that an affordable housing opportunity in the Stonehouse Development is being missed.

Mr. Wanner stated that the railroad tracks are being removed at the BASF crossing

E. CONSENT CALENDAR

Mr. Harrison inquired if there is an increasing trend of Chesapeake Bay Reservation Ordinance violations.

Mr. Darryl Cook, Environmental Director, stated that there is not an increasing trend, just a coincidence of violations.

Mr. Harrison pulled Item No. 3, Appropriation of Funds – Environmental Division Third-Party Plan Reviews, from the Consent Calendar.

Mr. Harrison made a motion to adopt the remaining items on the Consent Calendar including the amended Items 4 and 5.

1. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Karen A. Dewis, Trustee of the Karen A. Dewis Revocable Trust

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION – CIVIL CHARGE –

KAREN A. DEWIS, TRUSTEE OF THE KAREN A. DEWIS REVOCABLE TRUST

WHEREAS, the Karen A. Dewis Revocable Trust ("Dewis") is the owner of a certain parcel of land, commonly known as 1528 Harbor Road, Williamsburg, Virginia, designated as Parcel No. (2-06) on James City County Real Estate Tax Map No. (43-1) hereinafter referred to as the ("Property"); and

WHEREAS, on or about January 16, 2002, County staff discovered Dewis caused to be removed approximately 50 trees and shrubs from within the Resource Protection Area ("RPA") on the Property; and

WHEREAS, Dewis has agreed to a Restoration Plan to replant 24 canopy trees and 30 under story trees on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Dewis has posted sufficient surety to guarantee the installation of the aforementioned improvements and to restore the RPA on the Property; and

WHEREAS, Dewis has agreed to pay \$2,500 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 area 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 \$2,500 civil charge from the Karen A. Dewis, Trustee of the Karen A. Dewis Revocable Trust, as full settlement of the Chesapeake Bay Preservation Ordinance violation.

2. Appropriation of Funds - Bulletproof Vests Partnership Program - \$22,426.25

APPROPRIATION OF FUNDS-

BULLETPROOF VEST PARTNERSHIP PROGRAM - \$22,426.25

WHEREAS, the James City County Police Department has received a grant from the Office of Justice Programs' Bureau of Justice Assistance in the amount of \$22,426.25; and

WHEREAS, the funds are to be used for the purchase and replacement of bulletproof vests for police officers; and

WHEREAS, the grant requires a match of \$22,426.25; and

WHEREAS the matching funds are available in the County's Special Projects/Grants Fund; and

WHEREAS, the grant expires on September 30, 2009, therefore allowing unexpended funds to be carried over into subsequent fiscal years' budgets.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and appropriates the following budget appropriation to the Special Projects/Grants Fund:

Revenues:

Bulletproof Vest Partnership Program	\$22,426.25
JCC Grants and Special Projects	<u>22,426.25</u>
Total	\$44,852.50

Expenditures:

Bulletproof Vest Partnership Program	\$44,852.50
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4. Appropriation of Funds - Wal-Mart Import Distribution Center 6088 Grant - \$500 - Fire Department

RESOLUTION

APPROPRIATION OF FUNDS - WAL-MART IMPORT DISTRIBUTION CENTER 6088

GRANT - \$500 - FIRE DEPARTMENT

WHEREAS, the James City County Fire Department has received a grant from the Wal-Mart Import Distribution Center 6088 in the amount of \$500; and

WHEREAS, the funds are to be used for the purchase of Fire Safety Education material; and

WHEREAS, the grant requires no matching funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget appropriation to the Special Projects/Grants Fund:

Revenue:

Wal-Mart Import Distribution Center 6088 \$500

Expenditure:

Wal-Mart Import Distribution Center 6088 - Fire \$500

5. Appropriation of Funds - Wal-Mart Import Distribution Center 6088 Grant - \$500 - Police Department

RESOLUTION

APPROPRIATION OF FUNDS – WAL-MART IMPORT DISTRIBUTION CENTER 6088 GRANT

\$500 - POLICE DEPARTMENT

WHEREAS, the James City County Police Department has received a grant from the Wal-Mart Import Distribution Center 6088 in the amount of \$500; and

WHEREAS, the funds are to be used for the purchase of display ads and printing costs associated with recruit brochures; and

WHEREAS, the grant requires no matching funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget appropriation to the Special Projects/Grants Fund:

Revenue:

Wal-Mart Import Distribution Center 6088 \$500

Expenditure:

Wal-Mart Import Distribution Center 6088 - Fire \$500

6. Dedication of Streets in Wellington - Sections 1 and 3

RESOLUTION

DEDICATION OF STREETS IN WELLINGTON - SECTIONS 1 AND 3

WHEREAS, the streets described on the attached Additions Form LA-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 (VDOT) advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, 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 VDOT to add the streets described on the attached Additions Form LA-5(A) to the secondary system of State highways, pursuant to 533.1-229 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 VDOT.

7. Chesapeake Bay Preservation Ordinance Violation - Ackart - 2416 Pate's Creek

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

ACKART - 2416 PATE'S CREEK

WHEREAS, Richard and Cindy Ackart are the owners of a certain parcel of land, commonly know as 2416 Pate's Creek, Williamsburg, VA, designated as Parcel No. (2-44) on James City County Real Estate Tax Map No. (48-4) herein referred to as (the "Property"); and

WHEREAS, on or about November 8, 2005, Richard and Cindy Ackart caused to be removed approximately ten trees and shrubs from within the Resource Protection Area (RPA) on the Property; and

WHEREAS, Richard and Cindy Ackart agreed to a Restoration Plan to replant 11 canopy trees, 10 **understory** trees, and 15 shrubs on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and they have posted **sufficient** surety to guarantee the installation of the aforementioned improvements and to restore the RPA on the Property; and

WHEREAS, Richard and Cindy Ackart have agreed to pay \$500 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 impacted area 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 \$500 civil charge from Richard and Cindy Ackart, as full settlement of the Chesapeake Bay Preservation Ordinance violation.

8. Erosion Control Ordinance Violation - Griffith - 4670 Fenton Mill Road

RESOLUTION

EROSION CONTROL ORDINANCE VIOLATION -

GRIFFITH - 4670 FENTON MILL ROAD

WHEREAS, on or about November 30, 2005, Nancy Griffith, Owner, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at 4670 Fenton Mill Road, Williamsburg, Virginia, designated as a Parcel No. (3-9c) on James City County Real Estate Tax Map No. (14-3) and hereinafter referred to as (the "Property"); and

WHEREAS, Ms. Griffith has abated the violation at the Property; and

WHEREAS, Ms. Griffith has agreed to pay \$500 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) 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 \$500 civil charge from Nancy Griffith, Owner, as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

9. Erosion Control Ordinance Violation - Hineman - 300 Turners Neck Road

RESOLUTION

EROSION CONTROL ORDINANCE VIOLATION -

HINEMAN - 300 TURNERS NECK ROAD

WHEREAS, on or about November 15, 2005, Laura Hineman, Owner, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at 300 Turners Neck Road, Toano, Virginia, designated as a Parcel No. (1-5B) on James City County Real Estate Tax Map No. (21-3) and hereinafter referred to as (the "Property"); and

WHEREAS, Ms. Hineman has abated the violation at the Property; and

WHEREAS, Mr. Griffith has agreed to pay \$500 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) 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 \$500 civil charge from Laura Hineman, Owner, as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

10. Conveyance of Easement to Dominion Virginia Power - James City County Community Sports Facility

RESOLUTION

CONVEYANCE OF EASEMENT TO DOMINION VIRGINIA POWER -

JAMES CITY COUNTY COMMUNITY SPORTS FACILITY

WHEREAS, James City County owns 576 acres ± commonly known as the Warhill Sports Complex, a portion of which is designated for construction of the Community Sports Facility ("Stadium"); and

WHEREAS the site location is further known as 4725 Stadium Road, designated as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Dominion Virginia Power requires a 15-foot underground utility easement in order to provide electrical service to the Stadium located on this parcel; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to convey a utility easement to Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and the County Administrator to execute the Right-of-way Agreements and such other documents necessary to convey a utility easement to Dominion Virginia Power at the Stadium.

3. Appropriation of Funds - Environmental Division Third-Party Plan Reviews - \$25,000

Mr. Harrison stated concern that staff would ask for an increase in fees to developers to have their plans reviewed, and stated that he would be more comfortable with a proposal that does not indicate that the County provides extra service if the staff is paid extra for it; and suggested that although workload is increasing in connection to the plans being submitted for review, it would be wise of staff to do something more permanent that is not associated with specific development proposals.

Mr. Goodson recommended that this is an item that can be discussed during the budget review process.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

APPROPRIATION OF FUNDS -

ENVIRONMENTAL DIVISION THIRD-PARTY PLAN REVIEWS

WHEREAS, the Environmental Division desires to improve customer service by decreasing the plan review turnaround time for development plans submitted; and

WHEREAS, review of selected development plans by a third-party consultant will relieve some of the workload for Environmental Division staff; and

WHEREAS, James City County has an annual services contract with Johnson, Mirmiran & Thompson for development plan review engineering services; and

WHEREAS, Colonial Heritage, LLC; Fairmont Investment, LLC; and Six Hundred North, LLC, have agreed to reimburse the County for the costs associated with these review services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following appropriations to the Environmental Division's professional services and temporary salaries line items for plan review:

Revenue:

Miscellaneous Revenue	<u>\$25,000</u>
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Expenditures:

Professional Services	\$23,500
Temporary Salaries	<u>\$1,500</u>
	<u>\$25,000</u>

F. PUBLIC HEARINGS

1. Pre-Budget Public Hearing - FY 2007-2008 Budget

Ms. Suzanne R. Mellen, Director of Budget and Accounting, requested the Board invite comments and suggestions from citizens for the upcoming two-year County Budget which will help guide staff in preparing a budget proposal for the Board's review in April.

Mr. Goodson opened the Public Hearing.

1. Ms. Ellie Williams, President of the James City/Williamsburg PTA Council, thanked Dr. Mathews for reaching out to the community and sharing information with the community regarding issues in the school system; and stated that open communication is key to making the facility development of the school facilities move forward following which focus can be directed on the strategic operations of the school system and programs for good education.

2. Mr. John Hall, 117 Olde Jamestown Court, requested the County discuss the possibility of flat tax for small business and companies; suggested that the flat tax be taken to the State level for consideration; stated that senior citizens and other individuals on fixed incomes find increased taxes and assessments to be a burden; and requested the County help such individuals so they are not taxed out of the County.

Mr. Goodson and Mr. Richard Bradshaw provided a brief overview of the flat tax for business licensing and assistance by the County to citizens through the tax exemptions offered.

3. Mr. Bill Frymoyer, Vice President of the Williamsburg Land Conservancy and Chairman of the Historic Triangle Corridor Enhancement Committee, requested fiscal support from the County to continue the beautification enhancements in entry corridors of the County.

4. Mr. Clive Fenton, 120 Riviera, presented a prepared statement on behalf of the York/James City/Williamsburg NAACP, League of Women Voters, and the Education Advocacy Group that requests the County provide adequate funding to the school system to provide and ensure quality education to all students.

5. Mr. Bill Bryant, 4985 Hickory Sign Post Road, stated support for Mr. Fenton's statements and requested the Board provide adequate funding to the schools.

6. Mr. Michael Ludwick, 4493 Village Park West, stated support for the statements of Mr. Fenton and Mr. Bryant; and requested adequate funding for the schools.

7. Mr. Ed Oyer, 139 Indian Circle, suggested that better education is not addressed solely through fiscal contributions; requested a zero-based budget; and stated that the duration of school years for student is too short.

8. Mr. John T. P. Home, 3908 George Mason, Chairman of Housing Partnerships, thanked the Board for its support and requested a modest 5 percent increase in fiscal support to offset building material costs and to complete a record number of home repairs in the area; and stated that the Partnership will be approaching the Board about assistance with capital costs for affordable homes on a parcel of property owned by the Partnership.

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

Mr. McDonald provided the Board with an overview of the budget timeline.

Mr. McGlennon stated that the Board will be holding a budget retreat in Building C at 101 Mounts Bay Road on January 20 from 3 to 6 p.m. which is open to the public.

2. Amendment to Chapter 20. Taxation. Article IV. Transient Lodging Tax. of the County Code

Mr. John E. McDonald, Manager of Financial and Management Services, requested the Board's approval of an Ordinance Amendment to increase the transient lodging tax, or room tax, to five percent effective February 1, 2006, and stated that the additional anticipated revenue generated by the increase would be provided to the Williamsburg Area Convention and Visitors Bureau for marketing purposes.

The Board and staff discussed notification process of the increase to those responsible for collecting and reporting the transient occupancy tax.

Mr. Goodson opened the Public Hearing.

1. Ms. Shannon Mueller, President of the Williamsburg Hotel and Motel Association, stated that the Association will assist in the notification process and stated support for the proposed increase and allocation.

2. Mr. Dick Schreiber, Williamsburg Area Chamber of Commerce, requested the Board approve the ordinance amendment and allocation; and stated that efforts are being made to eliminate the sunset provision for the transient lodging tax.

3. Mr. Ed Oyer, 139 Indian Circle, recommended the sunset provision be preserved and stated opposition to additional taxes and increased taxes.

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

Mr. McGlennon made a motion to adopt the Ordinance and resolution,

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

RESOLUTION

AMENDMENT TO CHAPTER 20. TAXATION, ARTICLE IV,

TRANSIENT LODGING TAX. OF THE COUNTY CODE

WHEREAS, the Board of Supervisors of James City County has approved an ordinance amendment increasing the County's transient occupancy tax from four percent (4%) to five percent (5%), effective February 1, 2006, and

WHEREAS, the change is expected to generate an additional \$200,000 in the fiscal year ending June 30, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, amends the adopted budget for FY 2006 and appropriates additional revenue to the General Fund of the County as follows:

Revenue:

Other Local Taxes - Transient Occupancy	<u>\$200,000</u>
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Expenditure:

Contribution - Williamsburg Area Convention and Visitors Bureau	<u>\$200,000</u>
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3. Case No. AFD-1-89. Armistead Agricultural and Forestal District 2006 Renewal

Mr. Matt Arcieri, Planner, stated that as required by State Code, the County has reviewed the Annistead Agricultural and Forestal District (AFD) and recommended that the Armistead AFD be continued and re-established for a term of four years and ten months to synchronize the terms of all AFDs so they expire in the same month.

Mr. Arcieri stated that the Armistead AFD consists of approximately 311.54 acres located between Longhill Road and Centerville Road and can be further identified by Parcel Nos. (1-14), (1-17), (1-29), and (1-1) on James City County Real Estate Tax Map Nos. (31-2), (31-3), and (31-4); and it is proposed that all existing properties remain in the District.

At its meeting on November 29, 2005, the AFD Advisory Committee recommended renewal of the District by a vote of 9-0.

At its meeting on December 5, 2005, the Planning Commission recommended renewal of the District by a vote of 7-0.

Mr. Goodson opened the Public Hearing,

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

Mr. Harrison made a motion to adopt the ordinance.

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

4. Case No. AFD-1-93. Williamsburg Farms Agricultural and Forestal District 2006 Renewal

Mr. Matt Arcieri, Planner, stated that as required by State Code, the County has reviewed the Williamsburg Farms Agricultural and Forestal District (AFD) and recommended that the Williamsburg Farms AFD be continued and re-established for a term of four years and ten months to synchronize the terms of all AFDs so they expire in the same month.

Mr. Arcieri stated that the Williamsburg Farms AFD consists of approximately 219.3 acres located east side of Lake Powell Road and can be further identified by Parcel Nos. (1-10), (1-10B), (1-10D) and (1-12) on James City County Real Estate Tax Map No. (48-4); and staff has worked with the Williamsburg Winery to redraw the boundaries of the Williamsburg Farms AFD. 60.67 acres are proposed to be added to the District bringing its total size to 279.97 acres.

At its meeting on November 29, 2005, the AFD Advisory Committee recommended renewal of the District by a vote of 9-0.

At its meeting on December 5, 2005, the Planning Commission recommended renewal of the District by a vote of 7-0.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the revised ordinance,

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

5. Case No. 20-9-05. Zoning Ordinance Amendment Appeals from the Board of Zoning Appeals

Mr. Adam R. Kinsman, Assistant County Attorney, requested the Board adopt the Zoning Ordinance Amendment to bring that section of the County Code in harmony with the Code of Virginia and the recent holding of the Supreme Court regarding the appeal application period following a decision of the Board of Zoning Appeals.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the ordinance.

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

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner invited Ms. Puckett to provide an update on the 2007 events.

Ms. Puckett provided a brief update including the Community Conversation meeting to be held at the Bruton Heights School at 7 p.m. on January 19.

Mr. Wanner stated that Sheriff Robert Deeds received a letter from Jim Hood, Attorney General of Mississippi, commending the unselfish generosity displayed by the Williamsburg/James City Sheriffs Office to Mississippi law enforcement agency in the aftermath of Hurricane Katrina.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw stated that the Rural Lands Committee will be holding a workshop on January 12 at Toano Middle School and stated that citizen input is invited.

Mr. Bradshaw thanked Herb Kelly for his assistance in resolving a blighted property in Toano this week.

Mr. McGlennon requested that near the anniversary date of the adopted change in regulations to burning debris in the County, staff provide an update to the Board on its effectiveness.

Mr. Goodson recessed the Board at 8:20 p.m. for a meeting of the James City Service Authority Board of Directors.

At 8:24 p.m., Mr. Goodson reconvened the Board.

J. CLOSED SESSION

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, for the consideration of personnel matters, the appointment of individuals to County boards and/or commissions.

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

At 8:25 p.m., Mr. Goodson convened the Board into Closed Session.

At 8:36 p.m., Mr. Goodson reconvened the Board into Open Session.

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

On a roll call vote, the vote was AYE; Harrison, Icenhour, McGlennon, Bradshaw, Goodson (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 personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. Icenhour made a motion to appoint Anthony Obadal to a four-year term on the Planning Commission, term to expire on January 31, 2010.

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

Mr. Harrison made a motion to reappoint George H. Billups, Jr., to a four-year term as an at-large member on the Planning Commission, term to expire on January 31, 2010.

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

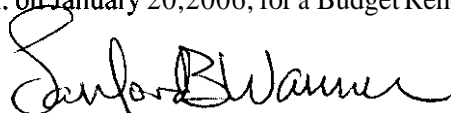
K. ADJOURNMENT

Mr. Goodson stated that the Board's budget retreat on January 20 is open to the public; however, public comment will not be accepted at that meeting.

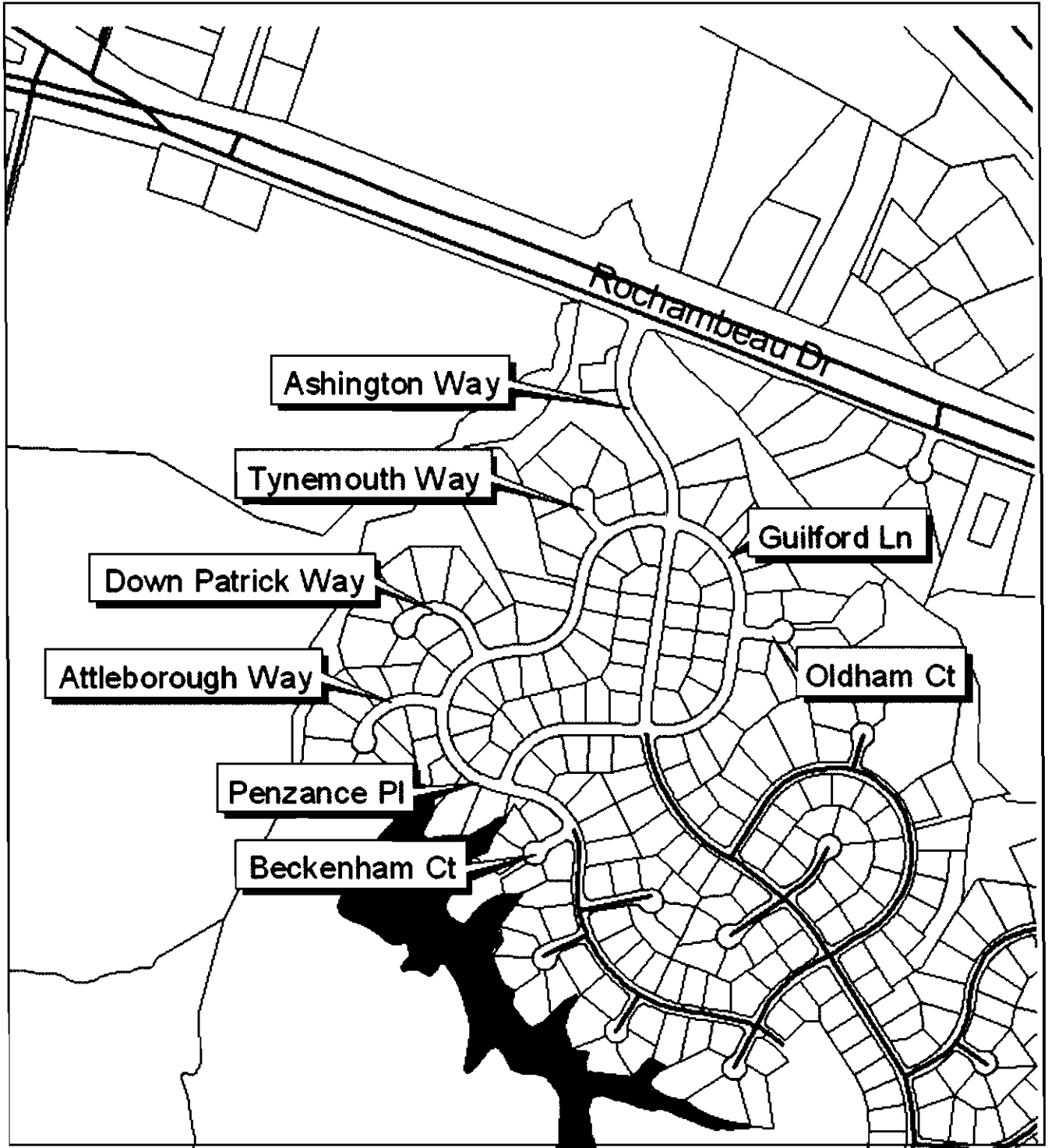
Mr. Harrison made a motion to recess until 3 p.m. on January 20, 2006.

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

At 8:38 p.m., Mr. Goodson recessed the Board until 3 p.m. on January 20, 2006, for a Budget Reheat.



Sanford B. Wanner
Clerk to the Board



DEDICATION OF STREETS IN WELLINGTON - SECTIONS 1 AND 3



Streets Being Dedicated



In the County of James City

By resolution of the governing body adopted January 10, 2006

The following Form LA-SA 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 LA-SA
Local Assistance Division 6/2005

Project/Subdivision

Wellington, Sections 1 & 3

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

Ashington Way, State Route Number **1070**

Description: **From:** Route 30 (Rochambeau Drive)

To: Route 1071 (Guilford Lane)

A distance of 0.17 miles.

Right of Way Record: Filed with the Land Records Office on 10/4/2001, Document #010018136, with a width of 70'-50'.

Ashington Way, State Route Number **1070**

Description: **From:** Route 1071 (Guilford Lane)

To: Route 1071 (Guilford Lane)

A distance of 0.14 miles.

Right of Way Record: Filed with the Land Records Office on 10/4/2001, Document #010018136, with a width of 50'

Guilford Lane, State Route Number **1071**

Description: **From:** Route 1070 (Ashington Way)

To: Route 1072 (Oldham Court)

A distance of 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 10/4/2001, Document #010018136, with a width of 50'

Guilford Lane, State Route Number **1071**

Description: **From:** Route 1072 (Oldham Court)

To: Route 1070 (Ashington Way)

A distance of 0.11 miles.

Right of Way Record: Filed with the Land Records Office on 10/4/2001, Document #010018136, with a width of 50'

Oldham Court, State Route Number **1072**

Description: **From:** Route 1071 (Guilford Lane)

To: End of cul-de-sac

A distance of 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 10/4/2001, Document #010018136, with a width of 50'

Report of Changes in the Secondary System of State Highways

Jrm LA-5A
Local Assistance Division 6/2005

Penzance Place, State Route Number 1073

Description: **From:** Route 1070 (Ashington Way)

To: Route 1074 (Tynemouth Way)

A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 10/4/2001, Document #010018136, with a width of 50'

Penzance Place, State Route Number 1073

Description: **From:** Route 1074 (Tynemouth Way)

To: Route 1075 (Downpatrick Way)

A distance of: 0.14 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, Document #030018115, with a width of 50'.

Tynemouth Way, State Route Number 1074

Description: **From:** Route 1073 (Penzance Place)

To: End of cul-de-sac

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 10/4/2001, Document #010018136, with a width of 50'

Penzance Place, State Route Number 1073

Description: **From:** Route 1075 (Downpatrick Way)

To: Route 1076 (Attleborough Way)

A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, Document #030018115, with a width of 50'.

Penzance Place, State Route Number 1073

Description: **From:** Route 1076 (Attleborough Way)

To: Route 1071 (Guilford Lane)

A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, Document #030018115, with a width of 50'

Penzance Place, State Route Number 1073

Description: **From:** Route 1071 (Guilford Lane)

To: Route 1077 (Beckenham Court)

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, Document #030018115, with a width of 50'.

Downpatrick Way, State Route Number 1075

Description: **From:** Route 1073 (Penzance Place)

To: End of cul-de-sac

A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, Instrument #030018115, with a width of 50'

Attleborough Way, State Route Number 1076

Description: **From:** Route 1073 (Penzance Place)

To: End of cul-de-sac

A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, Instrument #030018115, with a width of 50'

Report of Changes in the Secondary System of State Highways

Form LA-5A
Local Assistance Division 6/2005

Guilford Lane, State Route Number 1071

Description: *From:* Route 1073 (Penzance Place)

To: Route 1070 (Ashington Way)

A distance of: 0.12 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, Instrument #030018115, with a width of 50'

Beckenham Court, State Route Number 1077

Description: Front: Route 1073 (Penzance Place)

To: End of cul-de-sac'

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 6/18/2003, Instrument #030018115, with a width of 50'

ADOPTED

JAN 10 2006

ORDINANCE NO. 107A-50

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 IV, TRANSIENT LODGING TAX, SECTION 20-14, TAX LEVIED.

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 20-14, Tax levied.

Chapter 20. Taxation

Article IV. Transient Lodging Tax

Sec. 20-14. Tax levied. (~~effective July 1, 2004 through January 1, 2008~~)

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

State law reference-Code of Va., § 58.1-3819 and § 58.1-3823

This ordinance shall become effective on February 1, 2006.



Bruce C. Goodson
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
BRADSHAW	AYE
HARRISON	AYE
ICENHOUR	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 10th day of January, 2006.

JAN 10 2006

ORDINANCE NO. 182A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

RENEWAL OF ARMISTEAD AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-89)

WHEREAS, James City County has completed its review of the Armistead Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-431t of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Armistead Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting of November 29, 2005, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its Public Hearing on December 5, 2005, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Armistead Agricultural and Forestal District (the "Armistead District") is hereby continued for a period of four years and ten months beginning the 27th day of January, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et seq. (the "Act").

2. That the District shall include the following parcels:

Armistead, Robert T. Estate	(31-2)(1-14)	53.78 acres
Armistead, Robert T. Estate	(31-2)(1-17)	84.50 acres
Armistead, Robert T. Estate	(31-3)(1-29)	132.08 acres
Armistead, Robert T. Estate	(31-4)(1-1)	<u>41.18 acres</u>
Total:		<u>311.54 acres</u>

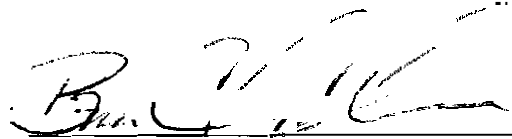
provided, however, that all land within 25 feet of the road right-of-way of Centerville Road (Route 614) shall be excluded from the District and that all land within 45 feet of the road right-of-way of Longhill Road (Route 612) shall be excluded from the District.

3. Pursuant to the Act, the Board of Supervisors requires that no parcel in the Armistead 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: a) The subdivision does not result in the total acreage of the Armistead District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the Armistead District may be rezoned and no application for such rezoning shall be tiled earlier than six months prior to the expiration of the Armistead District. Land inside the PSA and within the Armistead District may be withdrawn from the Armistead District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code Section 15.2-4301 et seq., which are not in conflict with the policies of the Armistead District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on properties within the Armistead District, which are in accordance with the County's policies and ordinances regulating such facilities.



Bruce C. Goodson
 Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
BRADSHAW	AYE
HARRISON	AYE
ICENHOUR	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of January, 2006.

AFD-1-89.ord (011006)

JAN 10 2006

ORDINANCE NO. 190A-6

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

RENEWAL OF WILLIAMSBURG FARMS AGRICULTURAL AND FORESTAL DISTRICT

(AFD-1-93)

WHEREAS, James City County has completed its review of the Williamsburg Farms Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Williamsburg Farms Agricultural and Forestal District (the "Williamsburg Farms District"); and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting of November 29, 2005, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its Public Hearing on December 5, 2005, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED THAT:

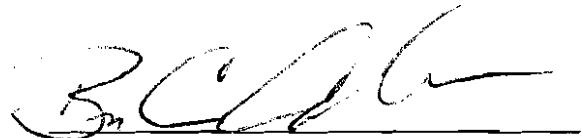
1. The Williamsburg Farms District is hereby continued for a period of four years and ten months beginning the 27th day of January, 2006, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include portions of the following parcels as detailed below and as generally shown, on Attachment A:

Williamsburg Vineyards, LLC	(48-4)(1-12)	29.65	acres
Williamsburg Vineyards, LLC	(48-4)(1-10)	157.71	acres
Wedmore Place, LLC	(48-4)(1-10D)	67.26	acres
Vineyard Partners, LLC	(48-4)(1-10E)	18.72	acres
Williamsburg Winery, LTD	(48-4)(1-10B)	<u>6.63</u>	acres
Total		<u>279.97</u>	acres

provided, however, that all land within 25 feet of the road right-of-way of Lake Powell Road (Route 617) shall be excluded from the District.

3. Pursuant to the Act, the Board of Supervisors requires that no parcel in the Williamsburg Farms District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

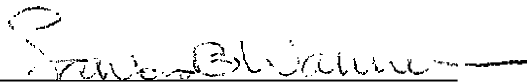
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the Williamsburg Farms District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Williamsburg Farms District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the Williamsburg Farms District. Land inside the PSA and within the Williamsburg Farms District may be withdrawn from the Williamsburg Farms District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the Virginia Code Section 15.2-4301 et seq., which are not in conflict with the policies of the Williamsburg Farms District. The Board of 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.



Bruce C. Goodson
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
BRADSHAW	AYE
HARRISON	AYE
ICENHOUR	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of January, 2006.

AFD-1-93.ord (011006)

JAN 10 2006

ORDINANCE NO. 31A-221BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VIII, APPEALS, DIVISION 3, REGULATIONS GOVERNING APPEALS, SECTION 24-666, PETITION FOR CERTIORARI TO REVIEW DECISION OF BOARD.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-666, Petition for certiorari to review decision of board.

Article VIII. Appeals

Division 3. Regulations Governing Appeals

Sec. 24-666. Petition for certiorari to review decision of board.

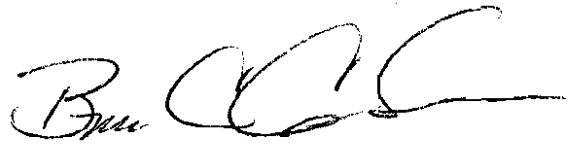
(a) *Petition to circuit court.* Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals or any taxpayer or any officer, department, board or bureau of the county may present to the Circuit Court of James City County a petition specifying the grounds on which aggrieved within 30 days after the ~~filing of the decision in the office of the~~ *final decision of the board*. A "*final decision*" is the decision that resolves the merits of the action pending before the board or effects a dismissal of the case with prejudice.

(b) *Allowance of writ of certiorari.* Upon the presentation of such petition, the court will allow a writ of certiorari to review the decision of the board of zoning appeals and will prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which will not be less than ten days and may be extended by the court. The allowances of the writ will not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(c) *Board required to return papers and other facts.* The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(d) *Taking of testimony; finding of facts and conclusions of laws.* If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reserve or affirm, wholly or partly, or may modify the decision brought up for review.

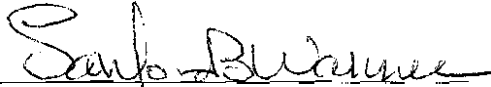
(e) *Costs.* Costs shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.



Bruce C. Goodson
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
BRADSHAW	AYE
HARRISON	AYE
ICENHOUR	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of January, 2006.