

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF SEPTEMBER, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. PLEDGE OF ALLEGIANCE

Mr. Nervitt requested that following the Pledge, a moment of silence be observed in memory of U. S. Representative Herbert H. Bateman.

Mr. Kelvin Pressey, a sophomore at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Brian Rafferty, 59 Summer East, said that he has been a reporter for the Virginia Gazette for the past 5-1/2 years and thanked the Board and staff for its relationship with the press and its willingness to have open dialogue. He said that the County has been experiencing a decrease in the middle class and needs to take steps to stabilize the middle class by bringing in businesses that will foster the middle class.

D. CONSENT CALENDAR

Mr. Nervitt stated that Item No. 4, Bonded Industrial Access Road for James River Commerce Center, has been removed from the Consent Calendar by staff.

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

Mr. Harrison asked that Item No. 3, Award of Contract – Greensprings Trail be pulled.

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

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

1. Minutes
 - a. August 8, 2000, Regular Meeting
2. Appropriation of Funds – Fatherhood Grant

RESOLUTION

APPROPRIATION OF FUNDS - FATHERHOOD GRANT

WHEREAS, the Greater Williamsburg Fatherhood Coalition (Coalition) has received a grant of \$18,000; and

WHEREAS, James City County is the fiscal agent for the Coalition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following amendments and changes in appropriations for FY 2001:

Revenues:

From the Virginia Fatherhood Campaign	<u>\$18,000</u>
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Expenditures:

Big Brothers/Big Sisters	<u>\$18,000</u>
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5. Virginia Power Right-Of-Way Agreements for New Underground Wires

RESOLUTION

GRANTING VIRGINIA POWER EASEMENTS

FOR NEW UNDERGROUND WIRES

WHEREAS, Virginia Power has requested easements across County-owned land along Greensprings Road and along Route 199 for the purpose of installing new underground wires; and

WHEREAS, these new underground wires will improve power service to County residents and businesses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute these Right-of-Way Agreements on behalf of James City County.

3. Award of Contract – Greensprings Trail

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated that during FY 1999, the Board of Supervisors accepted a \$52,140 matching grant that the Division of Parks and Recreation was awarded by the Virginia Department of Conservation and Recreation to assist with various surface improvements to provide a smooth, all-weather trail.

The sole bidder, Eco-Systems, Inc., submitted a base bid for the work to be completed on the trail and bid alternatives for puncheon footbridges and additional surfacing material for an entire project of \$125,612.

Staff recommends the Board approve the resolution awarding the contract for trail improvements at the Greensprings Trail to Eco-Systems, Inc., in the amount of \$125,612.

The Board and staff held a discussion concerning discouraging bikes on the trail and beaver activity affecting path development.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

AWARD OF CONTRACT - GREENSPRINGS TRAIL

WHEREAS, funds are available from a Virginia Department of Conservation and Recreation grant in conjunction with the Greenways and Open Space Account for trail improvements at the Greensprings Trail; and

WHEREAS, the Board of Supervisors of James City County, Virginia, accepted the \$52,140 grant to help with the various surfacing needed to make the Greensprings Trail accessible; and

WHEREAS, Eco-Systems, Inc., provided a responsive and responsible bid in the amount of \$124,612.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute a contract between James City County and Eco-Systems, Inc., in the amount of \$124,612.

E. PUBLIC HEARINGS

1. Case No. SUP-20-00. Hipple Family Subdivision

Mr. Paul D. Holt, III, Senior Planner, stated that a family subdivision had been approved earlier this year (February 22, 2000 under Case No. SUP-2-00) with a condition which stated that final subdivision approval must be received within six months or the SUP was void. Hereiterated that Mr. Michael Hipple had applied for a special use permit to allow a new family subdivision lot on 1.0 acre, zoned A-1, General Agricultural, located at 106 Jolly Pond Road, further identified as Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

Staff determined that the proposal was consistent with surrounding zoning and development and with the Comprehensive Plan.

Staff and the Planning Commission recommended approval of the special use permit with the conditions listed in the resolution.

Mr. Nervitt opened and, as no one wished to speak, closed the public hearing.

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-20-00. HIPPLE FAMILY SUBDIVISION

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, the applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel generally one± acre in size located at 106 Jolly Pond Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

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-21-00 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for one parcel generally one acre in size.
2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
3. The subdivision parcel submitted for approval shall be generally located between existing Parcel 3 and existing Parcel 4.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

2. **Case No. SUP-7-00. Hertzler Clearing and Grading**

Mr. Christopher M. Johnson, Planner, stated that Mr. Steven L. Hertzler had applied for a special use permit to allow the construction of a contractor's warehouse and office, the storage and repair of heavy equipment, and the manufacture of wood products on 1.0 acre, zoned A-1, General Agricultural, located at 9537 Barnes Road, further identified as Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

Staff determined, with conditions, that the proposal was generally consistent with surrounding zoning and development and with the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a vote of 6-0, recommended approval of the special use permit with conditions listed in the resolution.

The Board and staff held a discussion concerning prior code violations by the applicant, sound test results, surrounding land zoning, restrictions on the amount of materials permitted to be hauled onto the site, the depth of the surrounding water tables, contrast of this proposal with the existing Waltrip site, restrictions concerning the height of the debris pile, and the restrictions concerning the days and hours of operations.

Mr. Nervitt opened the public hearing.

1. Mr. Steven L. Hertzler, applicant, stated that his business is to clear land of stumps, brush, and other debris. The equipment is moved from work site to work site and the business has grown to a point that a central base of operations is necessary. The land would be used for storage, equipment repair, and as a main office. The land would also be utilized to dispose of rake-up debris.

Mr. Goodson inquired how tall the debris mounds would be, if the business would utilize water for its operations, and if the trucks would use Barnes Road.

Mr. Hertzler stated that the mounds would be used for sound control and beautification of the site and may reach fifteen feet in height; the business would not utilize water for its operation; and Barnes Road to Route 60 is not in condition to be utilized by his trucks.

Mr. Kennedy inquired about the Code violations and the possible sales of mulch from the site.

Mr. Hertzler stated that once he was informed that he was doing work in violation of the Code, he promptly stopped and corrected the violation. He stated that there would be no sales of mulch on the site.

Mr. Harrison inquired about someone approaching the business to purchase some of the mulch, what would happen if the business failed, and what step would the applicant take to restore the land to its original condition.

Mr. Hertzler stated that there would be no sales from the site.

Mr. McGlennon inquired about the economic feasibility of a commercial venture with a limited base producing a poor product.

Mr. Hertzler stated that the rake-up debris is of poor quality. Currently, he has to pay to dispose of this debris. By using land he owns for disposal, the business may save some money.

Mr. Nervitt inquired how the applicant is going to save money and stated that this proposed land use seems to him like a dump.

2. Mr. Brian Schrecengost, 126 Racefield Drive, stated that the approval of this permit would decrease the surrounding land value. He requested to know what common objects make about 60 decibels of sound for comparison to the tub grinder. Mr. Schrecengost further stated the quality of living may drop and requested to know what would happen if a fire occurred.

3. Ms. Margaire Watkins, 9737 Old Stage Road, stated that there have been two major fires in Barhamsville which required tanker trucks to make water trips to supply enough water to contain the fire, the land and proposed use will be good breeding grounds for copperhead snakes and increase the truck traffic on Old Stage Road. She also requested to know who will enforce the special use permit restrictions.

4. Ms. Rosa Mayes, 135 Racefield Drive, stated that the neighbors oppose the proposed land use, the roads are not strong, wide, level, nor straight enough for industrial trucks, and there is the concern about school buses meeting these trucks on the road. She requested to know if the applicant will keep to the restrictions, and how many more accidents must occur on this road.

5. Mr. Ronald T. Lee, 132 Racefield Drive, read a letter to the Board from Ms. Jane Maston, 193 Barnes Road, who could not attend this meeting. The letter stated that she has concerns about the noise level for adjacent landowners, the hours of operations, the quality of life and health that will decrease due to the increased dust, and that the truck traffic is dangerous to children.

Mr. Lee questioned what the staff planners actually know about the Hertzler business and stated that had he known about this business moving into his neighborhood, he would not have chosen to move there.

6. Mr. Barry Trott, 145 Skillman Drive, stated his concern about the increased traffic and the safety of those biking and walking along the roads with the large construction trucks, and is concerned about the goodwill of the applicant if he has incurred several code violations.

7. Mr. Howard Anby, 9313 Barnes Road, stated his concern of construction trucks traveling the hairpin turns on Barnes Road, the number of stumps permitted to accumulate on the land, that renting a grinder is cheaper than paying to have someone else dispose of the debris, the odor emitted by mulch piles, and the statement by the staff that this proposed use is a complement to the neighborhood.

8. Mr. Brian Oyer, 9025 Barnes Road, stated that traffic on Barnes Road has increased over the years, a 70-lot development has been approved and the road is not conducive to heavy truck usage. He stated that Massie trucks cannot pass on the road. He disagrees with the statement made at the Planning Commission that the mulch would change to top soil and requests the Board vote no and do not defer this matter.

9. Ms. Betty Smith, 9347 Barnes Road, provided the Board with pictures of tub grinders, signatures collected in opposition to this land use, and stated her concerns that she did not want this or any business in her neighborhood, and that the present day traffic cannot compete with Hertzler trucks on Barnes Road.

10. Ms. Tyla Matteson, Sierra Club, encouraged the Board to deny this application which would decrease the quality of life, increase truck traffic, cause the loss of wildlife, increase the threat of fire, and stated concerns about the leakage from the mulch pile into the groundwater in addition to the leakage from trucks.

11. Ms. Shireen Parsons, 306 Miller Street Christiansburg, Virginia, stated that this type of business is inappropriate for this neighborhood, offers no benefit to the community, and voiced concerns about the lack of limits on truck visits and protection for the community.

12. Ms. Kathleen Kennedy, 9405 Barnes Road, stated that the neighbors of this land are in the top of the poor, these homes are investments, the community feels as though they are being glossed over; and voiced her concerns that there are three blind curves on this road, it is narrow and has no shoulder; and asked the Board to protect the citizens, and the children who are citizens too.

13. Ms. Lynne Faltraco, Rutherford County, Unionville, North Carolina, stated her opposition to chip mills and voiced her concerns about trucks affecting road safety, devalued land, air quality problems, water usage associated with chip mills, and asked the Board to deny this permit.

Ms. Faltraco handed out a packet with her extended comments to the Board members.

14. Mr. James McRoy, 9427 Barnes Road, stated he adamantly objected to this permit, and voiced his concerns regarding the prior violations and noise pollution.

15. Mr. Peter Ladriere, 137 Racefield Drive, inquired if the Board can guarantee the land use will not hurt the surrounding land value, limit the number of trucks, protect the shallow wells, ensure water quality, and place a noise barrier requirement on the land use.

16. Mr. Jerry Woodson, 133 Racefield Drive, stated that although they are outside the primary service area of the County, they are citizens of the County and should be protected, the applicant should seek a more suitable site for this proposed land use, and requested the Board deny this permit, not defer.

17. Mr. Matthew Mayes, 135 Racefield Drive, stated that as a drive of commercial trucks, the road cannot handle this type of commercial truck traffic.

18. Mr. Ralph Derosa, President of the Stonehouse Homeowners Association, stated concerns about truck traffic on Route 30 and requested the Board deny this permit.

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

The Board held a discussion concerning the value of citizen input, the process set by the government for citizens to provide input, the Planning Commission's role in land use decisions, and the Planning office's role in land use decisions.

Mr. Kennedy made a motion to deny the permit.

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

Mr. Nervitt recessed the Board for a break at 9:31 p.m.

Mr. Nervitt reconvened the Board at 9:43 p.m.

3. Case No. SUP-17-99. PrimeCo Communication Tower

Mr. Paul D. Holt III, Senior Planner, stated that Mr. Vernon Geddy, III, and Mr. Marc Cornell, on behalf of the applicant, has applied for a special use permit to construct a communications tower on 14 acres, zoned A-1, General Agricultural, located at 4881 Centerville Road, further identified as Parcel No. (1-56) on James City County Real Estate Tax Map No. (36-2).

Mr. Holt stated that, with conditions, the proposed height of the tower would appear comparable with surrounding vegetation and thus, compatible with all the surrounding zoning, uses, and the Comprehensive Plan.

The Planning Commission recommended approval of the application by a vote of 6-0.

Staff recommends the Board approve the application with conditions.

The Board and staff held a discussion concerning the height of the tower, the balloon test for visibility, and the reduced height request.

Mr. Nervitt opened the public hearing.

1. Mr. Geddy stated that this tower would provide service coverage to a portion of the County that has a gap in coverage along Centerville Road and western portions of Ford's Colony. The tower meets County performance standards.

Mr. Goodson asked how many other service providers could use the tower.

Mr. Geddy stated that there is room for three users on this tower and the permit allows for a second tower to be constructed on the site. The second tower would have room for three users too.

Mr. Nervitt asked if the second tower would be leased, requested to know who owns the land, and if the access lane to the tower could be at an angle to aid in hiding the tower base.

Mr. McGlennon asked if leasing the land had a requirement or obligation to allow a second tower.

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

Mr. Goodson made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-17-00. PRIMECO TOWER ON CENTERVILLE 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, James City County has developed certain policies for the placement of wireless communications facilities; and

WHEREAS, the applicant has requested a special use permit to allow for the construction of a 175-foot tall monopole tower and associated electronic equipment on a 14± acre parcel located at 4881 Centerville Road and more specifically identified as Parcel No. (1-56) on the James City County Real Estate Tax Map No. (36-2); and

WHEREAS, the Planning Commission recommended the proposal be approved by a vote of 6-0 at its public hearing of August 7, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-17-00 as described herein with the following conditions:

1. This special use permit shall be valid for a total of two (2) towers. The maximum height of all towers shall not be greater than 175 feet; however the towers shall be so designed as to accommodate future vertical expansions. Prior to final site plan approval, the applicant shall demonstrate to the satisfaction of the Planning Director, that the lease area is adequate to accommodate two towers and supporting equipment. The portion of the lease area for the future tower and equipment shall remain free of all structures until such time the second tower is constructed and the additional tower shall be subject to administrative approval only. In order to maximize the number of collocating opportunities, all supporting equipment pads, sheds, buildings and huts shall have the minimum footprint necessary and shall be located within the lease area as approved by the Director of Planning.
2. Each individual tower shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to site plan approval.
3. Towers shall be located on the site in a manner that maximizes the buffering effects of trees as determined by the Planning Director. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities as determined by the Planning Director. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities as determined by the Planning Director. A minimum buffer of 100 feet in width of existing mature trees shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower.
4. A final inspection shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.
5. Unless otherwise approved by the Director of Planning, all supporting equipment sheds, buildings and huts shall be of a similar design to that generally used on a single-family residence and shall be approved by the Director of Planning prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds, buildings, and huts as determined by the Director of Planning prior to final site plan approval.
6. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(F) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

F. BOARD CONSIDERATION

1. Case No. SUP-18-99. Olde Towne Road Timeshares (deferred from August 8, 2000)

Mr. O. Marvin Sowers, Director of Planning, stated that Mr. Vernon Geddy, III, on behalf of the applicant, has made a written request for deferral of this case.

Without Board objection, Mr. Nervitt deferred the case.

2. Regional Issues Committee Resolution – Corridor Beautification

Mr. John T. P. Horne, Manager of Development Management, stated that the Regional Issues Committee (RIC) is presenting to York County Board of Supervisors, the City Council of the City of Williamsburg, and the James City County Board of Supervisors a resolution for corridor beautification in the Historic Triangle.

Mr. Horne stated that staff recommends adoption of the resolution.

The Board and staff discussed current beautification efforts and the status of the trees to be transplanted from Upper County Park.

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

CORRIDOR BEAUTIFICATION

WHEREAS, the Regional Issues Committee (RIC) has approved a resolution proposing certain actions to beautify entry corridors in the Historic Triangle; and

WHEREAS, the Board of Supervisors wishes to support the proposal of the RIC with appropriate actions in James City County

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the proposal by the Regional Issues Committee as expressed in its resolution dated July 18, 2000 (attached), and directs staff to undertake appropriate actions to assist in the implementation of the proposal.

G. PUBLIC COMMENT – None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that a report is being assembled based on the information from the committee.

Mr. Wanner stated that he and the City Manager had met and developed a proposal for the Board of Supervisors and City Council. Mr. Wanner recommended that the City/County staff send the study materials from the committee to the Board of Supervisors and City Council by mid September and that the Board of Supervisors and City Council members review those materials and make any requests for additional information and materials to the City Manager or County Administrator by early October.

The Board of Supervisors and City Council would then request or direct by mid October the County Administrator and City Manager to develop recommendations on a preferred option(s) and a timeline for implementation of the recommendations.

The City Manager or County Administrator will provide recommendations to the Council and Board at individual work sessions in November, and then the Board and Council will take action on those recommendations.

If it is determined by the Board or Council to have a joint work session, one would be scheduled.

The Board, County Administrator, and staff discussed how the information would be distributed, influences on VDOT, funding mechanism, willingness to look at short-term alternatives; aesthetic considerations, pedestrian access, and sound walls.

Mr. Wanner stated a copy of the briefing on the Convention Center Feasibility Study was provided to the Board. The City Council voted to continue the process and set up some mechanism to keep this idea alive.

Mr. Wanner recommended the Board recess for a James City Service Authority Board of Directors meeting, following which the Board of Directors will have a closed session pursuant to Section 2.1-344(A)(3) to consider acquisition of a parcel of property for public use. The Board of Supervisors would then reconvene for a closed session pursuant to Section 2.1-344(A)(1) to consider personnel matters(s), the appointment of individuals to County boards or commissions following which the Board would adjourn until September 26, 2000.

Mr. Wanner requested Mr. Richard Sebastian give a brief overview of the Real Estate Assessment Cycle.

Mr. Sebastian, Director of Real Estate Assessment, stated that the reassessment has completed and the annual reassessment notices have been mailed.

From July 1, 1999, to July 1, 2000, the assessed value of real estate has changed by 9.75 percent. Many of these changes resulted from new construction, subdivision of property, and changes other than reassessment.

Due to reassessment, 27 percent of all parcels had changed in value. The overall percentage of change in total real property value is 2.84 percent. The average increase for those properties with changes was 6.96 percent.

For commercial property, the property value increased by four percent overall.

Mr. Sebastian gave an overview of the appeal process. The appeal period will end on October 5, 2000. Following the staff appeal, there is a 30-day appeal period to the Board of Appeals. That appeal period will end on November 6, 2000. A final appeal may be made to the Circuit Court.

The Board and staff held a discussion concerning the frequency of assessments in neighborhoods and how close the assessment matched budget revenues.

A public hearing on the assessment increase will be held at the next Board meeting on September 26, 2000.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that September 24 will be the dedication for the new Stonehouse Elementary School. On September 30 there will be a parade for Chickahominy Day, and October 9 will be the next "Meet the Supervisor" open public meeting at the Library in Croaker for Stonehouse District residents.

Mr. Harrison thanked the citizens for their participation during this meeting and requested that the Board consider adopting a formal time limit for public comments and public hearings.

Mr. Nervitt requested the Acting Police Chief to move forward with a safety locks for guns program in the County.

Mr. Nervitt recessed the Board at 10:49 p.m.

J. CLOSED SESSION

Mr. Nervitt reconvened the Board at 10:51 p.m. and made a motion to convene into closed session as recommended by the County Administrator.

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

Mr. Nervitt reconvened the Board into open session at 11:00 p.m.

Mr. Nervitt made a motion to approve the closed session resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (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 2.1-344.1 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 and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions.

Mr. Goodson made a motion to appoint Dr. Barbara B. Richardson to the Social Services Advisory Board for a four-year term, term expiring on June 30, 2004; and to appoint Mr. M. Anderson Bradshaw to the Water Conservation Committee for a three-year term, term expiring on September 12, 2003.

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

Mr. Nervitt made a motion to adjourn.

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

The Board adjourned at 11:01 p.m.

Sanford B. Wanner
Clerk to the Board