

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF NOVEMBER, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Ronald A. Nervitt, Chairman, Powhatan District  
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
Jay T. Harrison, Sr., Berkeley District  
James G. Kennedy, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PLEDGE OF ALLEGIANCE**

Cub Scout Pack 180, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, spoke of test scores on standardized tests; the lack of a County Ordinance concerning loitering; and the William and Mary band's performance on Veterans' Day at Cedar Grove Cemetery.

**D. PRESENTATIONS**

1. John Whaley – The Elderly in Hampton Roads

Mr. John Whaley, Deputy Executive Director - Economics, Hampton Roads Planning District Commission, gave a presentation on elderly population trends in Hampton Roads.

2. Employee and Volunteer Outstanding Service Awards

Mr. McGlennon presented plaques to the following volunteers: Jim Daniels, Joyce Grunewald Kauffmann (absent), Thomas Light, George Orenstein, Dick Orr, and Saint Martin's Episcopal Church (accepted by Heather Hardy); to the following employees: Carol Luckam, Tom Pennington, Riley Hazelwood, and Karen Williamson; and to the following groups of employees: Anthony Conyers, John Horne, Larry Foster; and Don Breland (absent) and Deborah Merritt.

**E. CONSENT CALENDAR**

Mr. Nervitt inquired if any Board member wished to remove an item from the Consent Calendar.

Mr. Harrison requested Item Number 3, Statement of Fiscal Goals, be pulled.

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

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

1. Minutes

- a. October 18, 2000, Work Session
- b. October 24, 2000, Regular Meeting
- c. October 25, 2000, Work Session

2. Budget Adjustments – Grants and VDOT Contracts

**RESOLUTION**

**BUDGET ADJUSTMENTS - GRANTS AND VDOT CONTRACTS**

WHEREAS, the Board of Supervisors of James City County has received notice that three grants have been approved by the Commonwealth of Virginia for the offices of the Clerk of the Circuit Court and Commonwealth’s Attorney; and

WHEREAS, the Virginia Department of Transportation (VDOT) has approved funding of two transportation improvements in the County - the Ironbound Road design project and the traffic signal improvements at the Anheuser Bus ch brewery.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following amendments to the FY 2001 Budget and appropriates the following State revenues for grants and VDOT contracts:

General Fund

<u>Revenues:</u>	From the Commonwealth	
	State Compensation Board	\$ 4,815
	State Library	964

<u>Expenditures:</u>		
	Commonwealth’s Attorney	\$ 4,815
	Clerk of the Circuit Court	964

Capital Projects Fund

<u>Revenues:</u>	Contributions	
	Road Improvements	\$101,005

<u>Expenditures:</u>	Road Improvements	
	Ironbound Road	\$ 32,405
	Brewery Traffic Signal	\$ 68,600

4. 2000 Emergency Operations Plan

**RESOLUTION**

JAMES CITY COUNTY 2000 EMERGENCY OPERATIONS PLAN

WHEREAS, there exists many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of James City; and

WHEREAS, the Board of Supervisors desires and the Commonwealth of Virginia statutes requires the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated November, 2000

3. Statement of Fiscal Goals

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, stated that changes to the Statement of Fiscal Goals were presented to the Board at its October 25, 2000, work session.

The recommended changes will aid in promoting the long-term fiscal health of the County by encouraging a healthy diversified economy and are included in the resolution presented for adoption.

Mr. McGlennon stated a concern regarding the used "per capita" figures, as those figures do not accurately reflect the County's average household sizes.

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION**

STATEMENT OF FISCAL GOALS

WHEREAS, the Board of Supervisors of James City County desires to establish a comprehensive statement of fiscal goals;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses and adopts the following:

STATEMENT OF FISCAL GOALS

General

1. To promote fiscal health of the County by encouraging a healthy diversified economy.

2. To establish minimally acceptable standards of quality for the County's various public services.
3. To take positive steps to improve productivity of County programs and employees.
4. To seek to eliminate duplicative functions within County government and semiautonomous agencies in the community.
5. At least every four years, to reassess services and service levels, utilizing service level standards of quality, seeking citizen advice and review in a zero-based budgeting process.

#### Accounting

6. To use accounting procedures and principles established by the Virginia Auditor of Public Accounts and Generally Accepted Accounting Principles (GAAP) and to annually apply to the Government Finance Officer's Association for its Certificate of Conformance in Financial Reporting.
7. To provide full disclosure in annual financial statements and bond representations.

#### Capital Improvements

8. To establish capital improvements as public investments, designed to effectively provide the highest net present value, both financially and in the determination of service needs.
9. To seek to maximize the expenditures that support capital investments in the provision of direct services to meet and maintain minimum standards of quality.
10. To annually inventory capital facilities, estimate actual value, and estimate remaining useful life and replacement cost.
11. To establish for capital project requests an annual capital budget based upon the Capital Improvements Plan with "life cycle" costs including operating and maintenance coordinated with the operating budget.
12. To consider recommendations from the Planning Commission for a multiyear Capital Improvements Plan for public facility and infrastructure needs to include roads, water, sewer, land and land improvements, and building and building improvements, considered based upon need and consistent with the adopted Comprehensive Plan.
13. To avoid capital facility or infrastructure investments outside of the Comprehensive Plan's Primary Service Area for residential growth.
14. To develop financing plans for the multiyear improvement program based upon a five-year forecast of revenues and expenditures with advice and counsel from the County's Financial Advisor on proposed capital financing needs.
15. To appropriate, at a minimum, 5% of the cost of major capital projects from recurring revenues.

Debt

16. To evaluate alternatives to financing on a pay-as-you-go basis, to include debt financing (pay-as-you-use) for needed services.
17. To not incur general obligation debt and lease revenue debt of more than 3% of assessed valuation of property with debt service costs not to exceed 10 to 12% of total operating revenues, including school revenue; debt per capita not to exceed \$2,000 and debt as a percentage of income not to exceed 7.5%.
18. To use revenue or other self-supporting bonds instead of general obligation bonds.
19. To avoid long-term debt to finance current operations and short-term debt except for bond anticipation notes.
20. To avoid financing if the term of the indebtedness exceeds the expected useful life of the asset.

Investments

21. To make a cash-flow analysis (disbursement, collection, and deposit) of all funds to ensure maximum cash availability. To produce monthly information concerning cash position and investment performance.
22. To pool cash, as permitted by law, from several different funds for investment purposes.
23. To review arrangements with financial institutions on a continued basis for a specified period of time and with specified fees for each service.

Operating Budgets

24. To annually forecast revenues and expenditures for the next five years. Projections will include estimated operating costs of future capital improvements that are included in the capital budget.
25. To utilize workload measurements and performance ratings for all funds.
26. To maintain a budgeting control system that helps the County adhere to the budget, with monthly status reports comparing actual revenues and expenditures to budgeted amounts.
27. To provide for adequate maintenance of capital plant and equipment and develop from the fixed asset inventory records a capital asset replacement schedule.
28. To establish a risk management program to safeguard public assets held in trust and to minimize the financial liability arising from accidental injury or death.
29. To remain current in payments to the Virginia Retirement System and to pursue legislative options that reduce or eliminate unfunded pension liabilities.

30. To review operating policies and procedures and facility master plans adopted by the Board of Supervisors in detail at least every three years with proposed revisions accompanied by a financial impact analysis.
31. To annually increase the proportion of expenditures providing direct services to total budgeted expenditures and to annually decrease the proportion of expenditures supporting administration or other non-direct service activities.
32. To finance recurring expenses from recurring revenue sources and to not develop a dependency, within the operating budget, on nonrecurring revenue sources.

#### Reserves

33. To keep the fund balance designated for Fiscal Liquidity at the end of the fiscal year, equal to no less than 8%, with a target of 12%, of the total operating budget (General Fund plus the County's share of the Component Unit Schools).
34. To establish a contingency reserve fund of two percent of the general fund operating budget to pay for needs caused by unforeseen events. The Board shall determine the amount of funds to be held in contingency. The contingency shall be held to help with the following three events: 1) Catastrophic reserves, to provide limited emergency funds in the event of natural or man-made disasters; 2) Operational reserves, to provide additional funds for limited unexpected needs; and, 3) Revenue reserves, to provide limited funds to smooth fluctuations in revenues caused by changes in economic conditions.
35. To maintain a ratio of cash on hand and short-term investments, divided by current liabilities, of at least 1:1.
36. To establish and, to the extent feasible, fund on an annual basis a capital equipment replacement fund.

#### Revenues

37. To maintain a stable revenue system to shelter the County from short-run fluctuations in any one revenue source.
38. To attempt to establish a diversified revenue system with the maximum local legislative authority to set and change rates and fees.
39. To utilize State and Federal funds in pursuit of County goals and objectives, whenever possible.
40. To the extent feasible, user fees which reflect the cost of service shall be utilized to support programs which may be characterized as special services to specific populations or users with the full costs, direct and indirect, of activities supported by user fees shall be recalculated at least every three years.
41. To pursue an aggressive policy of collecting property taxes with the level of uncollected property taxes not exceeding 5% and the rate of delinquency not rising more than one year in a row.

42. To the extent possible, the County shall attempt to decrease the dependency on real estate taxes to finance the County's operating budget.
43. To review and update all rates and fees at least every three years.
44. To maximize State and Federal entitlement revenues.

Economic Development

45. To have County staff provide an annual accounting of the net revenue impact from County supported economic development activities. Staff will provide the Board with a recommendation for the application of these revenues. The goal of the recommendation will be to minimize the future burden on the tax rate by providing a revenue stream toward future major capital projects.

The aforementioned goals represent long-term "strategies" on the part of the Board of Supervisors. The implementation of these goals will be at the discretion of the Board as it applies to individual budget years.

**F. PUBLIC HEARINGS**

1. AFD-486. Pates Neck Renewal

Ms. Karen Drake, Planner, stated that Mr. James A. Daniels, Jr., has applied to renew the Pates Neck Agricultural and Forestal District (AFD) that is 624.297 acres, zoned A-1, General Agricultural, located off Little Creek Dam Road, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (20-4).

Staff found this AFD to be consistent with the Comprehensive Plan and recommended renewing the District for a period of six years with the conditions listed on the Ordinance.

The AFD Advisory Committee voted 7-0 to continue the District for a six-year period with the conditions listed.

Mr. Nervitt opened the public hearing.

1. Mr. James Daniels, Jr., offered to answer questions from the Board

As no one else wished to speak, Mr. Nervitt closed the public hearing.

Mr. Kennedy made a motion to approve the resolution.

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

**ORDINANCE NO. \_\_\_\_\_**

**RENEWAL OF PATES NECK**

**AGRICULTURAL AND FORESTAL DISTRICT (AFD-4-86)**

WHEREAS, James City County has completed a review of the Pates Neck Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-43 11 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Pates Neck Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on September 18, 2000, recommended approval of the application; and

WHEREAS, the Planning Commission following its public meeting on October 2, 2000, recommended approval of the application.

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

1. That the Pates Neck Agricultural and Forestal District is hereby continued for a period of six years beginning the 17th day of November 2000, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels:  

(20-4)(1-1)	Pates Neck Timber Company	624.297 acres
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3. That pursuant to Virginia Code, Section 15.2-43 12, as amended, the Board of Supervisors requires that no parcel in the Pates Neck Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4300 et. seq. which are not in conflict with the policies of this District. The Board of

Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

2. Case No. Z-7-99/SUP-24-99. Griesenauer Residential Cluster (continued from October 10, 2000)

Ms. Jill Schmidle, Senior Planner, stated that Mr. Joseph S. Terrell, Sr., has requested this item be referred back to the Planning Commission due to substantive changes to the Proffers.

Staff recommended denial of this rezoning and special use permit request.

The Board of Supervisors and the Planning Commission established a Proffer Policy on August 24, 1999, in which the Board of Supervisors agreed to remand cases with substantive changes back to the Commission.

Ms. Schmidle recommended that the item be sent back to the Planning Commission and the case be continued until December 19, 2000.

Mr. Nervitt remanded the case back to the Planning Commission and continued the Public Hearing to December 19, 2000.

3. Purchase and Sale Agreement and Addendum/Sale of Old Courthouse

Mr. Morton stated that the Colonial Williamsburg Foundation (CWF) has proposed a purchase of the old courthouse and the 2.35-acre site on which it is located in Williamsburg for one million dollars.

The purchase price will be split 50-50 between the County and the City and the closing is to take place no later than April of 2001.

The Board and staff discussed the old courthouse's current zoning and the proposed rezoning; lack of public interest in purchasing the site; and the proposed sale price and how it was derived.

Mr. Nervitt opened the public hearing.

1. Mr. John Raup, Colonial Williamsburg Foundation (CWF), stated that CWF publicly offered to purchase the old courthouse two years ago, and since that time he is unaware of any other offers or interest in the property.

2. Mr. R. M. Hazelwood, Jr., stated \$554,000 from the sale of a previous courthouse was used to build the courthouse under discussion.

As no one else wished to speak, Mr. Nervitt closed the public hearing.

Mr. Goodson made a motion to approve the resolution.

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

**RESOLUTION**

**PURCHASE AND SALE AGREEMENT AND ADDENDUM/**

**SALE OF OLD COURTHOUSE**

WHEREAS, the County of James City ("County") and the City of Williamsburg ("City") have jointly constructed a new courthouse; and

WHEREAS, the Colonial Williamsburg Foundation ("Foundation") had offered to purchase the old courthouse and negotiations for same have been ongoing for approximately one year; and

WHEREAS, the City and the Foundation have executed a Purchase and Sale Agreement and an Addendum thereto to effectuate a sale under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and instructs the County Administrator to execute the Purchase and Sale Agreement and Addendum thereto and such other documents as may be necessary to sell the old courthouse.

**G. PUBLIC COMMENT - None**

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended the Board recess until 8 a.m. Saturday, November 18, 2000, for a retreat on the budget cycle.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon requested information concerning alternate emergency transportation routes for neighborhoods with only one road access.

Mr. Kennedy congratulated the new officers at the James City-Bruton Volunteer Fire Department and the Ladies Auxiliary for their support.

Mr. Harrison stated that there would be a public neighborhood meeting for the Berkeley District at 7 p.m. on November 17, 2000, at the Virginia Power building to discuss the Transportation Improvement District, James City Service Authority, and affordable housing.

Mr. Goodson recommended the presentation by Mr. John Whaley be aired on the County's cable channel.

Mr. Nervitt recessed the meeting at 8:26 p.m.

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Sanford B. Wanner  
Clerk to the Board