

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF JUNE, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Mr. Kennedy led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Bill Ferguson, 310 The Maine West, provided the Board members with newspaper articles concerning water and stated that over-development is a main contributor to the water concerns.

2. Mr. Tony Dion, 102 Fairmont Drive, commended the Board on the Emergency Ordinance initiative for restricting outdoor watering and requested that the community as a whole participate including gated neighborhoods and golf courses.

3. Mr. Jim Icenhour, 101 Shinnecock, stated that his automated irrigation system is already in compliance with the proposed Emergency Ordinance, stated this Emergency Ordinance is a short-term solution when considering the 1,200 homes already approved in the pipelines, and recommended the Board address the County's long-term water needs.

4. Mr. Garrett Duncan, 104 Windstar, recommended a moratorium on new developments and stated concern that current residents are being requested to give up their quality of life to attract more residents to the County.

5. Mr. Richard Costello, Chairman of the Water Conservation Committee, stated that water conservation measures have been brought before the Board, recommended approval of the conservation measures, stated that golf courses use BMPs to irrigate – not wells, and that there were more irrigation systems installed this year than houses built.

6. Mr. Ed Oyer, 139 Indian Circle, stated that water conservation is not a new issue, that there are no alternatives to water, that water is more important than plants and grass, and that the proposed desalinization plant is only a supplement to the existing 32 groundwater wells.

7. Mr. Tom Brain, 249 Sanctuary Drive, stated that as a former member of the Water Conservation Committee, recalled bringing forward a proposal for odd/even water restrictions two years ago and urged the Board to pursue each available option to increase the availability of water to the County.

8. Mr. Jay Robinson, 4758 Hickory Signpost Road, urged the County to educate citizens in the benefits of water conservation and that lawns have a better chance of being established if done in the fall.

E. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

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

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

1. Minutes

a. May 28, 2002, Work Session

b. May 28, 2002, Regular Meeting

2. FY2002 Budget Amendment – Square One

RESOLUTION

FY 2003 BUDGET AMENDMENT – SQUARE ONE

WHEREAS, the Board of Supervisors has been requested by the Hampton Roads Partnership and Square One to provide funding in the form of a contribution of \$4,100 to the Square One program; and

WHEREAS, the Square One program is built around the needs of preschool children and has provided direct services to the citizens of James City County through the implementation of the BookSmart program through the Williamsburg Regional Library.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, amends its previously adopted FY 2003 Budget and approves the following budget adjustment:

Revenues:

Operating Contingency: \$ 4,100

Expenditures:

Contributions to Outside Agencies:
HRP – Square One Program \$ 4,100

3. Award of Contract – Construction of Joanne Court

RESOLUTION

AWARD OF CONSTRUCTION CONTRACT - JOANNE COURT

WHEREAS, Joanne Court is currently a dirt street; and

WHEREAS, funds are available to construct Joanne Court to Virginia Department of Transportation (VDOT) standards for inclusion in the VDOT Secondary Road System; and

WHEREAS, bids have been received for this work; and

WHEREAS, staff has reviewed all bids and determined that Wolf contractors, Inc., submitted the lowest responsive bid and determined Wolf Contractors, Inc. to be qualified to complete the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute a contract with Wolf Contractors, Inc., for this work in the amount of \$156,385.

4. Approval for AVID Medical, Inc., Revenue Bond Issue

RESOLUTION

APPROVAL FOR AVID MEDICAL, INC., REVENUE BOND ISSUE

WHEREAS, the Industrial Development Authority of the County of James City, Virginia, (the “Authority”) has considered the application of Avid Medical, Inc. (the “Applicant”), a Delaware corporation, having its principal place of business currently at 9000 Westmont Drive, Toano, Virginia 23168. In that application, the Applicant requested the Authority to issue, pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the “Act”), up to \$3,500,000 of its revenue bonds for a manufacturing facility (the “Bonds”); and

WHEREAS, the proceeds of the Bonds will be used to assist the Applicant in financing (1) the acquisition, construction, and equipping of an approximately 45,000-square foot expansion of the Applicant’s existing facility, which expansion will be used in the manufacturing of medical devices and the manufacturing process of assembling and packing procedure - ready kits and subassemblies primarily for sale to health care providers and which will be located on a three-acre parcel of land adjacent to the existing facility at 9000 Westmont Drive, Toano, Virginia,

(the "Project") and (2) the payment of the costs of issuing the Bonds. The Authority held a public hearing regarding this matter on behalf of the Authority and James City County, Virginia, (the "County") on May 16, 2002, which is a date within sixty (60) days of the adoption of this resolution.; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that both the governmental unit having jurisdiction over the issuer of private activity bonds and the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Project is located in the County; the Authority issues its bonds on behalf of the County and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds and has forwarded to the Board: (1) a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, which was adopted following its public hearing on May 16, 2002; (2) a copy of the Fiscal Impact Statement submitted by the Applicant; and (3) a reasonably detailed summary of the comments made at the public hearing.

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

1. The recitals made in the first and second paragraphs of this Resolution are hereby adopted as a part of this Resolution.
2. The Board approves the issuance of the Bonds by the Authority in an aggregate principal amount not to exceed \$3,500,000 for the benefit of the Applicant, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended.
3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Applicant or the Project, and, as required by the Act and Virginia law, the Bonds shall provide that none of the Commonwealth of Virginia, the County or the Authority, shall be obligated to pay the principal, or premium, if any, of the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof shall be pledged thereto.
4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this Resolution shall remain in effect for a period of one year from the date of its adoption.
5. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to the Applicant or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
6. This Resolution shall take effect immediately upon its adoption.

5. Virginia Department of Transportation Recreational Access Grant

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION RECREATIONAL ACCESS GRANT

WHEREAS, the District Park is owned and is to be developed by the County of James City as a recreation facility serving the residents of James City County and adjoining localities; and

WHEREAS, the facility is in need of adequate access; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.1-223 of the Code of Virginia requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approved the use of such funds for the construction of access roads to publicly-owned recreational areas or historical sites; and

WHEREAS, it appears to the Board that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate the District Park as a public recreation facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the Code of Virginia; and

WHEREAS, the right-of-way of the proposed access road is provided by the County of James City at no cost to the Recreation Access Fund; and

WHEREAS, the Board acknowledges that, pursuant to the provisions of Section 33.1-223 of the Code of Virginia, this road shall be designated a "Virginia Byway" and recommends the Commonwealth Transportation Board, in cooperation with the Director of the Department of Conservation and Recreation, take the appropriate action to implement this designation. Further, the Board agrees, in keeping with the intent of Section 33.1-63 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Director of the Department of Conservation and Recreation to designate the District Park as a public recreation area and to recommend to the Commonwealth Transportation Board that recreation access funds be allocated for an access road to serve said park.

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

6. Petty Cash – James City County Chickahominy Riverfront Park Pool

RESOLUTION

PETTY CASH – JAMES CITY COUNTY CHICKAHOMINY RIVERFRONT PARK POOL

WHEREAS, the Board of Supervisors of James City County has been requested to authorize petty cash of \$100 for the James City County Chickahominy Riverfront Park Pool.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Treasurer to create petty cash of \$100 for the James City County Chickahominy Riverfront Park Pool.

F. PUBLIC HEARINGS

1. Case No. Z-1-02. Baker Farmer’s Market

Mr. David Anderson, Planner, stated that Michael Brooks has applied to rezone .715 acres, zoned B-1, General Business, to M-1, Limited Business/Industrial, at 7294 Merrimac Trail, further identified as Parcel Nos. (8-1A) and (1-10) on the James City County Real Estate Tax Map No. (50-2).

Staff found the rezoning to be compatible with the surrounding zoning and development.

The Planning Commission voted 5-1 to recommend approval of the renewal at its meeting on May 6, 2002.

Staff recommended the Board approve the rezoning application with proffers.

Mr. Goodson stated support for the application.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired if the application, once approved, would carry with the land or would it be exclusively attached to the proposed Farmer’s Market.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. Z-1-02. BAKER FARMER’S MARKET

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-02 for rezoning .715 acres from B-1, General Business, to M-1, Limited Business/Industrial, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 6, 2002, recommended approval of Case No. Z-1-02, by a vote of 5 to 1; and

WHEREAS, the property is located at 7294 Merrimac Trail and further identified as Parcel Nos. (8-1A) and (1-10) on James City County Real Estate Tax Map No. (50-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-1-02 and accept the voluntary proffers.

2. Case No. SUP-18-01. Waltrip Communications Tower

Mr. Paul Holt, Senior Planner, stated that the applicants have requested a deferral of Case No. SUP-18-01 to September 10, 2002, to allow the applicant to review the construction of a 133-foot tall communications tower on Parcel No. (1-12) on James City County Real Estate Tax Map No. (48-2).

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy deferred the case until September 10, 2002.

3. Case No. SUP-22-02. James City Service Authority Groundwater Treatment Facility, Production Wells, Concentrate Discharge Main, and Route 5 Water Main Extension

Mr. Paul Holt, Senior Planner, stated that Larry Foster has applied for a special use permit to construct a 12,000-square foot groundwater treatment facility, to construct six production wells, to install approximately 13,600 feet of 12-inch concentrate discharge main, and to install approximately 6,500 feet of 16-inch potable water main on about 20.66 acres zoned R-8, Rural Residential; LB, Limited Business; R-2, General Residential; R-4, Residential Planned Community; and B- General Business on 3123 Ironbound Road with access from 4321 John Tyler Highway, and further identified as Parcel Nos. (1-34), (1-38), (1-21), (1-24), (1-33), (1-1), and (1-5) on James City County Real Estate Tax Map Nos. (46-2), (46-3), and (46-4).

Staff found the proposed addition consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission voted 7-0 to approve the proposal with conditions at its meeting on June 3, 2002.

Staff recommended approval of the resolution with the listed conditions.

Mr. Kennedy opened the Public Hearing.

1. Mr. Larry Foster, General Manager of the James City Service Authority, stated several of the benefits associated with the proposal, addressed potential concerns citizens have raised, and stated that the proposal has been presented to neighborhoods and area groups for review and input.

Mr. McGlennon inquired as to how much of the project could be completed without a permit in hand for the facility.

Mr. Foster stated that road access can be completed, and that the treatment facility will not be started until a permit is in hand.

2. Mr. Ed Oyer, 139 Indian Circle, requested information on the elevation of the site and inquired if the wells will be protected from flooding.

Mr. Foster stated that the elevation in that area is 53 feet and the wells will be protected.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-22-01. JAMES CITY SERVICE AUTHORITY GROUNDWATER TREATMENT

FACILITY, PRODUCTION WELLS, CONCENTRATE DISCHARGE MAIN,

AND ROUTE 5 WATER MAIN EXTENSION

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, Mr. Larry Foster has applied on behalf of the James City Service Authority for a special use permit to allow the construction of an approximately 12,000-square foot groundwater treatment facility; construction of six production wells; installation of approximately 13,600 linear feet of 12-inch concentrate discharge main; and installation of approximately 6,500 linear feet of 16-inch potable water main; and

WHEREAS, the properties are located at 3123 Ironbound Road, zoned R-8, Rural Residential District, and further identified as Parcel No. (1-34) on James City County Real Estate Tax Map No. (46-2); 4321 John Tyler Highway, zoned R-8, and further identified as Parcel No. (1-38) on James City County Real Estate Tax Map No. (46-2); 4315 John Tyler Highway, zoned R-8, and further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (46-2); 2915 John Proctor Way, zoned R-8, and further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (46-2); 1821 Jamestown Road, zoned R-8, and further identified as Parcel No. (1-24) on James City County Real Estate Tax Map No. (46-2); 1831 Jamestown Road, zoned LB, Limited Business District, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (47-3); 1861 Jamestown Road, zoned R-2, General Residential District, and further identified as Parcel No. (1-5) on James City County Real Estate Tax Map No. (46-4); and on property located on Virginia Department of Transportation (VDOT) right-of-way on land zoned R-8, Rural Residential; R-4, Residential Planned Community; LB, Limited Business; R-2, General Residential; and B-1, General Business; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 3, 2002, voted 7 to 0 to approve this application.

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-22-01 as described herein with the following conditions:

1. Construction. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.
2. Compliance. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control. The project shall comply with all Virginia Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan. Development and land clearing of the site shall be generally in accordance with the “Preliminary Plan, Brackish Groundwater Desalinization Facility” prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Spill Containment. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology. Prior to the issuance of a land disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Architecture. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Planning Director.

11. Utilities. All utilities shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway. No utility shall be located more than ten feet from the edge of pavement.
12. Route 5 Buffer. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.
13. Chanco's Grant Buffer. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision with the exception of the clearing necessary for the construction of the concentrate discharge main and greenway trail.
14. Greenway Trail. The applicant shall construct a greenway trail to the specifications of the James City County Division of Parks and Recreation over the areas of construction for the concentrate discharge main between the treatment facility site and the directional drill location north of Jamestown Road. The final alignment of the concentrate discharge main and greenway trail shall generally be as shown on the plan "Brackish Groundwater Desalinization Facility, SUP Pipeline," dated 5-21-02, prepared by Buchart Horn, Inc. and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trial shall be subject to the approval of the Planning Director.
15. Community Character. The applicant shall avoid removing trees, bushes and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
16. Dust and Siltation Control. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Access. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. Construction Time. All construction activity for the concentrate discharge main and the water main extension adjacent to existing residential development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
19. Vehicle and Equipment Storage. Construction vehicles and equipment shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
20. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

4. Ordinance Amendment to Chapter 2, Administration

Mr. Frank Morton, County Attorney, stated that staff desires to delete Section 2-7 of the James City County Code which speaks to electing supervisors from “magisterial districts” rather and “election districts,” and stated that Section 2-6 contains the correct language concerning the election of supervisors.

Mr. Kennedy opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the Ordinance.

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

G. PUBLIC COMMENT

Mr. Morton requested the opportunity to explain what is an Emergency Ordinance.

Mr. Morton stated that the State Code allows the Board to adopt an ordinance by emergency provisions without a public hearing. It must readopt the Ordinance through the public hearing process within 60 days or the provisions do lapse.

1. Mr. Bill Wallace, Field Crest, requested further explanation on the exceptions of the Emergency Ordinance as outlined in a recent newspaper article, requested that the commercial enterprises be held to these standards, and stated support for the initiative.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner requested citizens complete the School Census forms and return them, and stated that the information gathered from the Census is used by the State to allocate State Aid for education.

Mr. Wanner recommended the Board go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions; and pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

Mr. Wanner recommended that following the closed session, the Board adjourn until 4 p.m. on June 25, 2002.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Brown requested a briefing on the Williamsburg Area Transport and potential connection to the Newport News transit system be provided at the next work session.

Mr. McGlennon stated that there will be a meeting held by the Virginia Department of Transportation on the proposed widening of Route 199 at 4:00 p.m. on June 12 at Berkeley Middle School.

Mr. Kennedy requested the Board consider the Emergency Ordinance at this time.

Mr. Foster provided the Board with an overview of the water demands, impacts of the high water demands on the system, the amount of time the system takes to recuperate from the demands, and expectation of minimizing the peak demands on the system through adoption of the Ordinance by emergency provision.

Mr. Foster stated that due to the demands on the water system and hazard to public safety, staff had created an Emergency Ordinance for the Board's consideration. The Emergency Ordinance would restrict outdoor watering for even-numbered street addresses to Tuesdays, Thursdays, and Saturdays; odd-numbered street addresses can perform outdoor watering on Wednesdays, Fridays, and Sundays – provided that no watering occurs between 8 a.m. and 5 p.m. or on Mondays.

The Board and staff held a brief discussion on the interconnect with Newport News Waterworks, encouragement of landscapers and property owners to plant shrubs, and sod new lawns in the fall. Implementation of this Emergency Ordinance is a public safety initiative rather than a conservation effort, and the population increases vs. the increased water demands.

Mr. McGlennon requested a resolution encouraging all citizens and businesses to abide voluntarily to the same restrictions.

Mr. Harrison inquired about the education program on watering and conservation.

Ms. Lisa Meddin, Water Conservation Coordinator, stated that educational efforts have included ads in the local papers to inform citizens of the proposed restrictions, internet, government channel postings, press releases, a water information line, and "Let's Be Water Smart" programs.

Mr. Kennedy made a motion to adopt the Emergency Ordinance.

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

Mr. Goodson requested that the 8 a.m. to 5 p.m. water restriction be reconsidered when brought back before the Board.

J. CLOSED SESSION

Mr. Harrison made a motion to go into closed session pursuant to section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions; and pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

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

Mr. Kennedy convened the Board into closed session at 8:38 p.m.

At 9:21 p.m. Mr. Kennedy reconvened the Board into open session.

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

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (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 2.2-3711.1 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 2.2-3711(A)(1) to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3) to consider acquisition of a parcel of property for public use.

Mr. McGlennon made a motion to reappoint Richard Drumwright to a three-year term on the Peninsula Disability Services Board, term to expire on June 10, 2005; to appoint Clara Brown and Jay Everson to four-year terms on the Social Services Advisory Board, terms to expire on July 1, 2006; to appoint Diane Gilbert to a three-year term on the Social Services Advisory Board, term to expire on June 30, 2005; to recommend to the Circuit Court Judge the reappointment of Emeric Fischer to a five-year term on the Board of Zoning Appeals, term to expire on June 10, 2007; and to recommend to the Circuit Court Judge the appointment of Richard Turnau to a four-year term on the Board of Zoning Appeals, term to expire on June 10, 2006.

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

K. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until 4 p.m. on June 25, 2002.

Mr. McGlennon made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 9:23 p.m.

Clerk to the Board

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