

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF SEPTEMBER, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Jay T. Harrison, Sr., Chairman, Berkeley District  
Bruce C. Goodson, Vice Chairman, Roberts District  
John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
James G. Kennedy, Stonehouse District

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

**B. PLEDGE OF ALLEGIANCE**

Hannah Bolash, a Junior at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**C. MOMENT OF SILENCE**

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

Mr. Harrison recessed the Board for a James City County Transit meeting at 7:02 p.m.

Mr. Harrison reconvened the Board at 7:04 p.m.

**D. PRESENTATION**

1. 2003 County Fair Report – Loretta Garrett

Ms. Loretta Garrett, County Fair Chair, provided the Board with an overview of the 2003 County Fair attendance and the impact of the inclement weather on the Fair.

The Board and Ms. Garrett discussed the future outlook for the County Fair and the Board's interest to assist the continuance of the Fair financially.

The Board and Ms. Garrett agreed to have the County Fair Committee continue to update staff on the Fair's status and that staff would then in turn keep the Board updated.

**E. PUBLIC COMMENT**

1. Mr. Jack Barnett, 3900 Poplar Creek Lane, stated concern that staff and team members developing the Yarmouth Creek Watershed Management Plan have not kept landowners apprised of the current watershed restrictions or of the proposed additional buffers on the Resource Protection Area.

Mr. Barnett also requested that since a certain proposed development fell through, that the easement that was conveyed to the County by him as part of the development agreement be returned.

2. Ms. Carolyn Lowe, 50 Summer East, commended those who developed the Yarmouth Creek Watershed Management Plan, requested the Board’s approval of the Plan, proposed use of the Purchase of Development Rights program to protect sensitive parts of the watershed, and proposed the establishment of the Friends of Yarmouth Creek Association.

3. Mr. Ed Oyer, 139 Indian Circle, encouraged the development of other watershed management areas such as Skiffe’s Creek, commented on an article in the Daily Press regarding denial of developments by York County, and encouraged the focus of the development of the third high school curriculum on solid and basic academics.

4. Mr. Eric Fenley, 153 Brookhaven Drive, representing Mt. Pleasant Church, requested an update on the abandonment agreement for a portion of Old Ironbound Road right-of-way and the request for an alternate layout for the bike path.

Mr. O. Marvin Sowers, Planning Director, stated that the Board deferred action on the abandonment in April and that staff will be ready to bring the item back before the Board in October for consideration.

**F. CONSENT CALENDAR**

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

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

1. Minutes –

a. August 12, 2003, Work Session

b. August 12, 2003, Regular Meeting

2. Appointment of Alternate to the Virginia Peninsulas Public Service Authority Board

**RESOLUTION**

**APPOINTMENT OF ALTERNATE TO VIRGINIA PENINSULAS**

**PUBLIC SERVICE AUTHORITY BOARD**

WHEREAS, the County Administrator is appointed as the County’s representative on the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors; and

WHEREAS, there are occasions that the representative is unable to attend VPPSA meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that John T. P. Horne is appointed as the County's alternate to the VPPSA Board.

3.a. Dedication of Streets in Wexford Hills

**RESOLUTION**

**DEDICATION OF STREETS IN WEXFORD HILLS**

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, the County guarantees the necessary surety amount of \$16,500 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the streets and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the streets are added to the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, this Board hereby rescinds the resolution adopted August 12, 2003, requesting dedication of these same streets into the Secondary System of State Highways.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3.b. Dedication of Red Oak Landing Road and Raleigh Street

**RESOLUTION**

**DEDICATION OF RED OAK LANDING ROAD AND RALEIGH STREET**

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, the County guarantees the necessary surety amount of \$3,750 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the streets and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the streets are added to the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3.c. Dedication of Street in Temple Hall Estates

**RESOLUTION**

**DEDICATION OF A STREET IN TEMPLE HALL ESTATES**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, the County guarantees the necessary surety amount of \$3,750 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation add the street described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department’s Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

4. Office of Emergency Medical Services Grant Award

**RESOLUTION**

**OFFICE OF EMERGENCY MEDICAL SERVICES GRANT AWARD**

WHEREAS, the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services has approved a Rescue Squad Assistance Grant providing \$3,000 to the Fire Department for medical fluid temperature control equipment for fire apparatus; and

WHEREAS, local matching funds of \$3,000 are available in the Donation Trust Fund.

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

Revenue:

Transfer from Donation Trust Fund	\$3,000
Office of Emergency Medical Services	<u>3,000</u>
Total	<u>\$6,000</u>

Expenditure:

EMS Medical Equipment - FY 04	<u>\$6,000</u>
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5. Award of Contract – Ambulance Replacement

**RESOLUTION**

**AWARD OF CONTRACT - AMBULANCE REPLACEMENT**

WHEREAS, funds are available in the Capital Improvement Program budget for the purchase of a replacement ambulance; and

WHEREAS, bids for the purchase of the ambulance were received on April 15, 2002, with Performance Specialty Vehicles, LLC, submitting a responsive bid of \$119,461; and

WHEREAS, the bid included a contract extension provision for future purchases through calendar year 2006.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract between James City County and Performance Specialty Vehicles, LLC, in the amount of \$124,355.14.

6. Appropriation of Funds – Department of Criminal Justice Services, One Time Special Request Fund Grant

**RESOLUTION**

**APPROPRIATION OF FUNDS - DEPARTMENT OF CRIMINAL JUSTICE SERVICES,**

**ONE TIME SPECIAL REQUEST FUND GRANT**

WHEREAS, James City County has received a One Time Special Request Fund Grant from the Department of Criminal Justice Services in the amount of \$1,870; and

WHEREAS, the grant will allow for the purchase of hitched bike racks for the Community Services Unit Bike Patrol Officers; and

WHEREAS, local matching funds of \$467 are available in the Police Department budget.

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

Revenues:

Department of Criminal Justice Services	\$1,403
Police Department Budget	<u>467</u>
	<u>\$1,870</u>

Expenditure:

Department of Criminal Justice Services	
One Time Special Request Fund Grant	<u>\$1,870</u>

7. Appropriation of Funds – U. S. Bureau of Justice Assistance Block Grant

**RESOLUTION**

**APPROPRIATION OF FUNDS - U.S. BUREAU OF JUSTICE ASSISTANCE BLOCK GRANT**

WHEREAS, James City County has received a Local Law Enforcement Block Grant from the Bureau of Justice Assistance in the amount of \$14,529; and

WHEREAS, the grant will allow for purchase of law enforcement training, technology, and equipment; and

WHEREAS, local matching funds of \$1,614 are available in the Police Department budget.

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

Revenues:

Bureau of Justice Assistance	\$14,529
Police Department Budget	<u>1,614</u>
	<u>\$16,143</u>

Expenditure:

Bureau of Justice Assistance	
Local Law Enforcement Block Grant	<u>\$16,143</u>

8. Chesapeake Bay Gateways Network Grant

**RESOLUTION**

**CHESAPEAKE BAY GATEWAYS NETWORK GRANT**

WHEREAS, the Chesapeake Bay Gateways Network, in cooperation with the National Park Service’s Chesapeake Bay Program Office, has made 50/50 matching funds available for the development of gateway sites; and

WHEREAS, funds are needed to make site improvements to include refurbishing an existing boat ramp, regrading and adding vegetative plantings, constructing a floating pier, and creating a kiosk and interpretive signs at James City County’s Chickahominy Riverfront Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$51,200 grant awarded by the Chesapeake Bay Gateways Network as funded by the National Park Service to help with the improvements at the Chickahominy Riverfront Park.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following Capital Budget appropriation:

Revenues:

Chesapeake Bay Gateways Grant - CRFP \$51,200

Expenditures:

Chickahominy Riverfront Park \$51,200

- 9. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – G. Baxter Stanton, Barry L. Hale, Richard F. Scott, and David R. Baldwin

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -**

**G. BAXTER STANTON, BARRY L. HALE, RICHARD F. SCOTT, AND DAVID R. BALDWIN**

WHEREAS, G. Baxter Stanton, Barry L. Hale, Richard F. Scott, and David R. Baldwin are the owners (“Owners”) of a certain parcel of land, commonly known as 278 Ivy Hill Road, designated as Parcel No. (1-13) on James City County Real Estate Tax Map No. (11-3), hereinafter referred to as the (“Property”); and

WHEREAS, on or about April 24, 2003, trees and understory vegetation were removed from the Resource Protection Area (RPA) on the Property; and

WHEREAS, the Owners agreed to a Restoration Plan to replant 600 seedlings per acre on the Property, within areas of the RPA buffer impacted by the silvicultural activities, in order to remedy the violation under the County’s Chesapeake Bay Preservation Ordinance and the Owners have provided surety to the County to guarantee the completion of the restoration for the RPA on the Property; and

WHEREAS, the Owners have agreed to pay \$5,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$5,000 civil charge from the Owners as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

10. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Denton and Elsie Woodward

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -**

**CIVIL CHARGE - DENTON AND ELSIE WOODWARD**

- WHEREAS, Denton and Elsie Woodward are the owners of a certain parcel of land, commonly known as 5224 Ivey Lane, designated as Parcel No. (2-5) on James City County Real Estate Tax Map No. (8-30); hereinafter referred to as the (“Property”); and
- WHEREAS, on or about May 30, 2003, understory vegetation consisting of 63 trees and shrubs were removed from the Resource Protection Area on the Property; and
- WHEREAS, Denton and Elsie Woodward agreed to a Restoration Plan to replant 140 trees and shrubs, on the Property in order to remedy the violation under the County’s Chesapeake Bay Preservation Ordinance; and
- WHEREAS, Denton and Elsie Woodward have agreed to pay \$3,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and
- WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$3,000 civil charge from Denton and Elsie Woodward as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

11. Underground Utility Agreement – Dominion Virginia Power

**RESOLUTION**

**UNDERGROUND UTILITY AGREEMENT - DOMINION VIRGINIA POWER**

- WHEREAS, the James City County Board of Supervisors determined that placing certain overhead utilities underground would enhance the scenic beauty of James City County; and
- WHEREAS, staff has worked with Dominion Virginia Power to accomplish this work at several locations in the County; and
- WHEREAS, Dominion Virginia Power has completed design and is ready to move ahead with construction of the project on Route 5 in the vicinity of Williamsburg Crossing Shopping Center.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into an agreement with Dominion Virginia Power in the amount of \$194,543.25.

12. Code Violation Lien – 136 Magruder Avenue

**RESOLUTION**

**CODE VIOLATION LIEN - 136 MAGRUDER AVENUE**

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Properties to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Ronnie Dean Carter 136 Magruder Avenue Williamsburg, VA 23185
DESCRIPTION:	136 Magruder Avenue
TAX MAP NO.:	(59-1)(02-0-0013-)
FILING FEE:	\$ 5.00
TOTAL AMOUNT DUE:	\$3,840.00

**G. PUBLIC HEARINGS**

1. Case No. SUP-15-03. Custom Culinary Connections: Barnes Road

Mr. Matthew Arcieri, Planner, stated that Jeffrey and Christy Aczel applied for a special use permit (SUP) to construct and operate a catering kitchen adjacent to their existing residence on two acres zoned A-1, General Agricultural, at 8757 Barnes Road, further identified as Parcel No. (1-22C) on the James City County Real Estate Tax Map No. (10-1).

Staff found the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Rural Lands Development Standards of the 1997 Comprehensive Plan and with the 2003 Comprehensive Plan.

The Planning Commission, at its meeting on August 4, 3003, recommended approval of the SUP application by a vote of 5-0.

Staff recommended approval of the special use permit with conditions.

Mr. Harrison opened the Public Hearing.

1. Ms. Nancy McNelly, 203 Riverview Plantation Drive, stated support for the proposal and its potential benefits to the community, and requested the Board's approval of the application.

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

Mr. Kennedy made a motion to adopt the resolution.

Mr. Kennedy stated concern about the potential for traffic impacts with the entrance to the site being close to a blind curve.

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

## RESOLUTION

### CASE NO. SUP-15-03. CUSTOM CULINARY CONNECTIONS: BARNES ROAD

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, food processing and storage is a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on August 4, 2003, recommended approval of Case No. SUP-15-03 by a 5-0 vote to permit the construction and operation of a catering kitchen adjacent to the existing residence at 8757 Barnes Road and further identified as Parcel No. (1-22C) on James City County Real Estate Tax Map No. (10-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-15-03 as described herein with the following conditions:

1. This Special Use Permit shall be valid for the operation of a detached catering kitchen of up to 2,000 square feet and accessory uses thereto. No articles shall be displayed or otherwise offered for sale upon the premises. The existing residence shall continue to be used primarily as a single-family dwelling with any exterior modifications approved by the Planning Director.
2. The property shall be developed generally in accordance with the master plan submitted with the application, with minor changes, including the location, design, and landscaping of the driveway and parking in order to effectively screen it from Barnes Road, approved by the Planning Director.
3. Only one entrance shall be allowed onto Barnes Road.
4. A minimum 75-foot undisturbed buffer, free of structures and paving, shall be provided along Barnes Road with the exception of clearing necessary for improvements to the existing driveway. Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the catering kitchen and

related driveway, entrance improvements, and facilities as determined by the Planning Director.

5. Prior to final site plan approval, architectural elevations, building materials, and colors, shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible with existing structures in terms of design, materials, and colors, have a residential appearance, and are designed for minimal visual impact.
6. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
7. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of 16 square feet or a height of six feet and approved by the Planning Director. The sign shall not be illuminated.
8. Construction on this project shall commence within twenty-four months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Tax Increase – Real Property

Ms. Suzanne R. Mellen, Director of Budget and Accounting, stated that the Real Estate Land Book has been completed and notices have been mailed to all James City County property owners where changes in assessment has occurred; and that the total valuation exceeds the assumptions built into the Fiscal Year 2004 Budget adopted by the Board in April by approximately \$158,760.

Ms. Mellen provided the deadline dates for real property appeals as September 30, 2003, to appeal to the Office of Real Estate Assessments and October 30, 2003, to appeal to the Board of Equalization.

Ms. Mellen stated that the increase in amount of value deferred due to the Land Use is a combination of substantial increases in market value of acreage parcels and the reduction of the use rates issued by the State, and requested the Board reaffirm the tax rate of \$.87 per \$100 of the assessed value of the property.

The Board and staff discussed the Debt Services cost, Land Book Values, impacts of reducing the tax rate by 1 cent, impacts of anticipated revue levels, the benefits of a Contingency Fund and how it has been used in the past.

Mr. Harrison opened the Public Hearing.

1. Mr. Lee Reed, 2245 Lake Powell Road, requested the Board remember the citizens on fixed incomes and requested the Board freeze the tax value on homes.

2. Mr. Donald S. Baker, 107 Formby, requested the Board keep in mind the future planning when it considers assessments and budgets.

3. Mr. Ed Kissell, 5 Berkeley Circle, requested the Board look at the inequity of the tax assessment within neighborhoods and keep assessments within reason.

4. Mr. Bob Warren, 104 Gullane, stated that the effective tax rate has been rising and that his rate has increased 40 percent in the past five years to a rate of \$1.22 and stated opposition to the increasing property tax assessments.

5. Mr. Ed Oyer, 139 Indian Circle, stated opposition to his real property assessment taxes increasing by 25 percent over the past two years while there are still trailers on the fence line and sewers on the other side of the circle.

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

Mr. Brown made a motion to adopt a revised resolution to reduce the real property tax rate for FY 2004 to 86 cents per \$100 of assessed value.

The Board and staff held a discussion regarding the motion including factors such as the General Fund Balance, annual debt services, fiscal impacts of a proposed third high school, tax exemptions available to citizens, impacts of developments on property values and assessments; and other possibilities that would affect real property taxes such as cash proffers on new developments, affordable housing, possibility of other revenue sources, and funding the School Budget.

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

## **RESOLUTION**

### **TAX DECREASE – REAL PROPERTY**

WHEREAS, the Board of Supervisors has adopted a budget for the Fiscal Year 2004 and appropriated funds based on a real estate tax rate of 87 cents per \$100 of assessed value; and

WHEREAS, the Real Estate Land Book, issued with an estimate of values as of July 1, 2003, shows total billable, taxable property assessments increased by \$469,574,000 (8.5 percent) and 57 percent of that increase resulted from changes in the reassessment of property values; and

WHEREAS, the increases due to reassessment constitute a tax increase despite the fact that the current tax rate has not changed; and

WHEREAS, the Board of Supervisors notes that sufficient unencumbered funds are available to offset a one cent per \$100 of assessed value reduction in the real property tax rate appropriated for the current FY 2004 budget; and

WHEREAS, the Board of Supervisors further notes that market-driven James City County real property annual reassessments have been rising at rates significantly higher than the combined rates of growth and cost of living.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby changes the real property tax rate for FY 2004 to 86 cents per \$100 of assessed value from the 87 cents per \$100 of assessed value established in the FY 2004 adopted budget.

Mr. Harrison recessed the Board for a brief break at 8:37 p.m.

Mr. Harrison reconvened the Board at 8:48 p.m.

Mr. Wanner stated that staff will advertise a public hearing on a FY 04 Budget amendment to be held during the October 14 Board meeting.

## **H. BOARD CONSIDERATION**

### **1. Yarmouth Creek Watershed Management Plan**

Mr. John T. P. Horne, Acting General Services Manager, presented the Yarmouth Creek Watershed Management Plan (Plan) and an executive summary of the Plan as developed by staff with the assistance of the Center for Watershed Protection and the James River Association, and input from landowners and other stakeholders.

The Board and staff discussed the composition of members serving on the Stormwater Management Citizen Advisory Committee, buffer requirements in the Plan, notification and invitations to all affected property owners of meetings regarding the Plan, and opportunities to utilize the Purchase of Development Rights Program for preserving parts of the Watershed.

Mr. Kennedy requested the Board defer action on this item until October 14, during which time he would have an opportunity to meet with concerned stakeholders regarding the Plan.

Mr. Wanner stated that Newport News Waterworks would partner with the County regarding Little Creek Reservoir issues and impacts to the Watershed.

The Board discussed deferring action to September 23 rather than October 14 and holding a Work Session with the Stormwater Management Citizen Advisory Committee regarding the development of Priority No. 3 of the Plan.

The Board concurred to defer action on the Plan until September 23.

## **I. PUBLIC COMMENT - None**

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

Mr. McGlennon introduced the group of the SHARPE Program participants in attendance.

Mr. Wanner stated that September 11 is the United Way Day of Caring.

Mr. Wanner recommended the Board to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider personnel matters, the appointments of individuals to County Boards and/or Commissions.

## **K. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon, without objection from the Board, recommended the Board not go into Closed Session and made a motion to reappoint Betty Costa to the Williamsburg Arts Commission for a three-year

term, term to expire on August 31, 2006; and to reappoint Betty Cutts to a three-year term on the Williamsburg Area Performing Arts Center, term to expire on July 1, 2006.

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

Mr. Kennedy advised staff to keep a close eye on the Skate Park and if the lack of supervision at the site becomes a concern, that staff promptly act as not to lower the County's safety standards.

Mr. Kennedy requested a letter be sent to all the election candidates to notify them of guidelines for posting political signs along right-of-ways.

Mr. Wanner stated that staff will follow up with the Virginia Department of Transportation regarding the political signs along right-of-ways and stated that the unsupervised Skate Park is a pilot program and would be regulated if needed.

Mr. Harrison stated that he has arranged for a Board tour of the Highland Springs Tech Center on September 17 if the Board is interested in viewing an alternative for the proposed third high school facility.

Mr. Wanner recommended that if a quorum would be present during the tour, that the Board recess to 8 a.m. on September 17 at the conclusion of this meeting.

Mr. Kennedy stated that on September 20 and 27 there will be the Grove and Chickahominy Days and invited citizens to attend.

Mr. Harrison requested invitations be extended to members of the School Board to attend the tour of the Highland Springs Tech Center.

Mr. Wanner stated that he would notify the School Superintendent to invite the School Board.

**L. RECESS**

Mr. Kennedy made a motion to recess to 8:00 a.m. on September 17, 2003.

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

Mr. Harrison recessed the Board at 9:07 p.m.

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Sanford B. Wanner  
Clerk to the Board