

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF APRIL 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, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James O. Icenhour, Jr., Powhatan District
M. Anderson Bradshaw, Stonehouse District

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

*As adopted
MAY 9, 2006
as amended*

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Joshua Jackson, an eighth-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Jim Brewer, Williamsburg Residency, Virginia Department of Transportation (VDOT), addressed the Board's concerns about highway matters in the County. He outlined the progress on three projects: Monticello Avenue and Ironbound Road are to be completed in March 2007, Greensprings Trail is about 85 percent complete, and the Capital to Capital Trail was about 23 percent complete. Mr. Brewer commented on the six-year plan adopted by the Board and the impact of the budget reductions on primary, secondary, and urban roads. He stated the funding for primary roads would be reduced 20 percent, secondary 38 percent, and urban 41 percent based on current revenues and projections. He stated funding would also be needed for a traffic signal study at Longhill Road and Centerville Road in the next year.

Mr. Icenhour thanked Mr. Brewer for fulfilling his requests regarding questions about traffic signs in Mirror Lakes, and the sequencing of lights between York County and James City County on Airport Road. He also thanked Mr. Brewer for showing him the correct diagram of the intersection of Monticello Avenue and Ironbound Road.

Mr. McGlennon thanked Mr. Brewer for addressing drainage issues and requested information regarding previous years' level of funding for operations maintenance. He asked if a reduction in expenditures

based on gasoline tax will be impacted by increasing gas prices, and the people taking action to reduce consumption.

Mr. Brewer stated that he would gather information regarding this for the Board.

Mr. Bradshaw inquired about the speed limit and drainage issues on Old Stage Road between Barhamsville Road and Merry Oaks.

Mr. Brewer indicated that no reduction of speed was recommended, but he would send the information and would investigate the drainage issue.

E. PUBLIC COMMENT

1. Mr. Jonathan Loy, 13 Old Fox Road, Hampton, addressed the Board regarding the Jamestown 400th Commemoration of the settlement of Jamestown. Mr. Loy gave an overview of a new Jamestown Village development to be built in commemoration of the 400th anniversary and requested the Board support him in his development.

2. Mr. Randy O'Neill, 109 Sheffield Road, shared a letter of appreciation regarding provision of a stationary bike in a classroom and asked the Board to consider all opportunities that may be given to children to stay active and fit.

3. Mr. Ed Oyer, 139 Indian Circle, commented on the cost of building schools and traffic in the County and recognized the work of the James City County Police Department.

4. Mr. Richard Bradshaw, Commission of the Revenue, reminded citizens that the filing deadlines for personal property taxes, machine and tool taxes and Virginia income tax returns are due May 1, 2006. Mr. Bradshaw stated the Commissioner of Revenue's office was willing to assist in filing of the Virginia income tax returns during normal office hours.

F. CONSENT CALENDAR

Mr. Bradshaw made a motion to adopt the items on the consent calendar as amended.

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

1. Minutes - April 11, 2006, Regular Meeting
2. Dedication of Streets in Powhatan Secondary 5A and 5B

RESOLUTION

DEDICATION OF STREETS IN POWHATAN SECONDARY 5A AND 5B

WHEREAS, the streets described on the attached Additions Form AM-4.3, 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 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 the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 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. Virginia Juvenile Community Crime Control Act (VJCCCA)

RESOLUTION

VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT (VJCCCA)

WHEREAS, the 1995 General Assembly enacted the VJCCCA (Act) to establish balanced, community-based programs and services for juvenile offenders; and

WHEREAS, James City County has been a long-standing member of the Colonial Group Home Commission, a regional entity, which also includes York and Gloucester Counties, and the City of Williamsburg, that funds an extensive variety of community-based services for juvenile offenders; and

WHEREAS, under the joint exercise of powers agreement executed between the member localities, York County serves as the managing jurisdiction on behalf of the Commission as well as the fiscal agent for the localities of Mathews County and the City of Poquoson, and delivers these regionally funded programs and services through the Juvenile Services Division of the County's Community Services Department; and

WHEREAS, these programs receive State support through the VJCCCA funds made available to Commission member localities and Mathews County and the City of Poquoson; and

WHEREAS, it is the desire and intent of the Board of Supervisors of James City County that these regional juvenile offender programs and services be continued uninterrupted and that funds received by James City County under the Act be used for such purposes.

NOW, THEREFORE, BE IT RESOLVED that James City County agrees to participate in a combined plan with the members of the Colonial Group Home Commission, the City of Poquoson, and Mathews County until written notice to the contrary is provided to the other combined plan localities and the Virginia Department of Juvenile Justice.

BE IT FURTHER RESOLVED that James City County agrees that York County will act as the fiscal agent for all VJCCCA funds received by James City County.

BE IT FURTHER RESOLVED that funds awarded to James City County under the VJCCCA be used to continue in an uninterrupted manner the programs and services regionally funded through the Colonial Group Home Commission.

BE IT STILL FURTHER RESOLVED that the County Administrator is hereby authorized to submit to the Virginia Department of Juvenile Justice any required service plans and compliance reports and to take all actions necessary to assure the successful continuation of this activity.

4. Department of Motor Vehicles Mini-Grant Award - \$1,500

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES MINI-GRANT AWARD - \$1,500

WHEREAS, the Department of Motor Vehicles (DMV) has approved a mini-grant in the amount of \$1,500 to the Police Department for the purchase of a radar unit in support of DMV's speed enforcement initiative; and

WHEREAS, the grant requires no matching funds; and

WHEREAS, the grant is administered by the DMV according to the federal government fiscal year, which runs from October 1 through September 30, thus allowing any unexpended funds as of June 30, 2006, to be carried forward to the County's next fiscal year.

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

Revenue:

DMV - Speed Enforcement	<u>\$1,500</u>
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Expenditure:

DMV - Speed Enforcement	<u>\$1,500</u>
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5. Grant Award - Buffer Zone Protection Program - \$25,000

RESOLUTION

GRANT AWARD - BUFFER ZONE PROTECTION PROGRAM - \$25,000

WHEREAS, the James City County Police Department has received a Buffer Zone Protection Program (BZPP) grant from the Virginia Department of Transportation (VDOT) in the amount of \$25,000; and

WHEREAS, the funds are to be used to purchase the equipment necessary to address the vulnerabilities identified at the Jamestown-Scotland Ferry site by VDOT; and

WHEREAS, the grant requires no matching funds; and

WHEREAS, the grant expires on September 30, 2006, thus allowing any unexpended funds to be carried forward to the next fiscal year budget.

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:

Revenue:

Buffer Zone Protection Program	<u>\$25,000</u>
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Expenditure:

Buffer Zone Protection Program	<u>\$25,000</u>
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6. Rescind Declaration of a Local Emergency

RESOLUTION

RESCIND DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Director of Emergency Management of James City County (the "Director") declared a local state of emergency on March 15, 2006, due to the threat of fire caused by persistent dry, windy weather; and

WHEREAS, at its meeting on March 28, 2006, the Board of Supervisors of James City County, Virginia, confirmed the Director's declaration; and

WHEREAS, due to recent rainfall and spring growth, the threat of fire has been abated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a local emergency no longer exists and the declaration is hereby rescinded.

G. PUBLIC HEARINGS

Mr. Harrison made a motion to move Item Nos. 4, 5, and 6 to the beginning of the Public Hearing Agenda.

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

4. Case No. SUP-5-06. Williamsburg/James City County 8th Elementary School
5. Case No. AFD-9-86-3. Gordon Creek Withdrawal
6. Consideration of an amended resolution to condemn 44± acres of a 164± acre parcel of land, known as 4085 Centerville Road, and designated on James City County Real Estate Tax Map as Parcel No. 3630100001, for a school, in order to update property ownership and code section references

Mr. Goodson recognized Mr. George Billups from the Planning Commission in attendance.

Mr. Goodson disclosed a conflict of interest as required by the Code of Ethics as the Board was voting on a purchase of land by the County.

Mr. Rogers recommended the Board continue the Public Hearings of these items to the May 9 meeting.

Mr. Goodson opened the Public Hearings for Item Nos. 4, 5, and 6.

Mr. McGlennon stated that the County did not have a conflict, but the Board is required to disclose the relationship. He clarified that the Board would not personally profit from the purchase.

Mr. McGlennon made a motion to continue the items at the May 9, 2006, meeting.

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

Mr. Goodson requested the James City Service Authority open simultaneously with the Board of Supervisors.

1. FY 2007-2008 County Budget

Ms. Suzanne Mellen, Assistant Director of Financial Management Services, gave a presentation outlining the County budget for FY 2007-2008. Ms. Mellen gave an overview of the budget regarding fees, licenses and taxes, schools, County operations and other investments, and how the budget related to the Strategic Management Plan.

- a. 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 Building Code, Division 2, Permit and Inspection Fees, Section 4-8 Generally, to Increase Certain Fees

Mr. Harrison asked staff about outsourcing custodial positions.

Ms. Mellen stated that as attrition allowed, the County was outsourcing custodial positions.

Mr. McGlennon asked staff the difference between what the school requested and what the County Administration recommended of school funding.

Ms. Mellen stated the difference was less than \$700,000 and noted the additional one-time funds in the amount of \$580,000 allocated to the schools.

Mr. McGlennon asked that staff remind the public that a significant portion of the increased demand of parks and recreation activities are funded by user fees.

Ms. Mellen confirmed this.

Mr. Goodson opened the public hearing.

1. Mr. Bill Frymoyer, 3136 Parkside Lane, Chairman of the Historic Triangle Corridor Enhancement Committee, commented on funds requested to fund matching grants for homeowners associations and business from Lake Powell to Route 199 for landscaping, signage, and frontage for buildings. Mr. Frymoyer outlined the attractiveness and benefits of funding this program. He asked the Board to fully fund the \$45,000 request.

2. Mr. Mike Ludwick, 4493 Village Park Drive West, thanked the Board for funds allocated to the schools in the budget and asked the Board to fully fund the schools' requests.

3. Ms. Kensett Teller, 126 Lake Drive, asked the Board about the budget information regarding greenspace and the PDR Program.

4. Ms. Sarah Kadec, 3504 Hunter's Ridge, commented on the increase of gas prices and asked the Board to adjust the budget to include provisions for affordable housing. She suggested the fees be reduced for developers who propose affordable housing. She also requested allocation of more funds for water quality improvements and a desalinization plant.

5. Mr. Ed Oyer, 139 Indian Circle, commented on vagueness of terms in the County budget; he asked that property taxes not fund EMS services; and suggested the County fund these services with other taxes.

As no one else wished to speak to this matter, Mr. Goodson closed the public hearing and invited the public to attend the budget work sessions.

Mr. McGlennon asked that staff be allowed to address questions brought before the Board during the public hearing.

Ms. Mellen responded that in regards to greenspace and PDR properties, there was a matter of borrowing versus using funds in the capital budget. Ms. Mellen stated that citizens had passed the bond referendum, and the County had not borrowed yet; and in not doing that, the County had allocated a penny from real estate taxes to fund the greenspace and PDR programs. Ms. Mellen noted that the money was set aside if the opportunity to purchase land arose.

Mr. McGlennon stated that though the County may have interest in PDR properties, but the Board would not discuss this publicly.

Ms. Mellen addressed the water quality improvement funding, which is located in the general fund and additional funds allocated in the CIP funds.

Mr. McGlennon thanked Ms. Kadec for suggesting a Board Code of Ethics a number of years back, and commented that there would be a decrease of required school proffers for applications that incorporate development of affordable housing.

2. Case No. HW-5-05. Community Sports Stadium Lighting/Case No. HW-2-06. Warhill Sports Complex: Field Five Lighting (continued from April 11, 2006)

Mr. Matthew Smolnik, Planner, stated that Mr. Bernie Farmer has applied on behalf of James City County for a height waiver from Section 24-354 of the Zoning Ordinance, to allow for the construction of six 70-foot-tall light poles and two 80-foot-tall light poles to illuminate Field No. 5, and four 80-foot-tall light poles to illuminate the Community Sports Facility, both at the Warhill Sports Complex. The parcel is located at 5700 Warhill Trail and is further identified on James City County Real Estate Tax Map (32-1) as Parcel No.(1-12). The property consists of 515 acres and is zoned R-8, Rural Residential.

Staff found that due to the established, mature, wooded buffer between the residential developments and Field No. 5 and the Community Sports Facility, coupled with the distance from the nearest property lines (approximately 700 feet for Field No. 5 and approximately 1,200 feet for the Community Sports Facility) and the proposed light fixtures, the light poles should present a negligible visual impact to surrounding properties and uses. Staff found the proposal consistent with the requirements stated under Section 24-354 of the Zoning Ordinance.

This case was deferred at the April 11, 2006, Board of Supervisors meeting due to improper notification of adjacent property owners. Following the Board meeting on April 11, 2006, staff notified all remaining adjacent property owners of the height waiver applications.

Staff recommended the Board of Supervisors approve this application.

Mr. Icenhour thanked Mr. Smolnick for addressing his questions conveyed from residents of Westminster. He stated that he understood from the diagrams that there was a zero-lumen footprint. He stated the concern of citizens of Villages of Westminster regarding construction in the area.

Mr. Goodson stated his thanks for the PowerPoint provided by staff to educate the Board on athletic field lighting. He stated the higher light poles allow less light to escape from the field area.

Ms. Suzanne Wall, 6344 Glenwilton Lane, thanked Mr. Icenhour for visiting with citizens of Westminster and sharing the PowerPoint, and stated her support for the 80-foot light poles and her concern for a curfew. She asked for a reasonable lighting curfew and suggested 11 p.m. and asked for this curfew to be addressed in the County Code. She asked for a contact person to ensure proper function of the lights.

Ms. Elizabeth Snyder, 514 Spring Trace, stated that she lived next to Warhill field and was not notified of the lights, it was her understanding that there would be no lights, and stated her opposition to the height waiver.

Ms. Gia Goulán, 6356 Glenwilton Lane, thanked Mr. Icenhour for visiting with the citizens of Westminster and his diligent response to their comments.

Ms. Linda Riese, 511 Spring Trace, stated that she could see the lights and hear the noise from Field Five, and stated the vegetative property behind Season's Trace has been sold and may be developed.

Ms. Christina Julie, 523 Spring Trace, stated that she was not informed about the lights and commented on the affect of the lights on the visibility of stars; asking if the lights were necessary budget wise, and in accordance with the quality of life.

As no one else wished to speak on this matter, Mr. Goodson closed the public hearing.

Mr. John Carnifax, Parks and Recreation, stated the curfew in place was 11 p.m. and the lights would ordinarily be off at 10:30 p.m. Mr. Carnifax commented that the lights would automatically be cut off by an electronic scheduling system, and the software had not yet failed. The park attendant is on duty seven days a week would be available if this system would fail, and if both these methods fail, citizens can call dispatch to have the lights turned off. He addressed the surveyors inspecting the wetlands behind Season's Trace and indicated this was to provide a trail. He also explained the usage of the lights would be every night during the week except Friday and Sunday nights from the middle of March to the end of October.

Mr. Goodson asked staff if there would be more impact from this lighting than the existing lighting.

Mr. Carnifax stated fields one, two, three, and four, were not significantly affecting the neighboring community; field five was no closer than the others, and this lighting would have less impact than current lighting due to the quality of the lighting system and higher poles.

Mr. Goodson asked staff if the application would have a greater impact on the neighborhoods that were not notified.

Staff stated they would not.

Mr. Icenhour asked staff to confirm that the quality of lights being used would not affect Season's Trace any more significantly than the lights that are already present.

Staff confirmed this, and stated the County could decrease the glare of the current lights by updating the current fixtures.

Mr. Smolnik stated they notified the neighboring developments' homeowner associations, and also notified the extended neighboring lot owners. He stated the homeowners may not have been notified individually, but the homeowner associations were notified.

Mr. Goodson stated that without approval tonight, they would have to go to a lower lighting fixture that would have more impact.

Mr. Wanner confirmed that the Board's action at this time was to approve the height waiver for the 80-foot poles.

Mr. McGlennon asked Mr. Carnifax if there had been complaints about lighting in the area.

Mr. Carnifax stated that there had been complaints from the area around the Community Center, but there had not been complaints from the Warhill site.

Mr. McGlennon requested staff to arrange for citizens to see the PowerPoint presented to the Board.

Mr. McGlennon made a motion to adopt the resolutions as amended.

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

RESOLUTION

CASE NO. HW-5-05. COMMUNITY SPORTS FACILITY LIGHTING

WHEREAS, Mr. Bernard Farmer, on behalf of James City County, has applied for a height limitation waiver (HW) to allow for the construction of four 80-foot-tall light poles; and

WHEREAS, the Community Sports Facility will be illuminated with Musco Light Structure Green outdoor sports lighting or other lighting of substantially equivalent or superior off-site spill light control characteristics; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-5-05; and

WHEREAS, the light poles will be located on property zoned R-8, Rural Residential, and is further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-5-05.

RESOLUTION

CASE NO. HW-2-06. FIELD 5 LIGHTING

WHEREAS, Mr. Bernard Farmer, on behalf of James City County, has applied for a height limitation waiver (HW) to allow for the construction of six 70-foot-tall and two 80-foot-tall light poles; and

WHEREAS, Field 5 will be illuminated with Musco Light Structure Green outdoor sports lighting or other lighting of substantially equivalent or superior off-site spill light control characteristics; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-2-06; and

WHEREAS, the light poles will be located on property zoned R-8, Rural Residential, and is further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, the Board of Supervisors find that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-2-06.

3. Special Use Permits: Temporary Classroom Trailers for Schools:

- a. SUP-6-06. Rawls Byrd Elementary School
- b. SUP-7-06. Lafayette High School
- c. SUP-8-06. Jamestown High School
- d. SUP-9-06. Stonehouse Elementary School
- e. SUP-10-06. Toano Middle School
- f. SUP-11-06. D.J. Montague Elementary School
- g. SUP-12-06. Clara Byrd Baker Elementary School

Mr. Bruce Abbott, AES Consulting Engineers, on behalf of Williamsburg-James City County Public Schools, has applied for the placement of one new classroom trailer at Rawls Byrd Elementary School until July 1, 2007; permit extension for three existing classroom trailers at Lafayette High School until July 1, 2007; permit extension for three existing classroom trailers at Jamestown High School until July 1, 2007; placement of two new classroom trailers and extend permit of one existing classroom trailer at Stonehouse Elementary School until July 1, 2007; placement of one new classroom trailer at Toano Middle School until July 1, 2009; placement of two new classroom trailers and extend permit of one existing classroom trailer at D.J. Montague Elementary School until July 1, 2007; permit extension of existing classroom trailer until July 1, 2007, at Clara Byrd Baker Elementary School. The trailers will be placed at Rawls Byrd Elementary School, 112 Laurel Lane, Jamestown District; Lafayette High School, 4460 Longhill Road, Powhatan District; Jamestown High School, 3751 John Tyler Highway, Berkeley District; Stonehouse Elementary School, 3651 Rochambeau Drive, Stonehouse District; Toano Middle School, 7817 Richmond Road, Stonehouse District; D.J. Montague Elementary School, 5380 Centerville Road, Powhatan District; and Clara Byrd Baker Elementary School, 3131 Ironbound Road, Berkeley District. These parcels can be further identified on the James City County Real Estate Tax Map as Rawls Byrd Elementary School on Page No. (48-1), Parcel No. (6-171A); Lafayette High School Page No. (32-3), Parcel No. (1-1); Jamestown High School Page No. (46-1), Parcel No. (1-2D); Stonehouse Elementary School Page No. (13-1), Parcel No. (1-20); Toano Middle School Page No. (12-4), Parcel No. (1-51); D.J. Montague Elementary School Page No. (31-3), Parcel No. (1-49); and Clara Byrd Baker Elementary School Page No. (47-1), Parcel No. (1-58). The properties are zoned as follows: Rawls Byrd Elementary School, R-2, General Residential District; Lafayette High School, R-2, General Residential District; Jamestown High School, R-1, Limited Residential District; Stonehouse Elementary School, A-1, General Agricultural District; Toano Middle School, A-1, General Agricultural District; D.J. Montague Elementary School, R-4, Residential Planned Community District; and Clara Byrd Baker Elementary School, R-8, Rural Residential District.

Staff found the proposals, with conditions, to be compatible with surrounding land uses and the Comprehensive Plan.

Staff recommended James City County Board of Supervisors approve the Special Use Permit (SUP) application with conditions.

Mr. Goodson opened the public hearing.

1. Mr. Bruce Abbott, AES Consultant Engineers, stated that several of the applications are renewals, and the additional trailers are in conjunction with the elementary school openings.

Mr. Goodson closed the public hearing.

Mr. Harrison made a motion to adopt the resolution.

Mr. Icenhour stated the trailers were a necessity and the bulk of the trailers will be eliminated in the 2007 school year, and stated his support.

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

RESOLUTION

CASE NO. SUP-6-06. RAWLS BYRD ELEMENTARY SCHOOL

CASE NO. SUP-7-06. LAFAYETTE HIGH SCHOOL

CASE NO. SUP-8-06. JAMESTOWN HIGH SCHOOL

CASE NO. SUP-9-06. STONEHOUSE ELEMENTARY SCHOOL

CASE NO. SUP-10-06. TOANO MIDDLE SCHOOL

CASE NO. SUP-11-06. D. J. MONTAGUE ELEMENTARY SCHOOL

CASE NO. SUP-12-06. CLARA BYRD BAKER ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all the conditions for the consideration of these Special Use Permit (SUP) applications have been met; and

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

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to allow one new temporary classroom trailer at Rawls Byrd Elementary School on property owned and developed by the applicant located at 112 Laurel Lane, and further identified as Parcel No. (6-171A) on James City County Real Estate Tax Map No. (48-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to extend the permit period for three existing 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); and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to extend the permit period for three existing temporary classroom trailers at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway, and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (32-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to allow two new temporary classroom trailers and the extension of the permit period for one existing temporary classroom trailer at Stonehouse Elementary School on property owned and developed by the applicant located at 3651 Rochambeau Drive, and further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (13-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to allow one new temporary classroom trailer at Toano Middle School on property owned and developed by the applicant located at 7817 Richmond Road, and further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to allow two new temporary classroom trailers and extend the permit period for one existing temporary classroom trailer at D.J. Montague Elementary School on property owned and developed by the applicant located at 5380 Centerville Road, and further identified as Parcel No. (1-49) on James City County Real Estate Tax Map No. (31-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to extend the permit period for one existing temporary classroom trailer at Clara Byrd Baker Elementary School on property owned and developed by the applicant located at 3131 Ironbound Road, and further identified as Parcel No. (1-58) on James City County Real Estate Tax Map No. (47-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUPs for the placement of temporary classroom trailers as described above and on the attached site location maps with the following conditions:

1. These permits, except for Toano Middle School, shall be valid until July 1, 2007.
2. SUP-10-06 for Toano Middle School shall be valid until July 1, 2009.
3. These SUPs are not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. PUBLIC COMMENT

1. Mr. Jonathan Loy, Hampton, continued his overview of a Jamestown 400th anniversary village development.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated he was able to speak to the Commonwealth Transportation Board, specifically regarding Route 60 East, and due to budget cuts and increased gas prices, the project revenue forecast was not favorable. Mr. Wanner commented that Delegate Hamilton was in attendance at the Commonwealth Transportation Board hearing.

Mr. Wanner recommended the Board go into Closed Session following Board Requests and Directives pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for consideration of personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3) for

consideration of the acquisition of a parcel(s) of property for public use. Mr. Wanner suggested the Board recess to 7 p.m. on Thursday, April 27, 2006, for the first of the budget work sessions.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw expressed his thanks to property owners in Toano: Barry Bryant, M.M. and W Properties, and Michael Brown for improving these properties.

Mr. Goodson recessed the Board at 8:48 p.m. for a meeting of the James City Service Authority Board of Directors.

Mr. Goodson reconvened the Board at 8:53 p.m.

K. CLOSED SESSION

Mr. Bradshaw made a motion that the Board go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for consideration of personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3) for consideration of the acquisition of a parcel(s) of property for public use.

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

Mr. Goodson recessed the Board to Closed Session at 8:55 p.m.

Mr. Goodson reconvened the Board into Open Session at 9:21 p.m.

Mr. McGlennon 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. Harrison made a motion to approve the amendment of appointment term for Mr. Paul G. Tongue of the Williamsburg Art Commission to expire on June 30, 2008.

Mr. Bradshaw made a motion to appoint the following people to serve on the Business Climate Task Force: M. Anderson Bradshaw, Bruce C. Goodson, Thomas Tingle, William C. Porter, Jr., John T. P. Horne, Joanne H. Puckett, Keith A. Taylor, David Burris, Tom Gillman, Robert Hershberger, Mike Mathews, and Marshall Toney.

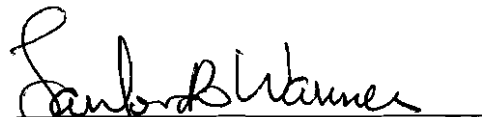
The Board and staff briefly discussed a potential purchase of property on Jamestown Road.

L. ADJOURNMENT

Mr. Bradshaw made a motion to recess to 7 p.m. on April 27, 2006.

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

At 9:25 p.m. Mr. Goodson recessed the Board to 7 p.m. on April 27, 2006.


Sanford B. Wanner
Clerk to the Board

In the County of James City

By resolution of the governing body adopted April 25, 2006

The following VDOT Form AM-4.3 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):



Form AM-4.3 (11/28/2005)
Asset Management Division

Report of Changes in the Secondary System of State Highways

Powhatan Secondary, Phases 5a and 5b

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	§33.1-229

Route Number and/or Street Name

- Charter House Lane, State Route Number: 1485

From: Route 1480 (Powhatan Secondary)

To: Sandy Point Ridge (Route 1762)

A distance of: 0.05 miles.

Right-of-way record was filed on 12/5/1995 with the Land Records Office in Plat Bk. 63, Pg. 31, with a width of 50 feet

- Charter House Lane, State Route Number: 1485

From: Route 1762 (Sandy Point Ridge)

To: Miles Mahone (Route 1763)

A distance of: 0.12 miles.

Right-of-way record was filed on 10/29/1999 with the Land Records Office in Plat Bk. 75, Pgs. 13-14, with a width of 40 feet

- Charter House Lane, State Route Number: 1485

From: Route 1763 (Miles Mahone)

To: Powhatan Overlook (Route 1764)

A distance of: 0.06 miles.

Right-of-way record was filed on 10/29/1999 with the Land Records Office in Plat Bk. 75, Pgs. 13-14, with a width of 40 feet

Report of Changes in the Secondary System of State Highways

- **Charter House Lane, State Route Number: 1485**

From: Route 1764 (Powhatan Overlook)

To: Cul-de-sac

A distance of: 0.03 miles.

Right-of-way record was filed on 10/29/1999 with the Land Records Office in Plat Bk. 75, Pgs. 13-14,
width a width of 40 feet

- **Sandy Point Ridge, State Route Number: 1762**

From: Route 1485 (Charter House Lane)

To: Cul-de-sac

A distance of: 0.05 miles.

Right-of-way record was filed on 12/5/1995 with the Land Records Office in Plat Bk. 63, Pg. 31, with a
width of 50 feet

- **Miles Mahone, State Route Number: 1763**

From: Route 1485 (Charter House Lane)

To: Cul-de-sac

A distance of: 0.07 miles.

Right-of-way record was filed on 10/29/1999 with the Land Records Office in Plat Bk. 75, Pgs. 13-14,
with a width of 40 feet

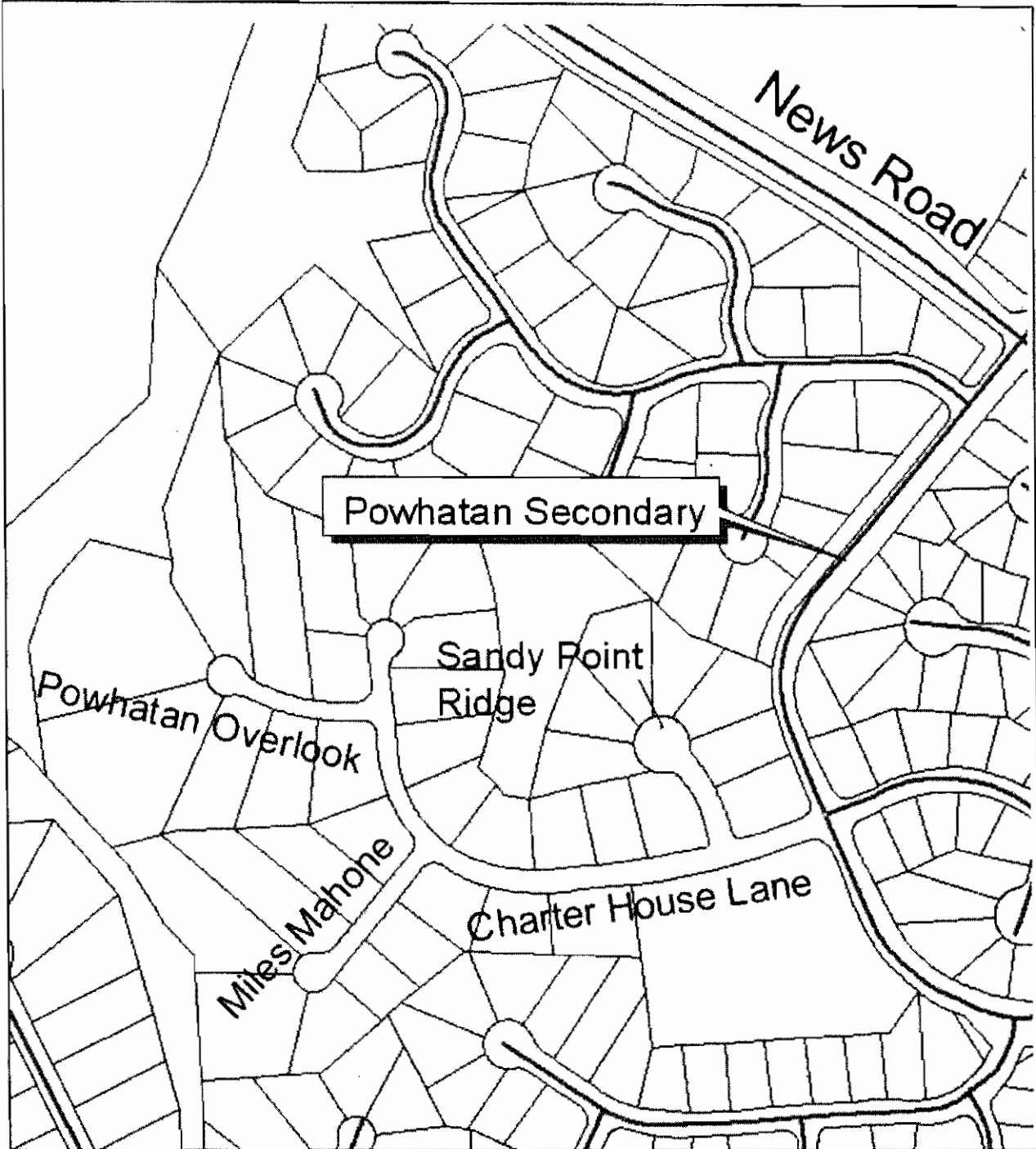
- **Powhatan Overlook, State Route Number: 1764**

From: Route 1485 (Charter House Lane)

To: Cul-de-sac

A distance of: 0.07 miles.

Right-of-way record was filed on 10/29/1999 with the Land Records Office in Plat Bk. 75, Pgs. 13-14,
with a width of 40 feet



DEDICATION OF STREETS IN POWHATAN SECONDARY, PHASES 5A & 5B



Streets Being
Dedicated

200 0 200 400 Feet



ADOPTED

MAY 9 2006

ORDINANCE NO. 170A-12

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-9-86-3. GORDON CREEK WITHDRAWAL

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") to withdraw 44 acres of land owned by James City County located along Brick Bat Road and identified as a portion of Parcel No. (1-1) on James City County Real Estate Tax Map No. (36-3) from Agricultural and Forestal District (AFD) 9-86-3, which is generally known as the 3,276-acre "Gordon Creek Agricultural and Forestal District" (the "Application"); and

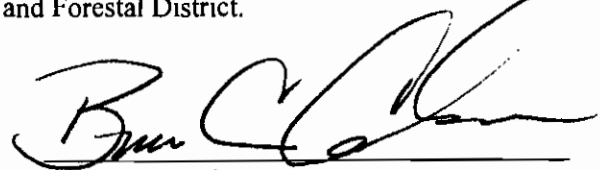
WHEREAS, at its March 16, 2006, meeting, the AFD Advisory Committee voted 7-1 to recommend denial of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its April 3, 2006, meeting, pursuant to Section 15.2-4314 of the Code of Virginia, 1950, as amended (the "Virginia Code"), after which the Commission voted 5-2 to recommend approval of the Application; and

WHEREAS, pursuant to Section 15.2-4214 of the Virginia Code, a public hearing was advertised and held by the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that the withdrawal request meets the criteria set forth in the Board of Supervisors' Withdrawal Policy for Agricultural and Forestal District Parcels Outside the Primary Service Area, dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby removes 44 acres owned by James City County, as referenced herein from the 3,276 acres of the Gordon Creek Agricultural and Forestal District.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2006.

AFD_9_86_3_050906.res

MAY 9 2006

ORDINANCE NO. 81A-15BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

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 BUILDING CODE, DIVISION 2, PERMIT AND INSPECTION FEES, SECTION 4-8, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 4, Building Regulations, is hereby amended and reordained by amending Section 4-8, Generally.

Chapter 4. Building Regulations

Article I. Virginia Uniform Statewide Building Code

Division 2. Permit and Inspection Fees

Sec. 4-8. Generally.

Permit and inspection fees are hereby established in accordance with the provisions of the Virginia Uniform Statewide Building Code, as follows:

(1) Building Permits:

- a. The minimum fee for any building permit shall be ~~\$35~~50.00.
- b. For the construction of any building or addition thereto where the floor area is increased, and for the installation or erection of any industrialized building unit, the fee shall be based on the floor area to be constructed as computed from exterior building dimensions at each floor. Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation. The fee shall be \$0.13 per square foot.
- c. For the construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling, the fee shall be \$0.12 per square foot of the exterior dimensions of the building.
- d. For the alteration or repair of any building or structure, or for the construction or erection of piers, bulkheads, exterior walls or fences, towers, swimming pools or other structures or things, the fee shall be at the rate of one percent of the current value of all service, labor and materials.

- e. For the demolition or razing of any building or structure having a floor area greater than 200 square feet, the fee shall be ~~\$3550.00~~.

No fee shall be charged for a permit to raze a building with a floor area of 200 square feet or less.

- f. For the erection, placement or removal of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land, the fee shall be at the rate of \$0.10 per square foot of the gross floor area.
- g. For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be ~~\$3550.00~~.

A BUILDING PERMIT FEE SHALL BE DOUBLE FOR ANY CONSTRUCTION THAT HAS COMMENCED BEFORE A PERMIT IS OBTAINED.

(2) *Plumbing Permits:*

- a. The minimum fee for any plumbing permit shall be ~~\$3550.00~~.
- b. For the installation of each plumbing fixture or appliance, the fee shall be \$7.00.
- c. For the installation of the water distribution system in each building, the fee shall be \$15.00.
- d. For the connection of any building drain to a public or private sanitary sewage disposal system, the fee shall be \$7.00.
- e. For each sewer (sanitary or storm), manhole (sanitary or storm), roof drain or other similar device, the fee shall be \$7.00.

(3) *Electrical Permits:*

- a. The minimum fee for any electrical permit shall be ~~\$3550.00~~.
- b. For the installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:

	<u>Single Phase</u>	<u>Three Phase</u>
0-60 amps	\$3550.00	\$3550.00
61-100 amps	3550.00	4055.00
101-150 amps	4560.00	5065.00
151-200 amps	5065.00	5570.00
Over 200 amps, plus \$15.00 for each additional 50 amps or fraction thereof over 200 amps	5065.00	5570.00

- c. For the installation of a temporary service, or the reconnection of a mobile home, the fee shall be ~~\$3550.00~~.

- d. For increasing the size of the electrical service to any building structure, or mobile home, the fee shall be ~~\$3550.00~~ for service up to and including 200 amperes; or ~~\$3550.00~~ plus \$15.00 for each 50 amperes or fraction thereof over 200 amperes. For relocation of any existing service for which the size is not increased, the fee shall be ~~\$3550.00~~. No additional fee shall be charged for outlets when the size of the service is increased.

- e. For the addition to any existing electrical installation, the fee shall be based on the number of outlets to be installed at the following rates:

1-100 outlets.....	\$3550.00
Over 100 outlets, plus \$0.20 for each outlet over 100.....	3550.00

(4) *Mechanical and Gas Permits:*

- a. The minimum fee for any mechanical or gas permit shall be ~~\$3550.00~~.

- b. Basic permit fee:

1. First \$1,000.00 value.....	3550.00
2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof.....	3550.00

- c. For the replacement, repair or alteration of mechanical systems or equipment in existing buildings, structures or additions thereto:

1. First \$1,000.00 value.....	3550.00
2. Over \$1,000.00 value, plus \$5.00 per \$1,000.00 or fraction thereof.....	3550.00

EXCEPTIONS: Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required.

- d. Fuel piping permit fee: $0.005 \times \$1,000.00$ of valuation or fraction thereof. Note: Fee applies when permit is issued for fuel piping work only.

- e. L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit fee (total water capacity in gallons):

0-500	3550.00
501-2,000	4055.00
Over 2,000, plus \$1.00 per 10,000 gallons.....	4055.00

- f. Tanks and associated piping for flammable liquids permit fee (capacity in gallons):

0-10,000.....	2050.00
10,001-20,000.....	2555.00
20,001-50,000.....	3060.00
Over 50,000, plus \$5.00 per 25,000 gallons or fraction thereof.....	4070.00

- g. For the removal of storage tanks, the minimum fee shall be ~~\$3550.00~~

- h. For fire suppression systems, the permit fee shall be (includes standpipes):

1. New construction: Same as basic fee in subsection ((b)(1)) above.
 2. All others: Same as basic fee in subsection ((b)(1)) above.
- i. Elevators, dumbwaiters, moving stairways, moving walks, manlifts or special hoisting and conveying equipment permit fee:
1. New construction: Same as basic fee in subsection (b)(l) above.
 2. All others: Same as basic fee in subsection (b)(l) above.
- j. Permit reissuance fee: Permits becoming invalid, as specified by the Code, may be reissued up to a period of five years and charged a fee of ~~\$150.00~~ **\$350.00** for each six-month period.

(5) *Elevator Inspections:*

- a. The fee for a semiannual elevator inspection shall be ~~\$350.00~~ **\$350.00**.
- b. Reinspection: When an inspector is required to make a reinspection of an elevator for the convenience of the owner of the elevator or because the elevator fails to pass the inspection, there shall be a ~~\$350.00~~ **\$350.00** reinspection fee. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

(6) *Plan Review Fee:*

- a. The fee for the review of building plans shall be \$10.00 for each 1,000 square feet of floor space, or part thereof, reviewed. Such review fee shall be paid at the office of building inspections prior to the plan review or at the discretion of the building official, at the time of permit issuance.
- b. Revised plans: There shall be no fee for the review of revised building plans unless such plans are substantially different than the original plans and necessitate the issuance of additional review comments. Such revised plans shall be subject to an additional fee equal to the fee provided for in subsection (a) above.

(7) *Certificate of Occupancy Inspection:*

- a. The fee for an inspection for a certificate of occupancy shall be ~~\$350.00~~ **\$350.00**.
- b. No certificate of occupancy shall be issued until all inspection fees have been paid.

(8) *Mobile Home Installation Fee:*

- a. The fee for the inspection of the installation of a mobile home shall be \$50.00.
- b. The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home.

- (9) *Reinspection: When any building, electrical, mechanical or plumbing inspector is required to make a reinspection of work or a mobile home for the convenience of the contractor, subcontractor or mobile home owner because of incomplete, inadequate or improper work or installation, or because the inspector could not obtain reasonable access to the work or mobile home to be inspected, there shall be a ~~\$350.00~~ **\$350.00** reinspection fee for each reinspection, except as*

otherwise provided herein. Such reinspection fee shall be paid at the office of building inspections prior to the reinspection.

(10) Fire Department New Construction Fees.

- a. In addition to fees collected for building code permits and inspections, a fee of \$2550.00 shall be charged to the permit applicant for the following inspections when a fire department employee will participate in such inspections:
1. Fire protection system acceptance tests (including fire alarm, fire sprinkler, standpipe, fire pump)
 2. Commercial range hood fire suppression system acceptance tests.
 3. Certificate of Occupancy inspections excluding single- and two-family residences.

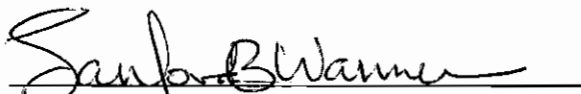
State law reference - Authority of county to adopt fire prevention code enforcement fees, Code of Va., § 27-98.

This ordinance shall become effective July 1, 2006.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of May, 2006.