

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF APRIL 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

John J. McGlennon, Chairman, Jamestown District  
James O. Icenhour, Jr., Vice Chairman, Powhatan District  
Jay T. Harrison, Sr., Berkeley District  
Bruce C. Goodson, Roberts District  
M. Anderson Bradshaw, Stonehouse District

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

As adopted  
May 8, 2007

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE** - Katelyn Perger, a fourth-grade student at Stonehouse Elementary School led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATIONS**

**1. 2007 Historical Preservation Award - Ivor Noël Hume**

Mr. Alain Outlaw of the James City County Historical Commission presented the 2007 Historical Preservation Award to Mr. Ivor Noël Hume for his efforts for quality research in historical archaeology for over 50 years.

Mr. Ivor Noël Hume spoke about his interest in commemorating the 400th Anniversary 10 years ago, and he presented the County with a copy of his latest book, *Civilized Men, A James Towne Tragedy*.

Mr. McGlennon thanked Mr. Hume for his book and also for his efforts to commemorate Jamestown in 2007.

Mr. McGlennon recognized the members of the Historical Commission who were present.

**2. Cool Cities and Counties Presentation - Dr. Chris Llewellyn, Chapter Chair, Williamsburg Chapter of the Chesapeake Climate Action Network**

Dr. Chris Llewellyn, Chapter Chair, Williamsburg Chapter of the Chesapeake Climate Action Network, gave a brief presentation about initiatives that cities and counties can take to help preserve clean air and addressed the issue of global warming with energy savings for the County.

## **E. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated the Capital-to-Capital trail was on schedule and would be completed before Anniversary Weekend. He stated the current activities going on were pothole patching as well as drainage work near News Road. Mr. Brewer stated they would soon install a "No U-turn" sign on Monticello Avenue at WindsorMeade.

Mr. Icenhour asked Mr. Brewer to investigate where underground power lines were being put in and that bike lane signs were knocked down on News Road between Powhatan Secondary and Target. He also asked Mr. Brewer to look into pothole patching on the roadside on Old News Road behind Target.

Mr. McGlennon commented on ditch work being done in First Colony, and asked if there would be any affects felt by the County due to the new transportation plan adopted by the General Assembly.

Mr. Brewer stated based on his information it may not affect the County's transportation efforts.

## **F. PUBLIC COMMENT**

1. Mr. Robert Duckett, Public Affairs Director of Peninsula Home Builders Association, 760 McGuire Place, Newport News, commented on the increase for Building Code Fees. He noted that the Peninsula Home Builders Association did not fully support the increased building plans review fee and he urged the Board to eliminate the re-submittal fee. Mr. Duckett stated it was not fair to charge an additional fee if the County overlooked something in the original submission. He questioned the Planning deferral request fee, asking if this was charged if the County requests a deferral. Mr. Duckett asked the Board to eliminate the zoning verification letter request fee, as he believed this was as simple as looking at tax maps. He commented that the new fees and increases were being imposed on an industry that provided 80 percent of the general property taxes and 62 percent of the budgeted revenues this year.

2. Mr. Ed Oyer, 139 Indian Circle, asked what citizens would get in return for the new fees; why VDOT had surplus funds; commented on a poor real estate market; school administrative costs; County taxes and costs.

## **G. CONSENT CALENDAR**

Mr. Bradshaw noted an amended attachment to the FY 2008 Strategic Management Plan.

Mr. Harrison asked to pull Item No. 5 for separate consideration.

Mr. Icenhour made a motion to adopt the remaining items on the consent calendar.

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

## **I. Minutes - April 10, 2007, Regular Meeting**

2. Selection of the Virginia Association of Counties Risk Pool (VACoRP) for Property, Liability, and Workers' Compensation Coverages

### **RESOLUTION**

#### **SELECTION OF THE VIRGINIA ASSOCIATION OF COUNTIES RISK POOL (VACORP)**

##### **FOR PROPERTY, LIABILITY AND WORKERS' COMPENSATION COVERAGES**

WHEREAS, James City County desires to protect against liability, property, and workers compensation losses and provide payment or claims and losses for which the County may be liable; and

WHEREAS, the Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) has been established pursuant to Chapter 27 (15.2-2700 et seq.) and Title 15.2 of the Code of Virginia; and

WHEREAS, it is desirable for James City County to join the Virginia Association of Counties Self Insurance Risk Pool in order to provide a method of sharing risk for liability property and workers' compensation claims.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to membership in the Virginia Association of Counties Self Insurance Risk Pool.

3. Revisions to Chapter 2, Employment, to the James City County Personnel Policies and Procedures Manual

### **RESOLUTION**

#### **REVISIONS TO CHAPTER 2, EMPLOYMENT, OF THE JAMES CITY COUNTY**

##### **PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, it is the practice of the County to periodically review its personnel policies to ensure alignment with the County's values, best practices in human resource management, and conformance to laws; and

WHEREAS, the Employment Chapter has been revised to reflect best practices in the recruitment and retention of outstanding employees, to align with County values, to conform with required laws and regulations, and to be easier to use and understand.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel polices are adopted, effective July 1, 2007.

4. Virginia Department of Transportation (VDOT) Agreement with James City County for Pass Through Federal Revenue - Jamestown 2007 Anniversary Weekend

**RESOLUTION**

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AGREEMENT WITH  
JAMES CITY COUNTY FOR PASS THROUGH FEDERAL REVENUE -  
JAMESTOWN 2007 ANNIVERSARY WEEKEND**

WHEREAS, Board of Supervisors desires to support Jamestown 2007 Anniversary Weekend with Federal revenues approved to support this event; and

WHEREAS, pass-through Federal revenues from VDOT have been approved for the signage preparation and installation, traffic operations, parking lot preparation, and bus operations and management to support Jamestown 2007 Anniversary Weekend.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute this project agreement between VDOT and James City County for pass through federal revenues:

Revenues:

Federal Grant	\$694,000
Non-Federal Match (Jamestown 2007, Inc.)	694,000
Total	<u>\$1,388,000</u>

<u>Expenditures:</u>	<u>\$1,388,000</u>
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5. Endorsement of FY 2008 Strategic Management Plan (SMP)

Mr. Harrison asked if the Board was able to make additional changes or amendments to the FY 2008 SMP for diversity initiatives.

Mr. McGlennon stated this can be amended later on and this document was readopted every year.

Mr. Goodson stated that there was a work session every year to address the strategic plan and incorporate changes.

Mr. Harrison asked when the work session would be this year.

Mr. Wanner stated the work session is generally in early fall, but the item can be amended at any time.

Mr. Wanner stated it was generally adopted with the budget.

Mr. Harrison made a motion to adopt the endorsement of the FY 2008 Strategic Management Plan.

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

## **RESOLUTION**

### **ENDORSEMENT OF THE FY 2008 STRATEGIC MANAGEMENT PLAN**

WHEREAS, the County's Strategic Management Plan was developed collaboratively and serves as a framework for achieving the County's mission of working in partnership with all citizens to achieve a quality community; and

WHEREAS, the Strategic Management Plan charts the County's future direction by setting forth long-range Strategic Directions that describe our needs, priorities, aspirations, and outlines Pathways or key initiatives that will move us forward in the right direction; and

WHEREAS, it is important to re-affirm the County's Strategic Directions principles.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the FY 2008 Strategic Management Plan.

#### **H. PUBLIC HEARINGS**

1. Case No. HW-5-06. New Town Section 9 - Settler's Market (continued from April 10, 2007)

Mr. Matt Smolnik, Planner, stated Mr. John Abernathy of AIG Baker Development, LLC has requested a height limitation waiver from the Board of Supervisors to construct five buildings within the Settler's Market at New Town development. On property zoned Mixed Use, structures may be constructed up to 60 feet; however, structures in excess of 60 feet may be constructed only if specifically approved by the Board of Supervisors. The proposed uses for all buildings were previously approved for this site with Z-16-05/MP-13-05, New Town Section 9. As shown on the draft elevations and site map, the buildings where height waivers are requested for mixed-use buildings, which have first floor retail or office with three levels of residential above. The main rooflines on the buildings where waivers are requested extend from 64 feet to 69 feet with architectural elements that extend up to 84 feet above grade. The requested waiver will allow the developer to design rooflines and architectural elements on the buildings that improve the visual appearance of the building facades.

Staff stated the applicant requested a deferral at the March 13, 2007, Board of Supervisors meeting, due to architectural adjustments from their initial height waiver application, which included modifying the cupola on Mixed Use Building E, adding chimneys to Mixed Use Building F, and adding cupolas and spires to Mixed Use Building G. Additionally, the architectural adjustments were required to be reviewed and approved by the New Town Design Review Board (DRB) prior to the Board of Supervisors public hearing. At their March 13, 2007, meeting, the Board asked staff to provide examples of other buildings in the County that have been issued a height waiver and also asked staff to include feedback from the Planning Commission members on the current application. Prior to the April 10, 2007, Board of Supervisors meeting, it came to staff's attention that information requested by the Board was not included in the April 10, 2007, Board report. Staff recommended the public hearing be opened for this case but any action be deferred until the April 24, 2007, Board meeting. The applicant concurred with the deferral.

Staff found that given the wetlands and established mature wooded buffer between the residential developments in New Town Sections 2 and 4 and the proposed residential developments in Sections 7 and 8, coupled with the distance from the nearest property lines and Community Character Corridors (CCC)

(approximately 350 feet to Monticello Avenue and approximately 800 feet to Route 199), staff believes the buildings' heights should present a negligible visual impact to surrounding properties and uses. In addition, staff found the proposal consistent with the requirements stated under Section 24-525 of the Zoning Ordinance.

The New Town Design Review Board approved the application at its March 15, 2007, meeting.

Staff recommended that the Board of Supervisors approve the application.

Mr. McGlennon opened the Public Hearing.

1. Mr. Vernon M. Geddy III, on behalf of AIG Baker Development, gave a brief presentation of the location and visual effects of the buildings requiring a height waiver.

Mr. Goodson asked if the applicant intended to incorporate a lesser design without the height waiver.

Mr. Geddy said that there would still be four levels and the buildings would have to be redesigned.

Mr. McGlennon asked to address whether or not architectural features are of concern.

Mr. Harrison stated he believed they were and agreed that the design was appealing.

Mr. Goodson stated he believed the ordinance was set for extra scrutiny for the Board.

Mr. Icenhour asked the applicant how the height of the buildings would affect marketability and thought comparable buildings were under the 60-foot height limit.

Mr. Geddy stated the comparable buildings incorporate a different type of architecture from the buildings requiring a height waiver.

Mr. Bradshaw asked about the statement "structure in accordance with design in the original master plan" and though he looked at the design guidelines, he asked what the master plan said about the design.

Mr. Geddy stated the mixed-use designation, the layout of the project, and the type of units were entirely consistent, and what was unique about this project was that there was an additional layer of design guidelines administered by the New Town DRB.

Mr. Bradshaw asked if the distinction between the master plan and design guidelines was consistent.

Mr. Smolnik stated the ordinance speaks specifically of the master plan, layout, and design guidelines.

Mr. McGlennon asked how the fifth level would be classified.

Mr. Smolnik stated he would classify the fifth level as architectural elements.

Mr. McGlennon asked if there was any indication of what the change of total number of units would be without the height waiver.

Mr. John Abernathy, AIG Baker Development, stated there would be no change, and the marketability was based on discretion drawn from marketing research that evaluated clearance in units, more windows, and balconies. He stated the overall issue requiring over 60 feet was based on accommodating these desirable elements.

Mr. McGlennon stated there would not be a change in the number of units, and the number would be within the total approved for this section of New Town.

Mr. Abernathy stated the buildings would need to be redesigned to keep the building height lower.

Mr. McGlennon asked if the HVAC equipment was within the roof structure.

Mr. Abernathy stated the units sit on top of the roof behind the pitched roofs out of sight.

Mr. Icenhour asked where the units would be without the height waiver.

Mr. Abernathy said that would depend on the roof's pitch, but they would attempt to keep them on roof, though they may need to provide screening.

Mr. Bradshaw mentioned the four-story limit and asked if this was based on the design guidelines or the master plan.

Mr. Smolnik stated the master plan called for three or more stories, and the reference to the fourth story with an attic or dormers was in design guidelines.

2. Mr. Bob Magoon, Chair of New Town DRB, stated the architecture in Settler's Market could be the template for all of the New Town Design Guidelines, and the DRB felt the need to see better architecture overall. He stated the DRB reviewed heights and looked at the proposal and found it exceptional. Mr. Magoon commented on the similarities to the Bennington on the Park building and the Foundation Square building. He stated the DRB was careful in deliberation in relation to surrounding area, adjacent to Sullivan Square. Mr. Magoon said the DRB believed AIG Baker Development was consistent with the intent of the design guidelines, and they felt it would compromise the design by eliminating elements. He noted that buyers were looking for variety in design.

Mr. Bradshaw asked about the specific language of the design guidelines, noting that typically a four-story building would have a fourth story with a dormer roof. He asked how the DRB approached this with this specific design.

Mr. Magoon stated the DRB was influenced by the Bennington building and Foundation Square, and looked at the proposal in its overall context and saw it as exemplary architecture.

Mr. McGlennon stated he felt that though the design had to go through an extra layer of review, the DRB did not take the design guidelines as a default unless there was a compelling reason otherwise.

Mr. Magoon stated this was incorrect, and he stated the DRB saw this design as one that excelled and exceeds expectations.

Mr. McGlennon asked if not incorporating the fourth floor into the dormer area was so important that it could not be compromised.

Mr. Magoon stated that a 3.5-story building would be a good compromise.

3. Mr. Ed Oyer, 139 Indian Circle, asked if the Fire Department would be able to access the highest parts of these buildings.

Mr. McGlennon stated this question was addressed and stated the Fire Department's equipment could accommodate the height.

4. Dr. Chris Llewellyn, asked if these buildings meet the U.S. Green Building standards.

5. Ms. Kensett Teller, 126 Lake Drive, asked what the benefit to the community would be to increase the height of the buildings, and asked that the buildings stay within the guidelines.

Mr. McGlennon asked the applicant to address the question regarding compliance with the U.S. Green Building standards.

Mr. Abernathy stated that those buildings were not designed in that way and was not aware of any in New Town that incorporated these standards.

Mr. McGlennon stated this application was for a height waiver and would not affect whether or not the buildings would be built.

Mr. Goodson made a motion to approve the resolution, reminded the Board that the height waiver provision was for increased scrutiny, and stated it does meet the four-story design guidelines, and 60 feet was an arbitrary height. Mr. Goodson stated this was essentially a four-story building and that the DRB supports this as an exemplary plan.

Mr. Icenhour stated his concern for the New Town Design Guidelines and mentioned that if he had known that the guidelines would not have been applied, he would have voted differently. He stated the ordinance requires a 60-foot limit, and if there was a waiver required, the design needs to at least meet the six minimum requirements. Mr. Icenhour stated if a design were needed solely to meet those six requirements, a height waiver would be an administrative approval. He stated there must be a compelling reason for the height waiver and that these would be the highest buildings in the County. Mr. Icenhour stated that the waivers in the past for mixed use were for the Courthouse steeple, and the only request for residential structure or roofline height waivers were for two R-5 areas for apartments, which required only a 35-foot height waiver. He stated this waiver also produced some public benefit through affordable housing. Mr. Icenhour commented that the Board needed to exercise judgment and must see some benefit or reason for providing a waiver. He stated it was the only one in New Town to require a waiver, and stated his disapproval of the application.

Mr. Bradshaw stated if there were a public benefit required, the ordinance should state that. He stated that though the design does not comply with the design guidelines, he felt the Board wisely delegated that discretion to the DRB in the proffers. Mr. Bradshaw stated in examining the master plan, the design falls within the guidelines, which the Board had authority to judge.

Mr. Harrison asked if the height was a negative impact on the CCC, and stated he felt it was consistent. He commented that he felt there was a public benefit in diversity in design.

Mr. Icenhour commented that the buildings requiring a height waiver were not spread out enough to accommodate the height, as some were across the street from one another.

Mr. Goodson stated he felt it looked like an urban design to match with the character of the area.

Mr. McGlennon asked staff the status of the build out for New Town and asked if there would be additional height waivers requested.



Mr. Smolnik stated with current build out there was limited potential for height waivers in the business park to be located in Sections 3 and 6, which have design guidelines incorporating a 60-foot height limit. He stated there was also potential for a height waiver in Block 11 of Sections 2 and 4.

Mr. McGlennon stated that the Board needed to use discretion to approve or disapprove, and stated it was legitimate to maintain this discretion. Mr. McGlennon stated there would be the same number of units if the buildings were redesigned without requiring a height waiver, though it may be a less attractive building.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson (3). NAY: Icenhour, McGlennon (2).

## **RESOLUTION**

### **CASE NO. HW-5-06. SETTLER'S MARKET AT NEW TOWN**

WHEREAS, Mr. John Abernathy, on behalf of AIG Baker Development, LLC, has applied for a height limitation waiver to allow for the construction of five Mixed Use buildings as shown on the plan titled "Settler's Market at New Town" prepared by AIG Baker Real Estate, LLC, dated March 26, 2007, in excess of 60 feet in height; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing was held on Case No. HW-5-06; and

WHEREAS, the Mixed Use buildings will be located on property zoned MU, Mixed Use, with proffers and is further identified as Parcels Nos. (1-2), (1-3), (1-52), and a portion of (1-56) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-525 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, following a public hearing, does hereby approve Case No. HW-5-06.

At 8:25 p.m. Mr. McGlennon recessed the Board for a brief break.

At 8:37 p.m., Mr. McGlennon reconvened the Board.

### **2. Case No. SUP-02-07. Accessory Apartment - Page Landing**

Ms. Kate Sipes, Senior Planner, stated Mr. Marv Evans and Mrs. Christine Evans have applied for a special use permit (SUP) to allow the expansion of their existing single-family dwelling for the purpose of adding an accessory apartment to be occupied by their elderly parents. The property, located at 4721 Captain John Smith and further identified on James City County Real Estate Tax Map No. (55-1) as Parcel No. (3-14), consists of 739 acres, zoned R-1, Limited Residential, and is classified in the Comprehensive Plan as Low-Density Residential. The property is located inside the Primary Service Area. The existing structure is approximately 2,750 square feet. The applicant is proposing to add approximately 770 square feet onto the rear of the existing home. A new garage is also proposed to be connected to the addition via an enclosed breezeway.

The garage is permitted, not subject to the approval of this SUP and not included in the above square-footage calculations.

Staff found the proposal to be compatible with the surrounding zoning and development since the completed apartment will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also found the proposal to be generally consistent with the 2003 Comprehensive Plan.

At its meeting on April 4, 2007, the Planning Commission voted 7-0 to approve the application.

Staff recommended approval of the application.

Mr. Icenhour asked for clarification that the apartment could only be rented out if the original structure was owner-occupied.

Ms. Sipes stated that was correct.

Mr. Bradshaw asked if the applicant was aware they may need to review the homeowners association's declarative of restrictive covenants.

Ms. Sipes stated this was brought to the applicant's attention.

Mr. McGlennon stated the property had a deep lot so setbacks were not an issue.

Ms. Sipes stated his was correct.

Mr. McGlennon opened he public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-02-07. ACCESSORY APARTMENT - PAGE LANDING**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 4, 2007, unanimously recommended approval of Case No. SUP-02-07 to allow the construction of an accessory apartment onto an existing single-family structure at 4721 Captain John Smith, further identified as James City County Real Estate Tax Map No. 5510300014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-02-07 as described herein, with the following conditions:

1. Within 18 months from the issuance of this SUP, the accessory apartment shall be occupied or the permit shall become void.
2. The accessory apartment can be rented only while the primary residence is owner-occupied.
3. A door internal to the primary residence shall provide access to the accessory apartment.
4. A certified copy of the Board of Supervisors' SUP resolution shall be recorded against the property in the Circuit Court Clerk's Office of the Courthouse.

3. Temporary Classroom Trailers

- a. Case No. SUP-06-07. Lafayette High School Temporary Classroom Trailers
- b. Case No. SUP-07-07. Jamestown High School Temporary Classroom Trailers
- c. Case No. SUP-08-07. D. J. Montague Elementary School Temporary Classroom Trailers
- d. Case No. SUP-09-07. Clara Byrd Baker Elementary School Temporary Classroom Trailer
- e. Case No. SUP-10-07. Rawls Byrd Elementary School Temporary Classroom Trailer
- f. Case No. SUP-11-07. Stonehouse Elementary School Temporary Classroom Trailers

Mr. Jose Ribeiro, Planner, stated Mr. Bruce Abbott, on behalf of the Williamsburg-James City County Public Schools (WJCC Schools), has applied for six SUPs to extend the expiration date for a total of 22 existing classroom trailers located at Lafayette and Jamestown High Schools, D. J. Montague, Clara Byrd Baker, Rawls Byrd, and Stonehouse Elementary Schools. Additionally, a total of ten existing classroom trailers are scheduled to be removed from Lafayette High School, D. J. Montague, Clara Byrd Baker, and Stonehouse Elementary Schools by July 2007.

Staff found the proposals consistent with Comprehensive Plan and compatible with surrounding uses. When contacting adjacent property owners, the notification sent was not based on current property records. Mr. Ribeiro stated the only property owners that were not affected by this error were adjacent to Clara Byrd Baker Elementary School. Staff intended to recommend deferral of all cases aside from Clara Byrd Baker, and recommend approval for the SUP for Clara Byrd Baker. Staff said the applicant has requested that all six SUP applicants be deferred, but if the Board wished to vote separately, a separate resolution has been provided for the SUP for Clara Byrd Baker Elementary School.

Staff recommended deferral of the applications to May 8, 2007.

Mr. Icenhour indicated he supported a deferral and asked that he needed information from the School Board including greater detail about what activity would be in each trailer for May 8.

Mr. Bradshaw asked if the conditions of the SUP are in line with specified uses, stated that the current resolutions have a time period; asked if actual use is a concern, may be SUP conditions.

Mr. Icenhour stated there were some trailers extended to 2009 or 2012 because of retaining seniors; over capacity, valid request, but after that year, both high schools would be under capacity, but an extension of the SUPs for out years tie conditions of use to clear administrative need.

Mr. Bradshaw stated there was a legitimate concern for capacity in the upcoming years, and it may be more economical to keep a trailer for a longer period, though unused for a time, rather than having to remove it and later bring it back.

Mr. McGlennon stated one purpose for deferral was the need to notify property owners adjacent to the schools, and yet there are decisions being made by school administration and the School Board about the uses of the trailers, specifically the housing for the CEO program, though this program was likely not an option for the trailers at Jamestown High School. He stated he would open the public hearing and asked Mr. Rogers to confirm that the County would not need to re-advertise unless the application was substantially altered.

Mr. Rogers stated if the request came back for fewer trailers, the County would not need to re-advertise, but if there were more, the County would need to re-advertise the public hearing.

Mr. McGlennon stated if there were additional locations added it would be separately advertised.

Mr. Rogers stated this was correct, as it would be a more extensive use.

Mr. Wanner stated the School Board would be voting on these issues and its budget on May 1, 2007.

Mr. McGlennon opened the public hearing.

1. Mr. Bruce Abbott, AES Engineering, stated the School Board was in its budget process, and that deferring the action would give the School Board more time to finalize its plans.

As no one else wished to speak to this matter, Mr. McGlennon continued the public hearing to the May 8, 2007, Board meeting.

4. Temporary Lease - Jamestown Beach Campground

Mr. Allen Murphy, Special Assistant to the County Administrator, stated in anticipation of Anniversary Weekend the County was to lease the Jamestown Beach Campground to Jamestown 2007 to allow for the enforcement of regulations on all ticket holders of the event under the authority of the Police Chief and Fire Chief. Mr. Murphy stated the resolution also authorized the County Administrator to execute the lease for the Jamestown Beach Campground.

Mr. McGlennon stated that the County was leasing the property to Jamestown 2007 and they would delegate power of attorney to enforce the rules of the Commemoration activities under the County's recent ordinance.

Mr. Murphy stated this was correct.

Mr. McGlennon opened the public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. McGlennon made a motion to adopt the resolution.

## **RESOLUTION**

### **TEMPORARY LEASE OF JAMESTOWN BEACH CAMPGROUND PROPERTY FOR**

#### **JAMESTOWN 2007, INCORPORATED**

WHEREAS, the primary commemoration of the 400th Anniversary of the Jamestown Settlement will occur on Anniversary Weekend, May 11, 2007; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that it is in the interest of public health, safety, and general welfare to provide a temporary lease of County property to Jamestown 2007, Inc. to allow James City County Police and Fire staff to enforce rules of conduct established as part of ticket sales by Jamestown 2007, Inc., as listed in Exhibit B attached hereto and to allow the occupancy, construction and removal of facilities associated with Anniversary Weekend.

NOW, THEREFOR, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute all documents necessary to enter into a temporary lease of properties known as the Jamestown Beach Campground identified as 4630100005, 4630100006, 4630100009, 4630100013, and 4630100014 as depicted on Exhibit A attached hereto with noted exceptions.

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

Mr. Harrison stated this was a step in the right direction to develop rules for behavior on public and private property.

Mr. McGlennon clarified that this power of attorney was only for the month-long period of the lease, but it was indeed a stride in the right direction.

#### **I. BOARD CONSIDERATIONS**

##### **1. Ordinance to add Chapter 18A, Stormwater Management to the James City County Code**

Mr. John Horne, Development Manager, stated the ordinance was based on a previous work session and it would establish a fee, billing process, allocation for funds, adjustments, and a credit program for stormwater management. He stated that since the public hearing on April 10, 2007, changes have been made to the ordinance to address timeshares, which were added to the category of non-single-family detached, and he stated the developed property definition has been clarified regarding improvements. He stated the new ordinance also had clarifying language to address condominiums and townhouses.

Mr. Harrison stated this utility was a start to mitigate the effects of stormwater runoff. Once under control, future Boards may reverse the fee, fee should address its effectiveness and not just expand, attaching fee to a source that they can't claim as a re tax write off.

Mr. Goodson stated he was not in support of the stormwater utility fee as he had said that he objected that it was called a utility though it did not provide a service. He expressed concern that there was no consensus on credits based on the current ordinance. He stated he would like to amend the proposed ordinance

to specifically address credits and recommended a full waiver of fees to businesses with a VPDEC permit as they were already monitored by the State. He recommended a 50 percent credit to homeowner's associations with capital funds to maintain their own stormwater facilities. He recommended full credit to homeowner's associations and businesses that retain stormwater on the property for reuse and irrigation, and suggested a provision to measure discharge of stormwater if there was any.

Mr. Bradshaw stated some of these issues make sense, but he believed this was a legitimate utility and that the Board should not consider a credit program yet. He stated most utilities provide service for a fee, and they also have a demand charge for infrastructure as well as a consumption charge tied directly to a consumer's impact on the system or rate of consumption. He stated at this point the County was designing the demand charge in order to know the extent of damage, monitor the effects, and enforce the rules. He said at this point the County, cannot tie a specific benefit to a specific piece of property, and the Board would need to develop credits eventually, but now building infrastructure was more important so all citizens can benefit.

Mr. Bradshaw complimented the fee's design basis, using impervious area which mitigates impact on stormwater, and causes a need to pay more for more impervious area. He stated that though this fee cannot be deducted onto taxes, citizens won't be assessed as much money. He stated businesses would carry a larger burden, and many properties that were not taxed would also share the cost as much as they share impact. He stated as the program develops the County could institute a credit program, but the initial work and fee should be for the demand charge that provided infrastructure.

Mr. Icenhour stated the program needed to be functional and developed before a credit program could be developed.

Mr. Wanner called the roll for those in support of the ordinance.

On a roll call vote, the vote was: AYE: Goodson (1). NAY: Harrison, Bradshaw, Icenhour, McGlennon. (4).

Mr. Wanner called the roll for those in support of the ordinance without the proposed amendment.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: Goodson (1).

## 2. Case No. ZO-02-07. Zoning and Subdivision Fee Changes

Ms. Sue Mellen, Financial Management Services Assistant Manager, stated since the public hearing on April 10, 2007, staff had incorporated the changes discussed during the budget work sessions to create the ordinance that was being presented.

Mr. McGlennon stated the fees have not been changed in some time and the County does not fully recover the costs for services provided, but the increased fees do offset the costs currently being funded by the General Fund.

Mr. Goodson asked staff to respond to the earlier question of whether fees would be charged if a deferral was requested by the County.

Ms. Melissa Brown, Zoning Officer, stated the deferral cost would not be charged if Planning staff concurred with the deferral or if the Planning Commission or Board of Supervisors requested the deferral.

Mr. Harrison asked if there would be no charge if the County concurred with the request for deferral by the applicant.

Ms. Brown stated this was correct.

Mr. Goodson asked if the applicant could appeal the decision.

Mr. Wanner stated the applicant could appeal to the County Administrator, and the next level of appeal was to the Board of Supervisors.

Mr. Bradshaw noted the previous comment indicating that a zoning verification letter required staff only to look at a map and asked for information regarding that process.

Ms. Brown stated that general zoning information for citizens was free, but zoning verification letters were formal letters requesting the County to give specific zoning information which required research into records and a considerable amount of time. She stated the letters often required copies of site plans and other extensive information beyond just a letter that entailed some amount of staff time and resources.

Mr. McGlennon asked for confirmation that most neighboring jurisdictions and others throughout the State charged such a fee.

Ms. Brown stated this was correct.

Mr. McGlennon made a motion to adopt the ordinances.

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

3. Ordinance to amend Chapter 9, Fire Protection and Emergency Services, Article III, Section 9.14, Service Charges for Transport by County Emergency Medical Services Vehicles

Ms. Sue Mellen, Financial Management Services Assistant Manager, stated the ordinance had not changed since the April 10, 2007, public hearing, and would establish ALS/BLS fees.

Mr. McGlennon stated individuals would not be required to remit a co-payment for emergency services as these payments would be covered by insurance or federal health care provides. He clarified that no one would be denied service due to an inability, and that no one would be asked to pay before services were rendered.

Ms. Mellen stated if emergency services were needed that individuals should call 911.

Mr. McGlennon stated if the ambulance arrived at the scene but the person was not transported, there would be no fee.

Ms. Mellen stated this was correct.

Mr. Bradshaw congratulated Chief Tal Luton for his work on this ordinance.

Mr. Goodson made a motion to adopt the ordinance.

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

NAY: (0).

4. Chapter 4, Building Regulations, Article I, Section 4-8, Generally; to Increase Certain Fees

Ms. Sue Mellen, Financial Management Services Assistant Manager, stated the ordinance amendment had not changed, and approved an increase in the minimum fee for plan review from \$10 to \$15, and increased the fee for review of building plans would increase from \$10 per 1,000 square feet to \$20 per 1,000 square feet.

Mr. McGlennon asked for confirmation that this fee has not increased in 20 years.

Ms. Mellen stated this was correct.

Mr. Bradshaw made a motion to adopt the ordinance.

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

5. Ordinance to amend Chapter 13, Photo Red Ordinance

Ms. Sue Mellen stated this ordinance establishing a photo red ordinance has not changed since its April 10, 2007, public hearing. She stated the ordinance set up a photo red program and established fees and mechanisms to be used under State Code for the program.

Mr. McGlennon stated authorized under State law to operate one intersection for every 10,000 residents, so the County could incorporate up to six photo red intersections.

Ms. Mellen stated this was correct, and allocations were made in the budget for housing to facilitate two intersections with the operation of one at a time. She stated there was language in the budget to account for public information, signage, and other necessary funds to set up the program.

Mr. Bradshaw made a motion to approve the ordinance.

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

6. Ordinance to amend Chapter 1, General Provisions, Section 1-13, Courthouse

Ms. Mellen stated the ordinance had not changed since the public hearing on April 10, 2007, and it would increase the security fee from \$5 to \$10, effective July 1, 2007.

Mr. Harrison made a motion to approve the ordinance.

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

7. FY 2008 County Budget

Ms. Mellen stated the resolution appropriated the FY 2008 budget with all the ordinance amendments that were approved, and it reflected the County Administrator's proposed budget with changes made during work sessions incorporated into the final document.



Mr. McGlennon noted that the budget does not increase the tax rate, and that the increase of assessments was more moderate than recent years – approximately between eight and 10 percent.

Ms. Mellen stated this was correct.

Mr. McGlennon stated there was one newly adopted fee that would be the responsibility of all property owners – the stormwater utility fee.

Ms. Mellen stated this was correct.

Mr. McGlennon stated the ALS/BLS fees were not expected to be paid by County residents, but through private or Federal insurance plans.

Ms. Mellen stated this was correct.

Mr. McGlennon stated that the other fee increases were based on specific actions such as violations of law and review of plans.

Ms. Mellen stated this was correct.

Mr. McGlennon stated that though this budget reflects an increase of over 11 percent, the overall share of the budget carried by residential real estate property taxes has declined.

Ms. Mellen stated this was correct.

Mr. McGlennon stated this budget appropriated approximately 72 percent of additional revenue over last year's budget to Williamsburg-James City County Schools.

Ms. Mellen stated this was correct.

Mr. McGlennon stated the budget was planned over a long period of time with many stages including the County Administrator's plan last fall, a Board retreat in January, a public hearing in January, and a public hearing on April 10, 2007. He pointed out that comments from all of those sessions were helpful. He referenced citizen requests for additional funding to schools, specifically for the Center for Educational Opportunities (CEO) program. He stated this program was unresolved by the School Board, and did not reflect a budgetary issue but a priority issue for them. He felt that after examination of the Schools' budget, there were significant increases, and the Schools could accommodate CEO and other programs with the funds proposed. Mr. McGlennon stated that the County did provide for additional funding for the School's shortfalls for State sales tax revenues, as well as added \$600,000 for VRS and health system costs. He stated that he felt that the County had narrowed the gap between what was requested and what the Board was adopting. Mr. McGlennon noted that when looking at revenues and expression of needs, he felt that the budget would be meeting those needs and would not adversely affect education or reduce staffing below anticipated levels, would not eliminate programs that were not anticipated, and would allow the schools to meet their mission.

Mr. McGlennon noted citizens' desire to see tax relief for senior citizens and disabled people of limited income, and though the County had one of the more generous programs locally, staff prepared information for a partial exemption program for those above the limits in place. He stated he felt additional requests for specific concerns were met. He noted the request of a citizen urging the County to create a position for energy audits, which was addressed by changing the part-time recycling coordinator over to a full-time position. He stated he felt the budget was responsible to public expectations to enhance public safety through new positions with police and fire and manages funds available in a challenging year. He said the

budget reflected priorities citizens have expressed and concerns for the public at large, and he expressed his thanks to citizens, county administration, and staff. He made note of the arts community and the budget's contribution to the efforts for the Virginia Arts Festival. He felt the budget created a productive and healthy structure, and provided for the needs and desires of the community responsibly.

Mr. Goodson stated he did not agree with the stormwater utility element of the budget but he felt it was conservative and strongly supported schools. He stated he preferred a reassessment calendar that allowed for the land book to be completed by the time the budget was adopted, but he felt the 5.1 percent increase estimated in the budget was comparable to the increase in the cost of living. He said many of the assessments are considerably lower this year, and if there was a considerably larger increase, he would support a tax rate decrease.

Mr. Icenhour made a motion to adopt the resolution of appropriation for the FY 2008 budget. He commented that this was a very conservative budget. He noted that he felt the budget was very responsive to the Schools and public safety. Mr. Icenhour stated there were limitations on how to do assessments, but he felt a greater portion of revenue would come from commercial property taxes. He stated his support for the budget.

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

## **RESOLUTION**

### **RESOLUTION OF APPROPRIATION**

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2007, and ending June 30, 2008, and a five-year Capital Improvements Program, the last four years for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2007, and ending June 30, 2008, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated in the FY 2007-2008 General Fund for the offices and activities in the amounts as shown below:

#### **GENERAL FUND REVENUES**

#### **FY 2008**

General Property Taxes	\$ 108,083,729
Other Local Taxes	22,555,000
Licenses, Permits and Fees	9,745,125
Fines and Forfeitures	413,125
Revenue from Use of Money and Property	1,285,631
Revenue from the Commonwealth	25,724,786
Revenue from the Federal Government	5,868
Charges for Current Services	5,112,034
Miscellaneous Revenues	164,250
<b>TOTAL REVENUES</b>	<b><u>\$173,089,548</u></b>

GENERAL FUND EXPENDITURES

FY 2008

Administrative	\$ 1,277,580
Elections	362,113
Human Resources	1,495,885
Financial Administration	4,199,219
General Services	6,758,259
Information Resource Management	2,083,215
Development Management	5,208,534
Judicial	2,313,580
Public Safety	21,251,702
Community Services	6,947,619
Contributions - Outside Agencies	3,824,226
Library and Arts Center	4,439,685
Health Services	1,511,121
Other Regional Entities	2,309,462
Nondepartmental	7,443,356
WJCC Schools	74,246,514
Contribution - School Debt Service	17,191,116
Contribution - Capital Projects Fund	7,366,000
Contributions - Other Funds	<u>2,860,362</u>
TOTAL EXPENDITURES	<u>\$173,089,548</u>

The appropriation for education includes \$74,198,285 as a local contribution to the Williamsburg-James City County Schools operations.

Year End Fund Balance	\$ 2,612,000
Contribution to Capital Projects	2,612,000

2. That the property tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00

3. That the following amounts are hereby appropriated:

CAPITAL PROJECTS BUDGET - FY 2008

Revenues and Other Fund Sources:

Estimated Year End General Fund Balance	\$2,612,000
Contribution - General Fund	7,366,000
Proffers	1,500,000
School Debt Financing	9,700,000
Bond Premium	535,000
Stormwater Utility	270,000

Ironbound Square Lot Sales	600,000
Grants and Donations	<u>450,000</u>
	<u>\$23,033,000</u>

Expenditures:

Development Management	\$ 2,042,000
Parks and Recreation	2,279,112
General Services	2,358,000
Public Safety	1,458,000
Schools	13,827,888
Other	<u>1,068,000</u>
	<u>\$23,033,000</u>

DEBT SERVICE BUDGET – FY 2008

From General Fund - Schools	\$17,191,116
From General Fund - Other	3,697,848
Interest Earned on Construction	<u>5,400,000</u>

Total Debt Service Fund Revenues \$26,288,964

Current Year Expenditures	\$25,654,303
To Fund Balance/Capital Reserve	<u>634,661</u>

Debt Service Fund Disbursements \$26,288,964

GENERAL FUND BUDGET - FY 2007

Undesignated Fund Balance	<u>\$ 1,466,461</u>
Contribution to Debt Service Fund	<u>\$ 1,466,461</u>

DEBT SERVICE BUDGET – FY 2007

From General Fund	\$ 1,466,461
Interest During Construction	1,645,370
Greenspace/PDR Program	419,857
Fund Balance/Capital Reserve	<u>2,840,007</u>

Total Additional Revenues \$ 6,371,695

Expenditures:

2006 Lease Revenue Bonds	<u>\$ 6,371,695</u>
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Total Additional Expenditures \$ 6,371,695

VIRGINIA PUBLIC ASSISTANCE FUND - FY 2008

Revenues:

From the Federal Government/Commonwealth	\$ 4,245,393
From the General Fund	1,887,793
Comprehensive Services Act	387,850
Other	<u>374,840</u>

Total Virginia Public Assistance Fund Revenues	<u>\$ 6,895,876</u>
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Expenditures:

Administration and Assistance	<u>\$ 6,895,876</u>
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Total Virginia Public Assistance Fund Expenditures	<u>\$ 6,895,876</u>
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COMMUNITY DEVELOPMENT FUND - FY 2008

Revenues:

General Fund	\$ 691,411
Grants	1,382,496
Generated Program Income	200,000
Fund Balance	<u>100,000</u>

Total Community Development Fund Revenues & Fund Balance	<u>\$ 2,373,907</u>
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Expenditures:

Administration and Programs	<u>\$ 2,373,907</u>
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Total Community Development Fund Expenditures	<u>\$ 2,373,907</u>
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SPECIAL PROJECTS/GRANTS FUND - FY 2008

Revenues:

Revenues from the Commonwealth	\$ 142,400
Litter Control Grant	<u>10,421</u>
	<u>\$ 152,821</u>

Expenditures:

Clerks Technology Trust Fund	\$ 142,400
Litter Control Grant	<u>10,421</u>
	<u>\$ 152,821</u>

JAMESTOWN 2007 FUND - FY 2007

Revenue:

Fund Balance	<u>\$ 150,000</u>
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Expenditures:

Community Activities	\$ 50,000
Community Building	<u>100,000</u>
	<u>\$ 150,000</u>

JAMESTOWN 2007 FUND - FY 2008

Revenues:

County Contribution	<u>\$ 455,000</u>
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Expenditures:

Historic Triangle Corridor Enhancement Program	\$ 23,000
Community Activities	22,000
Virginia Municipal League Host Event	25,000
Association for the Preservation of Virginia Antiquities (APVA)	50,000
Host Committee	10,000
Contingency	75,000
2007 Sponsorship	<u>250,000</u>
Total Expenditures	<u>\$ 455,000</u>

STORMWATER UTILITY - FY 2008


Revenue:

Fee Revenue	<u>\$2,800,000</u>
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Expenditures:

Operating	\$2,110,000
Contribution to Capital Projects	270,000
Fund Balance	<u>420,000</u>
Total Expenditures	<u>\$2,800,000</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase included on the employee=s salary with variable increases based on performance and funded at an average of 4 percent.
6. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings.
7. All outstanding encumbrances in all County funds at June 30, 2007, shall be an amendment to the FY 2008 budget, and appropriated to the FY 2008 budget to the same department and account for which they were encumbered in the previous year.
8. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

Mr. Wanner thanked the Board for understanding the budget ~~process~~ and the detailed dialog  throughout the process.

8. Comprehensive Plan Methodology

Ms. Tammy Rosario, Senior Planner, stated the methodology was similar to those in the past, but there were some new elements to take into provision. She stated that all non Comprehensive Plan tasks were removed from the methodology per the Board's request it now highlighted substantial Comprehensive Plan milestones. She stated the 2008 Comprehensive Plan update kickoff was anticipated for October to begin the 20-month process. She stated proposed methodology would be presented to the Regional Issues Committee for the regional forums leading to a 2010 regional Comprehensive Plan update.

At its meeting on April 4, 2007, the Planning Commission voted to approve the timeline and methodology by a vote of 7-0.

Staff recommended approval of the Comprehensive Plan Methodology and timeline.

Mr. McGlennon stated he would like to consider a directive to staff to incorporate conservation, energy efficiency, and environmental stewardship elements to guide the development of the Comprehensive Plan due to numerous opportunities to locally address issues of climate change as well as having significant savings for operational costs.

Mr. Harrison stated a special effort should also be made in the Comprehensive Plan methodology to maintain a focus on the area's labor force.

Mr. Goodson stated he would like the Economic Development Authority (EDA) to play a significant role in the Comprehensive Plan update.

Mr. Bradshaw asked for the EDA to be represented on the Community Participation Team (CPT).

Mr. Icenhour asked if this was opposed to holding a seat on the Steering Committee.

Mr. Goodson stated this was correct.

Mr. Harrison stated he could support that designation if the role was given a clear focus.

Mr. Goodson stated he would prefer the EDA member to have a spot on the Steering Committee, but did not believe this was possible. He indicated he would like the EDA to be part of the process.

Mr. Harrison asked for clarification to the two different bodies.

Ms. Rosario stated the Community Participation Team was a group that was a means of encouragement and input for the Steering Committee, and they would also have a liaison on the committee. She clarified that the Steering Committee was in charge of policy development and land use strategies and plans.

Mr. Harrison stated this should be discussed at a later time. He stated not to have someone with business experience at that level was short-sighted.

Mr. Wanner stated there were various elements of the Comprehensive Plan, including an Economics element. He commented that the EDA would have input on this portion of the Plan, incorporating their business expertise. He stated that a member could also participate on the CPT to have further input, but the Steering Committee was more designated to evaluation of technical reports from groups who put forth each element of the Plan, incorporating public comments, and things of this nature.

Mr. Harrison stated they could be one of the members.

Mr. Icenhour asked what other areas would merit equal consideration if the EDA was given a spot on the Steering Committee.

Mr. Wanner stated the EDA has specific statutory authority, as do other board and commissions, while others have broader authority.

Mr. Bradshaw noted that the County has expanded the role of the EDA beyond its authority in the State Code, which only indicates a narrow statutory authority. He stated the EDA was not the only voice for business or the County's labor force, and he felt it should not have an assigned spot on the Steering Committee. He stated there were others who would want the same spot, and there was no distinction of the EDA from other boards and commissions who may provide expertise to the Committee.



Mr. Bradshaw asked about the implementation of staff advocates for each of the areas.

Ms. Rosario stated this was an enhancement this year, and the idea was that staff volunteers from all departments throughout the County would be assigned various topics in conjunction with staff responsible for the subject. The staff volunteers would research the topic areas, gather information, attend meetings, and work hand-in-hand with the staff member in Planning responsible for the topic. She stated this was an effort to bring new information to the table.

Mr. Bradshaw stated this was another area where the EDA perspective could be heard.

Mr. Harrison stated there might be wisdom to look to the EDA to recommend a member of the Business Climate Task Force (BCTF).

Mr. McGlennon stated he wanted to make sure business was heard in the process, but the EDA is a particular group for a particular purpose but does not necessarily reflect the broad range, knowing EDA will be involved in some aspect, encourage a business person, not necessarily EDA, be involved may accomplish this.

Mr. McGlennon polled the Board's support for environmental initiatives being an overall enterprise, to accomplish savings and environmental improvements through Comp Plan process.

Mr. Bradshaw stated he concurred.

Mr. Icenhour concurred.

Mr. Goodson stated his support.

Mr. Harrison stated his support.

Mr. McGlennon asked for the Board's support to specifically address issues of workforce development.

Mr. Harrison stated this initiative might impact the Capital Improvement Projects to include facilities that may enhance workforce development.

Mr. Icenhour stated that the seven citizens to be appointed to the Steering Committee should be selected based on a broad representation of the business community.

Mr. Goodson stated he would like to provide guidance that, while the Planning Commission has the authority to appoint seven citizens to the Steering Committee, he would like the EDA to make a recommendation for a member to serve.

Mr. Bradshaw stated he agreed with Mr. Goodson.

Mr. McGlennon stated he wanted to have representation on the Steering Committee from business people, but not necessarily EDA members specifically.

Mr. Goodson stated all EDA members were involved in business and should represent the business community adequately.

Mr. Bradshaw stated as the liaison to the EDA he was comfortable with Mr. Goodson's suggestion.

Mr. Harrison made a motion to approve the methodology and timeline.

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

9. Initiation of Public Use Site District in the Zoning Ordinance

Mr. Jason Purse, Planner, stated staff has begun to undertake research involved with amending the Zoning Ordinance to include a public use site district. The purpose of this district would be to establish a special classification for all significant publicly owned land that is used for a public purpose. Currently, publicly owned parcels are spread throughout all of the established Zoning Districts as either permitted or specially permitted uses.

Mr. Purse stated a public use site district would make the Zoning Ordinance more consistent with the Comprehensive Plan and more clearly identify on the Zoning Map the intended uses for a property. With the creation of a specific district for these parcels, the County can facilitate full utilization of the property for public benefit. Because the current zoning of most public use sites also allows a wider range of uses, a public use district can also permit the greatest certainty regarding the character of potential uses of those parcels based on the Comprehensive Plan and surrounding land uses.

Mr. Purse stated that the majority of the public use parcels are designated either *Federal, State, County Land or Park, Public or Semi-public Open Space* on the 2003 Comprehensive Plan Land Use Map. These designations are not intended to include parcels anticipated for commercial or residential development but are rather meant to be utilized for the development of parks, schools, government facilities and institutions, and other uses which fulfill the needs of the general public. Currently, three quarters of existing public use sites fall into zoning districts that are commercial or residential in nature, and thus not necessarily consistent with their aforementioned Comprehensive Plan designations. Having a public use site district will provide the County with the ability to create appropriate assimilation between residential and commercial uses and the public uses that accompany those areas. Permitted and specially permitted uses, setbacks, and buffer requirements are typically tailored to meet the needs of the residential and commercial districts in which they are located. The public use site district will allow for the better integration of public uses based on its size, scale, and impacts. If a public use site district is created, all publicly owned land of a size and use, which could have notable impacts to adjacent properties, will need to be rezoned to come into compliance with the Ordinance. This will mean that a Board-initiated rezoning of all relevant parcels will need to take place. If a parcel is no longer publicly owned or used for a public purpose, it must be rezoned before other private uses are allowed.

All existing uses will remain in the other districts, but public uses will only be permitted in the public use site district. For instance, private schools, libraries, and community recreation facilities will still be listed and permitted in the other districts as they currently stand as long as they are privately owned and operated.

Staff recommended that the Board of Supervisors adopt the initiating resolution to start the process of drafting a public use site district as a preliminary action and staff would present a draft ordinance to the Policy Committee in the coming weeks with the intent of having an ordinance before the Planning Commission for consideration at its June meeting.

Mr. Goodson stated typically rezonings would come from applications by the landowner, and in these rezonings the landowner would be the Board.

Mr. Rogers stated the resolution only creates a district with no property attached to the resolution, and after a district was in place, staff would look at property that would typically be used in a government use

property district. He clarified that this resolution would result in a Board-initiated rezoning to put the property of the County, schools, and other public uses. into this district.

Mr. Goodson asked if the property was not County property, during the process, the owners would have the ability to make comments on this.

Mr. Rogers stated that during that process they could make whatever comments they have. He stated that this initiative was to bring government property into the district, which was ultimately the Board's decision. He stated that it was appropriate to put as much property as possible that fit the description as public use.

Mr. Goodson made a motion to adopt the resolution.

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

## **RESOLUTION**

### **INITIATION OF PUBLIC USE SITE DISTRICT IN THE ZONING ORDINANCE**

WHEREAS, the Board of Supervisors of James City County, Virginia, is charged by Virginia Code 15.2-2286 to prepare various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Board to be prudent; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code 15.2-2286; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider the creation of Division 16 to Article V of Chapter 24 of the James City County Code. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

## **J. PUBLIC COMMENT**

1. Mr. Ed Oyer 139 Indian Circle, commented on the budget and fees for services.

## **K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner announced that the County will be launching the Anniversary Weekend "Splash" webpage at [www.jccegov.com](http://www.jccegov.com) which will give the County website a new look for Anniversary Weekend. He stated the introductory page included information about the Anniversary Weekend schedule and people could even sign up at this website to receive text messages for emergency information during Anniversary Weekend. Mr. Wanner clarified that the regular County website was only a click away if the user selected the "I want County Government Information" link. He stated this was a site where citizens and visitors could get up-to-date

information for the many events going on in the County including commemorative events and the Michelob Ultra Open LPGA tournament.

Mr. Wanner recommended taking the Closed Session action in open session during Board Requests and Directives.

Mr. Wanner stated when the Board completed its business it would adjourn to 7 p.m. on May 8, 2007, and after it adjourned there would be a brief meeting of the James City Service Authority Board of Directors.

#### **L. BOARD REQUESTS AND DIRECTIVES**

Mr. Harrison stated there would be a meeting on April 25, 2007, at Mt. Gilead Baptist Church starting at 7 p.m. to address gang activities in the community with tips to recognize gang behavior. He stated the County's Parks and Recreation Division would be exhibiting some of its programs to help deter gang activity in young people. He said there would be an opportunity for the public to ask questions of the panel. He also noted that on May 5, 2007, there would be a youth violence prevention and anti-gang rally held at James River Community Center from 1 p.m. to 4 p.m.

Mr. Goodson stated the Roberts District would be hosting the upcoming Neighborhood Connections Porch Talk at James River Community Center at 6:30 p.m. on Monday, April 30, 2007.

Mr. McGlennon stated on April 20, 2007, he attended a dinner honoring the County Administrator for his service to the Boy Scouts.

Mr. McGlennon asked for a motion to nominate a candidate for the Thomas Nelson Community College Board.

Mr. Bradshaw nominated Mr. Joseph Guterrez, Jr. for a four-year term to expire on July 1, 2011.

Mr. McGlennon stated that Mr. Guterrez has played an important role in planning of the Historic Triangle Campus of Thomas Nelson Community College.

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

#### **RESOLUTION**

##### **REAPPOINTMENT TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD -**

##### **JOSEPH A. GUTIERREZ, JR.**

WHEREAS, Mr. Joseph A. Gutierrez, Jr., has served on the Thomas Nelson Community College Board for four years; and

WHEREAS, the term of Mr. Gutierrez on the Thomas Nelson Community College Board expires on July 1, 2007; and

WHEREAS, Mr. Gutierrez has agreed to reappointment.

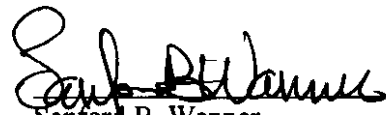
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby reappoints Mr. Gutierrez, to a four-year term on the Thomas Nelson Community College Board, set to expire on July 1, 2011.

**M. ADJOURNMENT**

Mr. Goodson made a motion to adjourn.

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

At 10:03 p.m. Mr. McGlennon adjourned the Board to May 8, 2007, at 7 p.m.

  
Sanford B. Wanner  
Clerk to the Board

042407bos.min

APR 24 2007

ORDINANCE NO. 208BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING CHAPTER 18A, STORMWATER MANAGEMENT, SECTION 18A-1, PURPOSE; SECTION 18A-2, DEFINITIONS; SECTION 18A-3, ESTABLISHMENT OF STORMWATER SERVICE FEE; SECTION 18A-4, IMPOSITION OF STORMWATER SERVICE FEES; SECTION 18A-5, STRUCTURE OF FEES AND CHARGES; SECTION 18A-6, ASSESSMENT, BILLING AND PAYMENT, INTEREST, LIENS; SECTION 18A-7, ADJUSTMENT OF FEES, EXEMPTIONS, AND CREDITS; SECTION 18A-8, SEVERABILITY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18A, Stormwater Management, is hereby added to the Code by adding Section 18A-1, Purpose; Section 18A-2, Definitions; Section 18A-3, Establishment of stormwater service fee; Section 18A-4, Imposition of stormwater service fees; Section 18A-5, Structure of fees and charges; Section 18A-6, Assessment, billing and payment, interest, liens; Section 18A-7, Adjustment of fees, exemptions, and credits; Section 18A-8, Severability.

***Chapter 18A. Stormwater Management\****

***Section 18A-1. Purpose.***

*(a) It is necessary and essential to ensure that the collection of stormwater runoff and control of stormwater within the county limits adequately protects the health, safety, and welfare of the citizens of the county.*

*(b) Within James City County many streams are degraded by stormwater runoff from development and restoration of these streams is recommended in adopted watershed management plans.*

*(c) Citizens report an increasing number of problems with pipes, inlets, ponds, and other stormwater facilities installed within the community.*

*(d) It is necessary that the county address the various environmental issues that will further burden stormwater infrastructure requirements and comply with federal, state and local stormwater regulations.*

*\*State law reference—Regulation of Stormwater, Code of Va., § 15.2-2114.*

*(e) Stormwater runoff is associated with all improved properties in the county, whether residential or nonresidential, and the downstream impacts of runoff are correlated to the amount of impervious surface on a property.*

*(f) The elements and oversight of stormwater management infrastructure provide benefits and service to properties within the county through control of runoff and protection of the natural environment.*

*(g) Section 15.2-2114 of the Code of Virginia, as amended, grants statutory authority to localities to enact a system of service charges to fund stormwater control program.*

*(h) The costs of planning, monitoring, regulating, operating, maintaining, and constructing the stormwater system shall be allocated, to the extent practicable, to all owners of developed property based on their estimated impact on the stormwater management system through the implementation of a stormwater service fee.*

#### ***Section 18A-2. Definitions.***

*The following words and terms used in this section shall have the following meanings:*

*Developed non-single-family detached property. Developed property that does not qualify as single-family detached residential property. Such property shall include, but not be limited to, multi-family residences, condominiums, townhouses, apartment buildings, time shares, mobile home parks, commercial properties, industrial properties, parking lots, recreational and cultural facilities, hotels, offices, churches, and other like properties.*

*Developed property. Real property, which has been altered from its "natural" state by the addition of any improvements such as buildings, structures, and other impervious surfaces. For improvements requiring a building permit, new construction, property shall be considered developed pursuant to this section upon issuance of any certificate of occupancy. For other improvements, property shall be considered developed upon evidence of the existence of impervious cover on the property.*

*Developed single-family detached residential property.* A developed lot or parcel containing one dwelling unit, and accessory uses related to but subordinate to the purpose of providing a permanent dwelling facility. Such property shall not include townhouses, time shares, condominiums and mobile home parks.

*Equivalent residential unit (ERU).* The equivalent impervious area of a single-family detached residential developed property located within the county based on the statistical average horizontal impervious area on the property. An equivalent residential unit (ERU) equals 3,235 square feet of impervious surface area.

*Impervious surface area.* A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, parking areas, and any concrete, asphalt or compacted aggregate surface. Pervious pavement surfaces will not be considered as totally impervious based on the open area and runoff characteristics of the paver structure and the proposed installation.

*Revenues.* All rates, fees, assessments, rentals or other charges, or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the county, fees-in-lieu-of provided by developers or individual residents, and the proceeds from sale of bonds.

*Stormwater management fund.* The fund created by this section to pay for operation, maintenance and improvements to the county's stormwater management system.

*Stormwater management system.* The county operated stormwater management infrastructure and equipment and all improvements thereto for stormwater control within the county. Infrastructure and equipment may include structural and natural control systems of all types, including, without limitation, retention and detention basins, receiving streams, conduits, pipelines, and other best management practices, structures, and real and personal property used for support of the system. The system does not include private drainage systems.

*Stormwater manager.* The person designated to oversee and insure the implementation of the stormwater management system.



*Stormwater service fees. The service charges applied to property owners of developed single-family detached property and developed non-single-family detached property, all as more fully described in section 18A-4.*

*Undeveloped property. Any parcel which has not been altered from its natural state to disturb or alter the topography or soils on the property in a manner, which substantially reduces the rate of infiltration of stormwater into the earth.*

***Section 18A-3. Establishment of stormwater service fee.***

*(a) The stormwater service fee is established to help provide for the general welfare, health, and safety of the county and its residents.*

*(b) The stormwater service fee shall be deposited in a separate ledger account and all funds deposited shall be used exclusively to provide services and facilities related to the stormwater management system. The deposited revenues shall be used for the activities as more fully allowed under section 15.2-2114 of the Code of Virginia, as amended, including:*

- (1) Acquisition of real or personal property, and interest therein necessary to construct, operate and maintain stormwater control facilities;*
- (2) The cost of administration of such programs, to include the establishment of reasonable operating and capital reserves to meet unanticipated or emergency requirements of the stormwater management system;*
- (3) Engineering and design, debt retirement, construction costs for new facilities and enlargement or improvement of existing facilities;*
- (4) Facility maintenance and inspections;*
- (5) Monitoring of stormwater control devices;*

- (6) *Pollution control and abatement, consistent with state and federal regulations for water pollution control and abatement; and*
- (7) *Compliance with applicable regulatory requirements.*

***Section 18A-4. Imposition of stormwater service fees.***

*Adequate revenues shall be generated to provide for a balanced operating and capital improvement budget for maintenance and improvement of the stormwater management system by setting sufficient levels of stormwater service fees. Income from stormwater service fees shall not exceed actual costs incurred in providing the services and facilities described in section 18A-3. Stormwater service fees shall be charged to owners of all developed property in the county, except those owners exempted below and/or pursuant to section 18A-7(a).*

*(a) For purposes of determining the stormwater service fee, all developed properties in the county are classified by the county's real estate assessment classification codes into one of the following classes:*

*(1) Developed non-single-family detached property.*

*(2) Developed single-family detached property;*

*(b) The stormwater service fee for developed single-family detached property shall equal the ERU rate.*

*(c) The stormwater service fee for developed non-single-family detached property shall be the ERU rate multiplied by the numerical factor obtained by dividing the total impervious surface area of the developed non-single-family property by one ERU (3,235 square feet). The numerical factor will be rounded to the next highest integer. The minimum stormwater service fee for any developed non-single-family detached property shall equal the ERU rate. The stormwater fee for condominiums and townhouses will be calculated by dividing the total impervious cover on the condominium or townhouse property by the number of condominium or townhouse units on the property.*

*(d) Undeveloped property shall be exempt from the stormwater service fee. All private streets shall be exempt from the stormwater service fee except for those private streets which are part of entrances or parking for non-single family detached property.*

***Section 18A-5. Structure of fees and charges.***

*(a) Stormwater service fee and charges. The stormwater service fee per month shall be \$4.90 per ERU. Such stormwater service fee and charges set out in this section shall apply to all properties within the county except as altered by credits or specifically excluded under applicable state law.*

*(1) Single-family detached residential. Each developed single-family detached residential property shall be billed and shall pay the fee for one ERU.*

*(2) Other properties. All other developed properties having impervious coverage, including but not limited to multi-family residential properties, commercial properties, industrial properties, institutional properties, church properties, private school properties, unless specifically exempted by state law, shall be billed for one ERU for each 3,235 square feet or fraction thereof of impervious coverage on the subject property. The stormwater fee for condominiums and townhouses will be calculated by dividing the total impervious cover on the condominium or townhouse property by the number of condominium or townhouse units on the property.*

*(b) Change of stormwater service fee. Any change of the stormwater service fee shall be in accordance with the provisions of Virginia Code section 15.2-107.*

***Section 18A-6. Assessment, billing and payment, interest, liens.***

*(a) The stormwater service fee charged to owners of all developed property in the county shall be assessed as of July 1 of each year, except for those owners exempted pursuant to section 18A-7(a).*

*(b) The stormwater service fee is to be paid by the owner of each lot or parcel subject to the stormwater service fee. All properties, except undeveloped property and those exempted by state law, shall be rendered bills or statements for stormwater services. Such bills or statements may be combined with the county tax bill, provided that all charges shall be separately stated. The combined bill shall be*

*issued for one total amount. The treasurer has the authority to bill and collect the stormwater service fees through all available means provided.*

*(c) The bills shall be due and payable in two equal installments. One installment shall be due and payable on or before June fifth of the year after such fee is assessed and the other installment shall be due and payable on or before December fifth of the year such fee is assessed.*

*(d) Any bill, which has not been paid by the due date, shall be deemed delinquent, and the account shall be collected by any means available to the county. All payments and interest due may be recovered by action at law or suit in equity. Unpaid fees and interest accrued shall constitute a lien against the property, ranking on parity with liens for unpaid taxes.*

*(e) In the event charges are not paid when due, interest thereon shall commence on the due date and accrue at the rate of ten percent per annum until such time as the overdue payment and interest is paid.*

*(f) Fees for new developed property shall be billed in the first billing cycle following granting of any certificate of occupancy. In the event of alterations or additions to developed non-single-family detached property, which alter the amount of impervious surface area, the stormwater service fees will be adjusted upon determination of the change. A bill will be issued in the next billing cycle reflecting the adjusted stormwater service fee.*

*State law reference—Regulation of Stormwater, Code of Va., § 15.2-2114.*

***Section 18A-7. Adjustment of fees, exemptions, and credits.***

*(a) Waivers and exemptions shall be those set forth in Virginia Code section 15.2-2114.*

*(b) Any owner who has paid his/her stormwater service fees and who believes his/her stormwater service fees to be incorrect may submit an adjustment request to the stormwater manager or his designee. Adjustment requests shall be made in writing setting forth, in detail, the grounds upon which relief is sought. Response to such adjustment requests, whether providing an adjustment or denying an adjustment, shall be made to the requesting person by the stormwater manager or his designee within 60 days of receipt of the request for adjustment. The stormwater manager shall have the authority to grant*

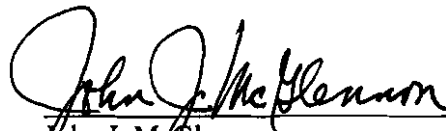
*adjustments, as applicable. An appeal of the stormwater manager's final decision shall be made in writing within 30 days from the date of the final decision to the county administrator. The county administrator shall have the authority to review the stormwater manager's final decision and grant adjustments, as applicable. The final decision of the county administrator may be appealed to circuit court within 30 days from the date of the county administrator's final decision.*

*(c) Credits against stormwater service fees are an appropriate means of adjusting fees, rates, charges, fines, and penalties in certain cases. Crediting policy may be established by the board of supervisors and, when established, a credit manual shall be issued that will set forth the appropriate process and documentation to obtain such credits. No exception, credit, offset, or other reduction in stormwater service fees shall be granted based on age, race, tax status, economic status, or religion of the customer, or other condition unrelated to the stormwater management system's cost of providing stormwater services and facilities, or the goals of the stormwater management system.*

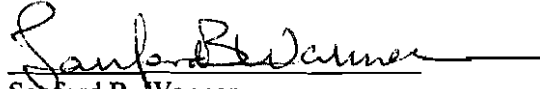
**Section 18A-8. Severability.**

*The provisions of this chapter shall be deemed severable; and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this chapter shall remain in full force and effect and their validity unimpaired.*

This ordinance shall become effective July 1, 2007.

  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of April, 2007.

ADOPTED

APR 24 2007

ORDINANCE NO. 31A-225

BOARD 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 I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES.

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 24-7, Administrative fees.

Chapter 24. Zoning

Article I. In General

**Sec. 24-7. Administrative fees.**

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoningings .....	\$1,200.00 plus \$50.00 <del>\$75.00</del> per
.....	acre, not to exceed \$15,000.00
(2) Applications for special use permits:	
a. Generally (General special use permits processed with.....	\$1,000.00 plus \$30.00
a rezoning shall pay a rezoning fee only).....	per acre, not to exceed \$5,000.00
b. Manufactured home on an individual lot .....	100.00
c. Family subdivision under section 24-214.....	100.00
d. Amendment to a special use permit .....	400.00
e. Wireless communications facilities under division 6 .....	1,500.00

(3) Master plan review:

- a. Initial review of any Residential Cluster, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only) ..... 200.00
- b. Revision of approved plan:
  - 1. Residential Cluster..... 75.00
  - 2. R-4, PUD, Mixed Use ..... 150.00

(4) Site Plan Review:

a. Administrative review:

- 1. Residential structures or improvements, \$600.00, plus \$60.00 per residential unit.
- 2. Nonresidential structures or improvements, \$600.00, plus \$0.24 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$600.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

b. Planning commission review:

- 1. Residential structures or improvements, \$1,800.00, plus \$60.00 per residential unit.
- 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.24 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$1,800.00, plus \$60.00 per residential unit plus \$0.024 per sq. ft. of nonresidential building area.

c. Amendment to an approved plan:

- 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
- 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
- 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
- 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.

d. Zoning administrator and fire department review only, \$20.00.

e. Each additional review after second resubmission, ~~\$250.00~~ to include resubmissions that are the result of substantial redesign due to other agency comments.

(5) Sign permits, \$5.00 per square foot of gross sign area.

(6) Appeals to the board of zoning appeals, ~~\$250.00~~ \$500.00

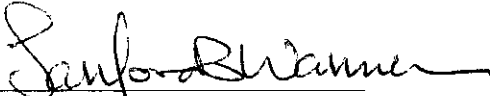
(7) Application for a height limitation waiver to the board of supervisors, \$200.00

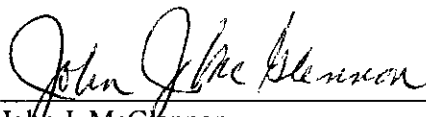
(8) Application for administrative variance, ~~\$100.00~~ \$250.00

- (9) *Public hearing applicant deferral request when the applicant fails to meet a staff imposed deadline for additional information relevant to the application except where deferral is the result of a commission or board action, \$350.00 per request.*
- (10) *Conceptual plan review, \$25.00.*
- (11) *Zoning verification request, \$100.00.*

This ordinance shall become effective July 1, 2007.

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

  
John J. McGlennon  
Chairman, Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of April, 2007.



ADOPTED

APR 24 2007

ORDINANCE NO. 30A-34

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-15, FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-15, Fees.

Chapter 19. Subdivisions.

Article I. General Provisions

Sec. 19-15. Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below:

- (1) *General plan review.* There shall be a fee for the examination of every plan reviewed by the agent or commission. For all subdivisions that do not require public improvements, the fee for a major or minor subdivision shall be \$200.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. For all subdivisions that require public improvements, the fee for a major or minor subdivision shall be \$250.00 per plan plus \$70.00 per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions which have undergone site plan review shall be \$50.00. The fee shall be submitted to the agent at the time of filing the plat for review. Any check shall be payable to the James City County treasurer. *An additional fee of \$250.00 shall be collected for any review after the second re-submission not to include resubmittals that are the result of substantial redesign due to additional agency comments.*
- (2) *Inspection fee for water and sewer lines.* There shall be a fee for the inspection by the service authority of public water and sewer system installations. Such fee shall be \$1.43 per foot for every foot of sewer main or water main constructed and shall be submitted as specified by the service authority regulations.

This ordinance shall become effective July 1, 2007.



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of April, 2007.

APR 24 2007

ORDINANCE NO. 9A-16BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING THE TITLE OF THE CHAPTER TO FIRE PROTECTION AND EMERGENCY SERVICES; BY AMENDING THE TITLE OF ARTICLE III, ADMINISTRATIVE FEES TO FEES, AND BY ADDING SECTION 9-14, SERVICE CHARGE FOR TRANSPORT BY COUNTY EMERGENCY MEDICAL SERVICES VEHICLE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Fire Protection and Emergency Services, Article III. Fees, is hereby amended and reordained by adding Section 9-14, Service charge for transport by county emergency medical services vehicle.

Chapter 9. Fire Protection *and Emergency Services*

Article III. ~~Administrative~~ Fees

***Section 9-14. Service charge for transport by county emergency medical services vehicle.***

*(a) Definitions. The following definitions shall apply to this section:*

*Advanced life support, level 1 (ALS1). Services shall be medical treatment or procedures provided to a patient beyond the scope of an Emergency Medical Technician-Basic (EMT) as defined by the National EMS Education and Practice Blueprint.*

*Advanced life support, level 2 (ALS2). Services shall be defined as advanced life support (ALS) services provided to a patient including one or more of the following medical procedures: (i) defibrillation/cardioversion, (ii) endotracheal intubation, (iii) cardiac pacing, (iv) chest decompression, (v) intraosseous line, and/or (vi) the administration of three or more medications.*

*Basic life support (BLS). Services shall be medical treatment or procedures to a patient as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician-Basic (EMT).*

*Emergency medical services vehicle. Shall have the definition specified in Virginia Code section 32.1-111.1.*

*Ground transport mileage (GTM). Mileage shall be assessed in statute miles from the Fire/EMS response zone of the incident to a hospital or other facility where a patient is transported.*

*(b) Except as otherwise provided by subsection (e) of this section, a service charge for BLS, ALS1, ALS2, and for ground transport mileage is imposed on each person being transported by any emergency medical services vehicle that is operated or maintained by the county or for which a permit has been issued to the county by the Virginia Office of Emergency Medical Services. The funds received from the payment of this fee shall be paid into the general fund of the county to aid in defraying the cost of providing such service.*

*(c) The county administrator is hereby authorized and directed to establish rules and regulations for the administration of the charges imposed by this section, including, but not limited to, payment standards for those persons who demonstrate economic hardship.*

*(d) The county administrator is hereby authorized and directed to establish rates for mileage and for each level of transport within the county budget document each year.*

*(e) No charge shall be imposed on persons in the following instances:*

*(1) Persons determined to be medically indigent by the county in accordance with administrative policies established by the county administrator;*

*(2) Persons in the custody of the sheriff of James City County;*

*(3) Persons in the custody of the police department;*

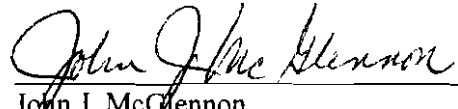
*(4) During times of a declared local emergency when the county administrator has suspended the collection of EMS charges;*

*(5) Employees and volunteers transported from a county work site for work related injury or illness.*

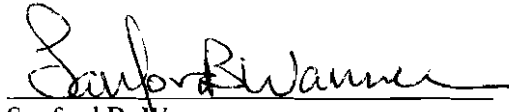
*(f) The James City Volunteer Rescue Squad and the James City-Bruton Volunteer Fire Department will receive a proportional share of the actual revenue received from patients transported by EMS vehicles owned by the James City Volunteer Rescue Squad. The proportional share shall be determined each year as part of the county budget.*

*State law reference - Code of Va., § 32.1-111.14.*

This ordinance shall become effective July 1, 2007.

  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of April,  
2007.

9-13ALS-BLSfees.ord

APR 24 2007

ORDINANCE NO. 81A-16BOARD 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 1. Virginia Uniform Statewide Building Code

## Division 2. Permit and Inspection Fees

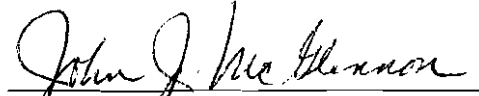
**Sec. 4-8. Generally.**

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

**(6) Plan Review Fee:**

- a. The fee for the review of building plans shall be ~~\$10.00~~ *\$20.00* for each 1,000 square feet of floor space, or part thereof, ~~reviewed~~ *or a minimum fee of \$15.00*. 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~~ *minor revisions to* building plans unless such plans are substantially different than the original plans *or the previous review comments have not been addressed* 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.

This ordinance shall become effective July 1, 2007.



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of April,  
2007.

Chap4fees.ord



APR 24 2007

ORDINANCE NO. 66A-57BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY ADDING SECTION 13-15, TRAFFIC LIGHT SIGNAL VIOLATION MONITORING SYSTEMS; ENFORCEMENT; AND PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by adding Section 13-15, Traffic light signal violation monitoring systems; enforcement; and penalty.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

***Section 13-15. Traffic light signal violation monitoring systems; enforcement; and penalty.***

*(a) Definitions. The following words and terms used in this section shall have the following meanings:*

*Owner. The registered owner of such vehicle on record with the Virginia Department of Motor Vehicles.*

*Traffic light signal violation monitoring system. A vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video or other recorded images of each vehicle at the time a vehicle is used or operated in violation of Code of Virginia Sections 46.2-833, 46.2-835 or 46.2-836, which are incorporated herein by reference. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.*

*(b) Installation and operation of traffic light signal photo-monitoring systems. Traffic light signal violation monitoring systems may be installed and operated at no more than one intersection for every 10,000 residents within the county, at any one time.*

*(c) Monetary penalty; effect of conviction. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the county. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50.00, nor shall it include court costs.*

*(d) Proof; certificate. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system. A certificate, sworn to or affirmed by a law enforcement officer employed by the county authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.*

*(e) Evidence of violation; presumption. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle:*

*(i) files an affidavit by regular mail with the clerk of the general district court that he or she was not the operator of the vehicle at the time of the alleged violation; or*

*(ii) testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation.*

*Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation.*

*(f) Summons. A summons for a violation of this section may be executed pursuant to the Code of Virginia, Section 19.2-76.2. Notwithstanding the provisions of the Code of Virginia Section 19.2-76, a summons for violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or rentor. Every such mailing shall include, in addition to the summons, a notice of:*

- (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (d); and*
- (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent.*

*If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in the Code of Virginia Section 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 60 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.*

*(g) Admissibility of evidence. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations.*

*(h) Private entities. On behalf of the county, a private entity may not obtain records regarding the registered owners of vehicles, which fail to comply with traffic light signals. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not:*


- (i) *be open to the public;*
- (ii) *be sold or used for sales, solicitation, or marketing purposes;*
- (iii) *be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or*
- (iv) *be used in court in a pending action or proceeding unless the action or proceeding relates to a violation of Virginia Code Sections 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction.*


*A private entity may enter into an agreement with the county to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a summons for a violation of this section has not been executed within 10 business days, all information collected pertaining to that suspected violations shall be purged within 2 business days. The traffic light signal violation monitoring system shall be annually certified in compliance with Virginia Code section.*

***State law reference - Code of Va., § 15.2-968.1.***

This ordinance shall become effective July 1, 2007.

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

  
John J. McGlennon  
Chairman, Board of Supervisors

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of April, 2007.

APR 24 2007

ORDINANCE NO. 156A-11BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 1-13, COURTHOUSE MAINTENANCE; COURT SECURITY AND JAIL PROCESSING FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-13, Courthouse maintenance; court security and jail processing fees.

#### Chapter 1. General Provisions

##### **Sec. 1-13. Courthouse maintenance; court security and jail processing fees.**

(a) A fee of \$2.00 shall be assessed and imposed as part of the costs incident to each civil action and each criminal and/or traffic case in the district or circuit courts for the City of Williamsburg and County of James City. This fee shall be in addition to all other fees prescribed by law. The clerk of the court shall remit fees collected under this section to the treasurer of the county. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors for the construction, renovation or maintenance of the courthouse, jail or court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

(b) A fee of ~~\$5.00~~ ~~\$10.00~~ shall be assessed as part of the costs incident to each criminal or traffic case prosecuted in the district or circuit courts for the City of Williamsburg and County of James City in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard and shall be remitted to the treasurer of the county. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors to the county sheriff's office for the funding of courthouse security personnel and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

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

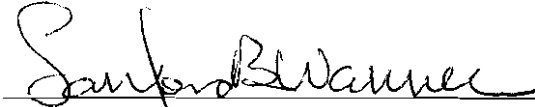
**State law reference**-Assessment for courthouse construction, renovation or maintenance as part of fees incident to criminal or traffic cases, Code of Va., § 17.1-281, § 53.1-120 and § 15.2-1613.1.

This ordinance shall become effective July 1, 2007.



John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of April, 2007.

CourthouseFees.ord