

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF DECEMBER 2006, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE - Anthony Green, an eighth-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

Mr. Goodson asked Mr. Bradshaw to come forward to present a Jamestown Tercentennial medal to James City County.

Mr. Bradshaw stated that in 1907, a celebration was held at Sewell's Point in Norfolk for the Jamestown Tercentennial Exposition. Mr. Bradshaw's grandfather took his family on a 10-day history tour and one item that was offered as a souvenir was a commemorative medallion. Mr. Bradshaw gave an overview of the history of the tercentennial medallion and the American chestnut wood in which the medallion was encased.

Mr. Bradshaw presented the medallion to the County on behalf of his father, A.G. Bradshaw in honor of the upcoming 2007 commemoration.

D. RECOGNITION

1. Chairman's Awards

a. Employees

Mr. Goodson presented the Chairman's Award to a team of employees comprised of Mr. John Horne, Mr. Leo Rogers, and Ms. Tammy Rosario in recognition of their efforts in the acquisition of the Jamestown Campground and Yacht Basin properties in conjunction with the Trust for Public Land.

b. Citizens

Mr. Goodson presented the Chairman's Award to Ms. Judy Knudson of WAMAC, in recognition of her contributions to the community through her work at Olde Towne Medical Center and her service on the Board of Supervisors.

Ms. Judy Knudson stated that she received a great deal of support from James City County for her efforts with Olde Town Medical Center and thanked the Board and staff.

E. PRESENTATIONS

1. Annual Financial Report - KPMG, LLP

Ms. Elizabeth P. Foster, Partner at KPMG LLP, provided the Board with an overview of KPMG's independent audit results of the County's financial statements for the year ending June 30, 2006. Ms. Foster said the opinions offered were unqualified or clean opinions, and stated the amounts are presented fairly.

Ms. Foster responded to a series of questions submitted prior to the meeting:

Question No. 1: Virginia is one of two states in the US that public school systems own the assets they occupy by law, but cannot float debt; therefore, a locality must put the asset associated with that debt on the books resulting in \$105 million in capital projects that are actually titled to the school. When does the asset transfer back?

Ms. Foster explained that when the specific debt related to the asset was paid in full, the asset transferred back to the school system. She responded to the secondary question of whether the assets could be partially transferred back and stated the national office believed an asset cannot be divided on sets of books, and the whole asset stayed on one set of books until ready to be moved.

Question No. 2: Why does the public schools column have a \$40,000 decrease?

Ms. Foster stated this was an entity-wide funds depreciation of \$1.5 million, but this does not mean the entity has a negative value in cash. Ms. Foster stated there was a \$572,000 positive change for the fund basis.

Question No. 3: Is the long-term debt truly long term?

Ms. Foster stated the total balance was \$3 million, and although in the long-term debt category, it was scheduled to be paid in the next year.

Question No. 4: The Virginia Retirement System (VRS) was concerned at the rate that its liabilities are growing. Ms. Foster stated the liability was unfunded and growing at a large rate.

Mr. Icenhour asked Ms. Foster about the accrued liability, set by statute and State law. He asked if part of the problem was keeping up with it or legislation, as he was concerned about level of requirement from the County.

Ms. Foster stated based on the report a variety of issues factored into this problem, including: the markets did not perform as well as expected; markets did not grow as quickly as expected; aging of workforce; and lack of turnover at an anticipated rate. Ms. Foster said she was unsure the County could do anything about these issues and for further information to contact the VRS, and read VRS statements and what they print about the plan.

Ms. Foster stated the James City Service Authority (JCSA) had a stand-alone set of statements, and the firm would be sending two letters related to the County and the JCSA. Ms. Foster explained the letters had unusual language but there were not any unusual matters uncovered related to fraud, disagreements, or matters required to report. Ms. Foster stated the County and the JCSA each had a clean letter, with no exception in nature. Ms. Foster said the Schools and the Economic Development Authority component units would get stand-alone statements, and the fiscal agents for Olde Towne Medical Center, the Virginia Peninsula Regional Jail, and the Middle Peninsula Juvenile Detention Center would receive stand-alone audits which would be presented to each of the respective boards. Ms. Foster explained the firm had not yet issued a management letter. She explained that the Information Technology (IT) auditors participated and the letter would encourage efforts to make sure the County was living up to benchmarks or best practices in the IT arena. Ms. Foster stated there may be room for improvement. She stated the firm would be working with the IT Department to verify information, and any other comments would be included when the letter was issued.

Mr. Harrison asked when the firm would give advice for the budget year ahead.

Ms. Foster stated she was not authorized to give that type of advice and she discussed trends with staff, but she stated the profession stated there was a conflict of interest to provide advice for the upcoming fiscal year.

Mr. Bradshaw thanked Ms. Foster for her presentation.

Mr. Wanner stated Ms. Foster would be retiring from KPMG, LLP and wished her congratulations.

Mr. Goodson wished her well in her retirement.

2. Environmental Development Award - Andrew R. Curtis, Jr., Curtis Contracting

Mr. Goodson presented a resolution of recognition and a metal sign to Mr. Andrew R. Curtis, Jr., of Curtis Contracting recognizing him as a recipient of the Environmental Development Award. Contractors take initiative to reduce erosion and runoff beyond requirements at their site.

Mr. Curtis thanked the Board and staff on behalf of Curtis Contracting and the Warhill project team members.

F. HIGHWAY MATTERS

Mr. Jim Brewer, Williamsburg Administrator, Virginia Department of Transportation (VDOT), stated he had had a meeting with the biking and pedestrian community, which helped VDOT with what would be expected at the Monticello Avenue and Ironbound Road intersection. Mr. Brewer stated VDOT was currently working on pothole patching and ditch work. He stated the Monticello Avenue project was on schedule and he already saw improvements. Mr. Brewer stated the Capital-to-Capital portion of the bike trail was on schedule and he anticipated it would be ready for the Anniversary Weekend in May 2007. He stated VDOT would continue looking for funding from old projects to apply toward the County's current priority projects.

Mr. Bradshaw asked for an update on improved speed limits, pedestrian, and wheelchair crossing signage in Toano.

Mr. Brewer stated the signage would arrive within the next 30 days and be installed before the next Board meeting.

Mr. Bradshaw asked about signal timing at Rochambeau Drive and Route 607.

Mr. Brewer stated no results had been received on that request yet.

Mr. Bradshaw asked when to expect the results.

Mr. Brewer stated he would have the results by the next Board meeting.

Mr. McGlennon asked about a list of drainage and ditch projects in the County.

Mr. Brewer stated he would have them sent to the Board.

Mr. Icenhour stated there were still a few potholes on News Road near Powhatan Secondary on the lane headed away from Target, and thanked him for drainage repairs done promptly.

Mr. Harrison asked that VDOT address problems with their drainage ditches in St. George's Hundred.

G. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, requested votes of each Supervisor be posted on the County website.

2. Ms. Edith Harris-Bernard commented on the choice of illustrations in the 2007 County calendar.

3. Mr. Ed Oyer, 139 Indian Circle, commented on traffic, school expenses and litigation, and the creation of a stormwater agency and fees.

H. CONSENT CALENDAR

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

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

1. Minutes - November 28, 2006, Regular Meeting

2. Recognition - Environmental Development Award

RESOLUTION

RECOGNITION – ENVIRONMENTAL DEVELOPMENT AWARD

WHEREAS, Curtis Contracting, Inc. is the 2006 Environmental Recognition Award Program Environmental Development Award recipient at the selected site of Warhill (Roadways & Improvements); and

WHEREAS, Curtis Contracting, Inc. has demonstrated building practices to minimize environmental impact in James City County; and

WHEREAS, Curtis Contracting, Inc. has taken the initiative to control erosion, reduce run-off from the Warhill High School, Thomas Nelson Community College, and the James City County Sports Facility sites, and go above and beyond normal erosion and sediment control measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding dedication of Curtis Contracting, Inc. for environmental protection in James City County.

3. Fiscal Year 2007 Virginia Department of Transportation (VDOT) Revenue Sharing Program

RESOLUTION

FISCAL YEAR 2007 VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

REVENUE SHARING PROGRAM

WHEREAS, the Board of Supervisors of James City County desires to submit an application requesting \$1 million of Revenue Sharing funds through the Virginia Department of Transportation (VDOT) Fiscal Year 2007 Revenue Sharing Program; and

WHEREAS, the County will allocate \$1 million to match the Revenue Sharing Program funds; and

WHEREAS, the County will allocate \$100,000 as unmatched funds; and

WHEREAS, the combined County and State funding totaling \$2 million is requested to fund Ironbound Road (Route 615) widening; and

WHEREAS, \$100,000 shall be spent on various landscaping projects in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation of \$1 million through the VDOT Revenue Sharing Program and will contribute \$1.1 million.

Mr. Goodson recognized Planning Commissioner George Billups in attendance.

I. PUBLIC HEARINGS

1. Case No. AFD-09-86-6. Gordon Creek Withdrawal

Mr. Jason Purse, Planner, stated Mr. Sanford B. Wanner has applied, on behalf of James City County, to withdraw approximately 40.285 acres from the existing Gordon Creek Agricultural and Forestal District (AFD) for the purpose of constructing an 8th Elementary School for James City County. Mr. Purse stated the parcel was located at 4001 Brick Bat Road, and was further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (36-3). Mr. Purse stated the request was being reviewed as a part of the 8th James City County Elementary School special use permit (SUP) amendment.

Staff found this application generally consistent with the Comprehensive Plan.

5-2. At its meeting on November 6, 2006, the Planning Commission recommended approval with a vote of

Staff recommended approval of the application.

Mr. Icenhour asked what happens to the balance of the property that was withdrawn.

Mr. Purse stated the land was withdrawn and was not renewed, and will remain outside the AFD until the land was returned to the previous owner or is bought by the County as part of the condemnation process.

Mr. Goodson opened the Public Hearing.

1. Mr. Henry Howell, on behalf of Letitia Hanson Trust and Travis Armistead, stated the take was not valid and stated he would seek to invalidate the second certificate of take. Mr. Howell stated the actions taken by the Board on October 10, 2006, were illegal and asked that the certificate be withdrawn and requested removal of the contractors from the property. Mr. Howell asked that the Board vote for a denial of the application.

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

Mr. Harrison asked the Board's position on the four acres that were not included in the take but were withdrawn from the AFD.

Mr. Wanner stated the County was not seeking this parcel of property at this time.

Mr. Bradshaw made a motion to adopt the ordinance.

Mr. Harrison stated his position reflected disappointment in the process, and stated he was in support of the School, but his issues with the process led to his voting against this application.

Mr. Goodson asked what the consequences would be on not voting to approve the withdrawal at this meeting.

Mr. Rogers stated the Board has approved the second condemnation, which was moving forward, and with this, the County would be condemning the land but not developing it, which would be in defiance of the rules of condemnation and the County's ordinances.

Mr. Goodson asked if there was a provision that disallowed a locality from condemning land within an AFD, or if a locality must remove the land first.

Mr. Rogers stated one cannot remove land from an AFD first, and there was a process that a locality needs to go through to condemn land within an AFD, even if a locality was condemning land within its own AFD. Mr. Rogers stated that the County has tried to follow this process with the second condemnation as well.

Mr. Harrison stated the balance acres were not given the tax exemption status of an AFD, and asked who would be paying the taxes on this property.

Mr. Rogers stated the property owner would be paying the taxes for the remaining four acres as they were before, and the property owner was free to put the remaining property back into the AFD if they took the land back.

Mr. Harrison asked if it was clear that the County was the property owner.

Mr. Rogers stated the County was not the property owner of the remaining four acres. Mr. Rogers explained the County would be seeking 40.285 acres of the parcel.

Mr. McGlennon asked if there would be an issue in the Court determination of the value of the property condemned taking into account the impact of the removal of the AFD on the other properties.

Mr. Rogers stated he did not have expertise in that area and stated he would refer that question to Mr. Francis "Sandy" Cherry of Kaufman & Canoles, the County's condemnation counsel.

Mr. Goodson stated he knew that a landowner may have to pay back taxes on land that had been withdrawn from the AFD and asked if there would be effects on the landowner of this nature for the four remaining acres of the parcel.

Mr. Rogers stated that rollback taxes would be collected on land removed from an AFD if there was a change in use of the land or action by landowner. Mr. Rogers explained since neither of these had occurred, the property would not be subject to rollback taxes.

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

2. Case No. SUP-29-06. WJCC 8th Elementary School Amendment

Mr. Jason Purse, Planner, stated Mr. Sanford B. Wanner, on behalf of James City County, has applied for an SUP to allow for an elementary school on approximately 40.285 acres of land, on a parcel zoned A-1, General Agricultural. The parcel is located at 4001 Brick Bat Road, which is northwest of the Centerville and Brick Bat Road intersection, and is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (36-3). The site is shown on the 2003 Comprehensive Plan Land Use Map as Rural Lands.

Staff found the proposal with conditions to be consistent with the surrounding land conditions and because it was a public use, generally consistent with the Comprehensive Plan.

At its meeting on November 6, 2006, the Planning Commission recommended approval with a vote of 7-0.

Staff recommended approval of the application

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

Mr. Harrison asked what protection efforts were being taken to protect Gordon Creek.

Mr. Purse stated the County Environmental Division reviewed the application and they were satisfied with the stormwater management and protection plan proposed.

Mr. Harrison asked if funding would be provided by the developer toward water quality control.

Mr. Purse stated that monies cannot be offered as a part of an SUP.

Mr. Bradshaw highlighted Condition No. 7 of the SUP, which outlined environmental requirements.

Mr. Icenhour asked if any of the property is located in the Resource Protection Area (RPA).

Mr. Purse stated it was on the perimeter of the property.

Mr. Icenhour asked if there was Best Management Practice (BMP) on the property.

Mr. Purse stated the BMP was not located on the property.

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

RESOLUTION

CASE NO. SUP-29-06. WILLIAMSBURG-JAMES CITY COUNTY

8TH ELEMENTARY SCHOOL AMENDMENT

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, Mr. Sanford Wanner has applied, on behalf of James City County, for an SUP to allow for an elementary school on approximately 40.285 acres of land on a parcel zoned A-1, General Agricultural; and

WHEREAS, the proposed school site is shown on a conceptual layout prepared by Timmons Group, entitled "New Elementary School" and dated March 7, 2006; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as a portion of James City County Real Estate Tax Map/Parcel No. (36-3)(1-1); and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 6, 2006, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, following a public hearing, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 29-06 as described herein with the following conditions:

1. The Property shall be developed generally as shown on the Master Plan entitled "New Elementary School" and dated March 7, 2006 (the "Master Plan"), with only changes thereto that the Director of Planning determines do not change the basic concept or character of the development.
2. There shall be a 50-foot perimeter buffer generally as shown on the Master Plan. The buffer shall be exclusive of any structures or paving and shall be undisturbed, except for the entrances and sidewalks shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing, and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area with the approval of the Director of Planning. With the prior approval of

the Director of Planning, utilities may intrude into or cross the perimeter buffer; provided, however, that such crossings or intrusions are generally perpendicular to the perimeter buffer and are given prior approval from the Director of Planning.

3. Any new exterior site or building lighting shall have 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 sources are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 30 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. The height limitation provided in this paragraph shall not apply to athletic field lighting provided that proper permits are issued under the James City County Zoning Ordinance.
4. All traffic improvements required by the Virginia Department of Transportation (VDOT) around the Centerville Road (Route 614) and Brick Bat Road (Route 613) intersection, as well as shoulder strengthening/widening of Brick Bat Road (Route 613) between Centerville Road (Route 614) and the school site, shall be installed or bonded by James City County prior to issuance of a Certificate of Occupancy for any structure on the site. All frontage improvements required by VDOT along the school site, including the widening of Brick Bat Road (Route 613) to accommodate appropriate turn lanes, shall be installed or bonded by the developer, and the appropriate right-of-way dedicated to VDOT, prior to issuance of a Certificate of Occupancy for any structure on the site.
5. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.
6. The Williamsburg-James City County School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final development plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and

the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

7. The developer shall integrate LID techniques and measures into the site development plan and shall work with the James City County Environmental Division to determine the most appropriate locations and techniques to be used based on the intended road, building and athletic facilities layout, grading, and drainage plan and site soils information. At a minimum 30 percent of the stormwater runoff generated from impervious surfaces shall be captured and treated by LID components above and beyond what is currently shown in the approved stormwater master plan. More than 30 percent is encouraged should greater opportunity for LID be present on the site. The LID measures shall not be used to comply with the James City County 10-point Best Management Plan (BMP) system or with the James City County special stormwater criteria as required by any applicable approved County watershed management plan. All stormwater basin components shall be in compliance with all Federal, State, and local regulations including, but not limited to, aquatic benches, forebays, landscaping, buffers/setbacks, and safety requirements. The percentage of impervious surface for the site shall not exceed 60 percent.
8. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
9. This SUP is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

3. Case No. Z-5-06 & MP-7-06. New Town Section 7 & 8

Mr. Matthew Smolnik, Planner, stated Mr. Greg Davis has applied on behalf of New Town Associates to apply Design Guidelines and rezone 108.1 acres to MU, Mixed Use, with proffers. If approved, the property will be primarily developed with residential development of up to 400 units and may also include 62,300-square feet of nonresidential development.

Mr. Smolnik stated the applicant has requested deferral until the January Board meeting.

Mr. Goodson opened the Public Hearing.

1. Ms. Ann Hewett, 147 Raleigh Street, asked for full disclosure of environmental recommendations by outside companies, stated State and Federal environmental companies with recommendation letters was not included in Planning Commission packets; and asked that recommendations be reviewed and incorporate in proffers with stream restoration.

2. Mr. Dave McGinnis, 3408 Chadsworth Circle, commented on a shortage of water for these residences; requiring proffers for an equivalent amount of greywater to offset water used for irrigation.

3. Ms. Kensett Teller, 126 Lake Drive, commented on overdevelopment; strain on water resources; and increased traffic.

4. Mr. Gerald "Jerre" Johnson, 4513 Wimbledon Way, commented on inadequate stormwater detention ponds; Chickahominy-Piney Point and Potomac aquifers under stress; traffic; and environmental process.

5. Ms. Sarah Kadec, 3504 Hunter's Ridge, on behalf of a JCC Concerned Citizens group, thanked Mr. Greg Davis and his staff for their assistance; suggested earlier involvement with the public through advertisement in the newspaper; more emphasis on water conservation efforts; encouraged to work with the JCSA to provide for water conservation and show emphasis of these measures in its proffers with new technologies and efforts to conserve water; traffic impacts for new development; and identify environmental issues earlier in the process.

6. Mr. John Schmerfeld, 172 Red Oaks Landing Road, on behalf of Friends of the Powhatan Creek Watershed, commented on environmental efforts of the application scientifically and recommended monitoring for a longer period of time than suggested by staff.

7. Mr. Jay Everson, 103 Branscome Boulevard, stated he believed that an application failing the adequate public facilities test would result in a recommendation to deny, and suggested guidance from the Board on how to handle the school facilities test.

8. Mr. Ed Oyer, 139 Indian Circle, commented on density and a building moratorium in Prince William County.

As no one else wished to speak, Mr. Goodson continued the Public Hearing to the next time the Board meets in a regular session.

Mr. Wanner stated that as the Board has not formally adopted the calendar for next year, the next regular Board meeting was assumed to be held on January 9, 2006.

Mr. McGlennon stated his appreciation on the comments brought forward for this application.

4. Case No. SUP-28-06. VFW Post 8046 Meeting Facility

Mr. Bradshaw disclosed that he is an agent for the Veterans of Foreign Wars (VFW) Post 8046 but this capacity did not pose a conflict and he felt he could vote fairly on this application.

Mr. Matthew Smolnik, Planner, stated Mr. John Worley, on behalf of VFW Post 8046 has applied to replace their current meeting facility with a new building at their current location. Lodges, civic clubs, fraternal organizations, or services clubs are specially permitted uses in the A-1, General Agricultural, zoning district. Mr. Smolnik stated the property was located at 5343 Riverview Road, further identified on James City County Real Estate Tax Map No. (15-3) as Parcel No. (1-31) and consists of approximately 0.993 acres. Mr. Smolnik stated the parcel was zoned A-1, General Agricultural, was located outside the PSA, and was designated by the Comprehensive Plan as Rural Lands.

Staff found this proposal generally consistent with the Comprehensive Land Use Map designation and was compatible with surrounding zoning and development. Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development.

At its meeting on November 6, 2006, the Planning Commission recommended approval with a vote of 6-0 with one abstention.

Staff recommended approval of the application.

Mr. Goodson opened the Public Hearing.

1. Ms. Peggy Boarman, 17 Settlers Lane, president of Ladies Auxiliary, speaking on behalf of VFW 8046 and Ladies Auxiliary, gave a brief overview of the history of the property and stated the organization served all veterans and participated in community events when possible. Ms. Boarman stated that a group of young people would be meeting in this facility, and felt it was inadequate. Ms. Boarman stated that the VFW post would like to serve a larger part of the community and asked the Board to work with the organization for building colors that represent the organization. Ms. Boarman asked for approval of the application.

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

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-28-06. VFW POST 8046 MEETING FACILITY

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 applicant has proposed to construct a 3,600-square-foot meeting facility for VFW Post 8046; and

WHEREAS, the property is currently zoned A-1, General Agriculture, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 5343 Riverview Road on property more specifically identified as Parcel Number (1-31) on the James City County Real Estate Tax Map No. (15-3); and

WHEREAS, on November 6, 2006, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve the issuance of SUP-28-06 as described herein with the following conditions:

1. This SUP shall be valid for the construction of a 3,800-square-foot meeting facility and accessory uses thereto as shown on the Master Plan titled "VFW Post 8046 Meeting Facility" dated September 25, 2006. Development of the site shall be generally in accordance with the above-referenced master plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Planning Director for review and approval for general consistency with the building schematics and color charts submitted to the County and date stamped October 23, 2006.

3. Should new exterior site or building lighting be installed for the new Post 8046 meeting facility, such fixtures shall have 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 are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines. When the meeting facility is not in use, all lights are to remain off except for one security light.
4. If construction has not commenced on this project within 36 months from the issuance of a SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
5. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 16 square feet in size and not to exceed six feet in height from grade.
6. The applicant shall receive full approval from the Health Department for septic tank and drainfield capacity prior to final site plan approval.
7. Only one entrance shall be allowed onto Riverview Road (Route 606).
8. All parking shall be located at least 50-feet from Riverview Road and no closer than 20-feet from all side and rear property lines. The amount of parking and design and location of the parking lot shall be approved by the Planning Director.
9. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval to effectively screen the parking and meeting facility from Riverview Road. This shall include a 50-foot landscape buffer along Riverview Road and a 20-foot landscape buffer along both side property lines. The owner shall provide enhanced landscaping so that the required size of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance in the buffers mentioned above.
10. All existing structures shall be removed from the property prior to final site plan approval for the proposed meeting facility.
11. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Budget Amendment and Appropriation - Jamestown Campground and Yacht Basin

Mr. John McDonald, Manager of Financial Management Services, stated staff efforts were recognized earlier to acquire the Jamestown Campground and Yacht Basin, but the budget would need to be amended and \$9.6 million needed to be appropriated to purchase the property. Mr. McDonald explained that this appropriation included grants already received, along with \$6.5 million from the General Obligation fund, which was anticipated to be reimbursed from the County's partners in the acquisition, including the Jamestown-Yorktown Foundation and the Federal government. Mr. McDonald stated that due to uncertain timing of the receipt of the remaining funding, the Board would need to appropriate future funding toward the greenspace funds at a later date with a subsequent budget amendment and appropriation.

Staff recommended approval of the application.

Mr. Bradshaw asked for clarification that the contract requires closing on the transaction, and the County did not have the possibility of waiting for the rest of the money.

Mr. McDonald stated this was correct and that the County needed to close within the next few weeks.

Mr. Bradshaw stated there were details to be worked out but the County needed to close on the property before the final funding stages were settled.

Mr. McDonald stated this was correct.

Mr. Icenhour asked if the \$6.5 million was in relation to the Lease Revenue Bond issue.

Mr. McDonald stated the Lease Revenue Bonds were in relation to School funding, and the General Obligation Bonds were in relation to the Jamestown Campground and Yacht Basin property.

Mr. Icenhour asked if the rate would be similar to that of the Lease Revenue Bonds.

Mr. McDonald stated the rate would be slightly higher as it was based on the County's credit and ability to repay but he still expected an excellent rate.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

Mr. Harrison asked for confirmation that if the funds were not presented for reimbursement the County would be responsible for the cost.

Mr. Goodson stated that the vote would represent the County's commitment of those funds.

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

RESOLUTION

BUDGET AMENDMENT AND APPROPRIATION –

JAMESTOWN CAMPGROUND/YACHT BASIN

WHEREAS, the Board of Supervisors of James City County has entered into a contract to acquire property commonly known as the Jamestown Campground and Yacht Basin; and

WHEREAS, the County has previously paid \$2,900,000 as a down payment on this property and the remaining funds are now due; and

WHEREAS, the Board has previously authorized the sale of \$6,500,000 in bonds, approved by voters in November 2005, to finance the acquisition of property rights and/or greenspace and has, through annual budget appropriations, previously provided funds for both; and

WHEREAS, a balance of \$9,600,000 shall be needed at closing to acquire the property and current appropriations are not sufficient; and

WHEREAS, a public hearing has been held on the budget amendment and appropriation of additional revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes an amendment to the FY 2007 Capital Budget and appropriates the following to the County's Greenspace account:

General Obligation Bond Proceeds	\$6,500,000
N.O.A.A. Grant Funds FY 2006	1,871,687
Virginia Land Conservation Foundation	<u>750,000</u>
	<u>\$9,121,687</u>

BE IT FURTHER RESOLVED that it is the intent of the Board of Supervisors that any additional funds provided for the acquisition of this property, whether through donations, grants, or the proceeds from the sale of any portion of the real property, be appropriated for the purposes of acquiring Greenspace and/or for the Purchase of Development Rights (PDR) program.

6. Appropriation of \$14,839,312 to Design, Engineer, and Acquire Rights-of-Way for the Relocation of Route 60 East

Mr. Steven Hicks, General Services Manager, stated to move forward with the relocation of Route 60 East, staff recommended appropriation of 14,839,312 to design and engineer the relocation and to provide funding for acquisition of the right-of-way.

Mr. Icenhour asked for clarification that this relocation reduced traffic where the road rejoined Route 60 near Fort Eustis.

Mr. Hicks stated this was correct.

Mr. Icenhour asked if this would be four-lane highway.

Mr. Hicks stated it would ultimately be four-lane but some transitions would reduce the road to two-lane highway.

Mr. Wanner stated that Newport News has reserved its right-of-way at its open industrial park, and when the project starts, it would initially be two-lane.

Mr. Icenhour asked if this relocation path disturbed the least number of homes.

Mr. Wanner stated this was correct.

Mr. Goodson stated the intended path of the relocation was not anticipated to disturb any homes.

Mr. Goodson opened the Public Hearing.

Mr. Chris Henderson, 109 Keystone, stated he spoke to Newport News council members, who have removed this project from the CIP project in the near future. He stated there were no plans to appropriate additional funds, and though there were VDOT funds available, without Newport News, the County did not

know when a connection could be made. Mr. Henderson requested deferral until a commitment from Newport News was in place.

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

Mr. Goodson made a motion to adopt the resolution, and stated there needed to be small steps with any project and the goal was to complete as much as possible. Mr. Goodson also stated that the County would be opening up land for the GreenMount Industrial Park, which would be a prudent industrial step for the County.

Mr. Harrison stated there were right-of-way acquisition funds involved and that land costs would be more expensive in the future.

Mr. Goodson stated this was an opportunity for the County to take the lead on this project.

Mr. Bradshaw stated the County needed to take over transportation matters for itself, be open to opportunities such as this, and take the initiative.

Mr. Harrison stated this relocation encouraged economic development.

Mr. Icenhour stated this project included Federal money, and that the County would be using that money to start the process.

Mr. Goodson stated there was considerable competition for these Federal funds.

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

RESOLUTION

APPROPRIATION OF \$14,839,312 TO DESIGN, ENGINEER, AND ACQUIRE

RIGHTS-OF-WAY FOR THE RELOCATION OF ROUTE 60 EAST

WHEREAS, on September 29, 2006, the County/State Administration Agreement was executed to locally administer the Route 60 East project financed by the Virginia Department of Transportation (VDOT); and

WHEREAS, the appropriation of these funds will allow the award of contracts for the Route 60 East project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2007, and appropriates the following sum in the amount and for the purpose indicated:

FY2007 SPECIAL PROJECTS/GRANT FUND

Revenues:

Federal RSTP Funds – Route 60 East	\$ 11,871,449
VDOT Match Funds – Route 60 East	<u>2,967,863</u>
Total:	<u>\$ 14,839,312</u>

Expenditure:

Realignment of Route 60 East

\$ 14,839,312

7. An Ordinance to Amend and Reordain Chapter 11 - Debris Removal

Mr. William C. Porter, Jr., Assistant County Administrator, stated this ordinance was a draft of the Debris Removal Ordinance that permits the County to remove debris from private roads where there is a Memorandum of Understanding (MOU) between the road owners and the County, and from public roads where there is an MOU between the resident engineer and the County. Mr. Porter stated this ordinance was written to comply with current Federal Emergency Management Agency (FEMA) regulations to receive Federal funding in the event of an emergency. Mr. Porter stated the ordinance was written specifically for the health, safety, and welfare of the County in the case of man-made or natural disasters to pickup and remove debris.

Staff recommended approval of the ordinance.

Mr. Icenhour asked if anything prohibited the homeowners association from becoming the agent for the County, or if a private homeowners association executes a MOU with the County to contract someone to pickup and remove debris.

Mr. Porter stated that he believed the Federal regulations read, there is a local responsible authority in the County, which would mean the County would need to be the agent that contracts the debris pickup and removal.

Mr. Rogers stated the matter had come up previously and stated that if a private entity were to take on this responsibility the Federal and State government would not reimburse the funds required to pickup and remove the debris, as it would not be deemed as a local necessity.

Mr. Icenhour stated that a clear understanding would be needed of this issue so a homeowners association does not jeopardize the availability of the reimbursement funds.

Mr. Porter stated a clear understanding would be made of that in this ordinance amendment.

Mr. Rogers stated the County would permit any homeowners association or group to clear the roads or push the debris out of the way.

Mr. Icenhour stated that after a significant event a community would not want to wait for a contractor to come through to clear the debris.

Mr. Bradshaw stated that if a particular community needs a higher level of service than the County provided, the community would bear the cost.

Mr. Porter stated this was correct.

Mr. Goodson opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, stated his support for this ordinance.

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

Mr. Icenhour made a motion to adopt the ordinance.

Mr. Goodson stated that the County was responsible for safety even on private roads, and the purpose of the ordinance and resulting funding is for emergency access to the roads.

Mr. Harrison stated there are only so many workers to go around, and allowing private neighborhoods to move things along faster would be beneficial.

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

8. An Ordinance to Amend and Reordain Chapter 13 - Motor Vehicle Decal

Mr. Richard Bradshaw, Commissioner of Revenue, stated the ordinance would eliminate the motor vehicle decal with an effective date of July 1, 2007, and impose a one-time fee of \$10 for newly registered vehicles. Mr. Bradshaw stated that he and the Treasurer, Ann Davis, were available for questions.

Mr. Goodson opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, stated there was confusion about whether the fee was for newly registered vehicles or currently owned vehicles, but this question was answered by Mr. Richard Bradshaw, who stated it applied to new registrations.

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

Mr. Harrison made a motion to adopt the resolution.

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

9. Ordinance to Vacate a Portion of Reserve Drive in Vineyards at Jockey's Neck

Mr. Adam Kinsman, Assistant County Attorney, stated Mr. Gary and Ms. Linda Warren have requested the vacation of right-of-way at the end of Reserve Drive in the Vineyards subdivision in order to move a cul-de-sac northward approximately 200 feet. Mr. Kinsman stated the Warrens own three of the five affected parcels, and the other two affected lot owners agreed to the vacation. Mr. Kinsman stated the applicants have submitted a check to the County for 25 percent of the assessment of the vacated property in accordance with the Board's 1987 policy.

Staff recommended approval of the ordinance.

Mr. Bradshaw asked about expense involved in building a new cul-de-sac and asked who would bear the expense.

Mr. Kinsman stated there was no expense to the County in building a new cul-de-sac.

Mr. Goodson asked where the 25 percent property assessment fee originated.

Mr. Kinsman stated there was a 1987 Board resolution setting a policy requesting a fee of 25 percent of fair market value for the County's share of the property. Mr. Kinsman stated the Virginia Code permitted the

County to charge as much as the fair market value or that of the adjacent property, whichever was higher, but the Board's policy provided a 75 percent discount for the County's share of the vacated property.

Mr. Goodson asked for confirmation that this was purely based on previous Board policy.

Mr. Kinsman stated this was correct and said that this percentage could be raised even at this point if there was some particular aspect of the property that warranted the increase, but he did not feel there was any need with this particular property.

Mr. Bradshaw stated that if this happened on a more frequent basis, it should be addressed.

Mr. Goodson stated his concern for any kind of cost incurred for this type of application, but he felt the costs had been adequately covered.

Mr. Kinsman stated the applicant paid a \$150 application fee plus the County's share of the property.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison asked for the rationale behind the abandonment of the property.

Mr. Bradshaw stated the applicants wanted to vacate the lots in order to have one large lot and one road on the front of the lot.

Mr. Goodson stated this vacation would reduce the number of lots and the amount of impervious cover.

Mr. McGlennon made a motion to adopt the ordinance.

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

10. Amendment to a Conservation Easement - 2945 and 2975 Forge Road

Mr. Adam Kinsman, Assistant County Attorney, stated in July 2006, the Board considered a case wherein Mr. Ellwood and Ms. Sharon Perry, owners of the Branch Farm property went into an agreement with the County involving a conservation easement consisting of 88 acres and a 10-acre lot of the Perry's property. Mr. Kinsman explained the agreement involved limitation of the number of the houses where they could be placed, maintaining a preserved frontage on Forge Road, and four lots that would have been allowed in the back of the property as well as one caretaker cottage. Mr. Kinsman stated Ms. Perry suggested a slight change which staff feels benefits the County. Mr. Kinsman stated the landowners suggested three lots, allowing the Perrys to have one guest cottage on the other side of their house, with one less residential lot on the property and one extra agriculturally themed structure. Mr. Kinsman stated the resolution allowed the County Administrator to enter into the amended conservation easement agreement.

Staff recommended approval of the resolution.

Mr. Goodson opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the resolution and expressed his thanks and appreciation for the Perrys' efforts in this matter.

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

RESOLUTION

AMENDMENT TO A CONSERVATION EASEMENT - 2945 AND 2975 FORGE ROAD

WHEREAS, on July 26, 2006, James City County (the "County") assigned its interest to purchase 88 acres of real property located at 2945 and 2975 Forge Road, designated as Tax Parcel Nos. 1230100021 and 1230100022 (the "Property"), to Elwood and Sharon Perry (the "Perrys") in exchange for a conservation easement on the Property; and

WHEREAS, on July 26, 2006, a conservation easement designed to protect the agricultural nature of the Property was recorded in the Office of the Clerk of the Circuit Court for the City of Williamsburg and the County of James City as Document No. 060018317; and

WHEREAS, the Perrys have requested that the conservation easement be amended to allow a guest cottage on the Property in exchange for one fewer lots on the Property; and

WHEREAS, the proposed revision to the conservation easement on the Property will further the purpose of protecting the rural and agricultural nature of the Forge Road corridor and will prevent inappropriate development of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the necessary documents to amend the conservation easement.

J. BOARD CONSIDERATION

1. Creation of a Full-Time Permanent Capital Projects Coordinator Position - General Services

Mr. Steven Hicks, General Services Manager, stated this resolution establishes a position for the General Services Division to administer larger projects and to administer the Route 60 relocation project. Mr. Hicks stated that the funds required for this position to administer the Route 60 relocation would be provided by a grant from VDOT and additional funds required for this position to administer other County projects were available under the General Services budget.

Staff recommended approval of the resolution.

Mr. Harrison made a motion to adopt the resolution.

Mr. Bradshaw stated that this position allowed the County an opportunity to take the initiative toward transportation enhancement efforts.

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

RESOLUTION

CREATION OF FULL-TIME PERMANENT CAPITAL PROJECTS COORDINATOR POSITION -

GENERAL SERVICES

WHEREAS, the Board of Supervisors is committed to Strategic Direction 3.d, "Invest in capital project needs of the community"; and

WHEREAS, the number and complexity of capital projects planned and underway require an additional Capital Projects Coordinator; and

WHEREAS, on September 29, 2006, the County/State Administration Agreement was executed to locally administer the Route 60 East project located in the Roberts District from the James City County line at Newport News to 0.9 miles west of the James City County line, also known as Project No. 0060-047-V11, UPC 13496, and financed by the Virginia Department of Transportation (VDOT); and

WHEREAS, it is to the County's advantage to hire a full-time employee familiar with managing Federal and State transportation projects of this complexity to oversee the Route 60 East project from its outset; and

WHEREAS, funds are available in the General Services budget to pay for the position for the remainder of FY 2007 with 100 percent of the expense for administering the Route 60 East project being reimbursable by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes a full-time permanent Capital Projects Coordinator position in the General Services Department, effective January 3, 2007.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, thanked the Board for their year of service and wished the Board happy holidays.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner commented on where to find the individual votes of the Board. He stated in the minutes, where the agenda for a Board meeting are published, the votes are recorded in the previous meeting's minutes. Minutes are also on the County website.

Mr. Wanner stated that the Board needed to hold a meeting of the James City Service Authority Board of Directors and a Closed Session for consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, pertaining specifically to the AFD Advisory Committee; consideration of the disposition of parcels of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia; consideration of contract negotiations where financial interests of the County are involved pursuant to Section 2.2-3711(A)(6) of the Code of Virginia; consideration of a specific legal matter requiring the provision of legal advice pursuant to Section 2.2-3711(A)(7) of the Code of Virginia; and consultation with legal counsel pertaining to actual or probable

litigation pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Mr. Wanner stated that when the Board completed its business, it should recess to 4 p.m. on Tuesday, January 2, 2007, for an organizational meeting.

Mr. Goodson thanked the Board for supporting him as Chairman throughout the year. He commented on several County benchmarks that had occurred during his time as Chairman including opening the technology incubator and the Emergency Communications Center; land acquisitions such as Jamestown Yacht Basin and Campgrounds, and the Branch and Geddy properties; completing watershed management plan updates; and continuing to look at rural lands. Mr. Goodson congratulated Avid Medical for its recent expansion; highlighted expansion in the New Town area, and commended the Business Climate Task Force and business in the County. Mr. Goodson commented on public/private partnerships in the County such as the Route 60 PPTA, MPO funding, the PPEA at Warhill, which was one of the first in the State. He commented on the recent opening of 2007 Legacy Hall, the first public space in New Town. Mr. Goodson extended his thanks to individuals from the County's Sister City of Ipswich, England, including councilman Richard Atkins. Mr. Goodson stated Ipswich has highlighted its Sister City partnership with James City County in many of its publications and has requested the Board to attend the opening of Grafton Hall and BBC events in recognition of the 400th anniversary of the landing at Jamestown. Mr. Goodson thanked the Board and citizens and wished everyone happy holidays.

Mr. Bradshaw stated that the Chairman has been a non-partisan and inclusionary leader.

Mr. McGlennon thanked the Chairman for his leadership.

Mr. Icenhour thanked the Chairman and the Board for assisting him in his first year on the Board.

Mr. Harrison thanked the Chairman for inclusionary efforts and leadership.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison stated a citizen highlighted concerns regarding the James City 2007 calendar and asked for creativity on properly displaying the African-American heritage in James City County.

Mr. Wanner stated the calendar was a staff initiative and a photo contest within the staff and their families to commemorate the year. Mr. Wanner explained that in evaluation of the photos, staff looked at historical structures and Freedom Park was highlighted for its heritage. Mr. Wanner explained this calendar was a staff initiative rather than a Board initiative, and many committees were not contacted. Mr. Wanner also commented that the County has also been doing an oral history in recognition of the 400th Anniversary and many African-American members of the community have been contacted to participate.

Mr. Goodson recessed the Board for a meeting of the James City Service Authority.

N. CLOSED SESSION

Mr. Bradshaw made a motion to go into Closed Session.

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

At 9:43 p.m., Mr. Goodson recessed the Board into Closed Session.

At 11:01 p.m., Mr. Goodson reconvened the Board into open session.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-371 1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; Section 2.2-3711(A)(3), to consider the disposition of parcels of property for public use; Section 2.2-3711(A)(6), to consider contract negotiations where financial interests of the County are involved; Section 2.2-3711(A)(7), to consider a specific legal matter requiring the provision of legal advice; and Section 2.2-371 1(A)(7), to consult with legal counsel pertaining to actual or probable litigation.

Mr. Bradshaw made a motion to appoint Mr. J. Payten Harcum to an unexpired term on the Agricultural and Forestal District Commission.

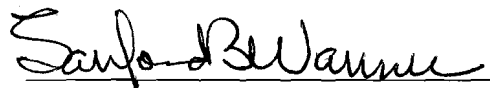
On a roll call vote, the vote was AYE: Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5).
NAY: (0).

O. RECESS

Mr. Harrison made a motion to recess.

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

At 11:02 p.m., Mr. Goodson recessed the Board until 4 p.m. on January 2, 2007, for the Board of Supervisors Organizational Meeting.



Sanford B. Wanner
Clerk to the Board