

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF SEPTEMBER, 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

Ms. Brianna Bates, a student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Ms. Loretta Hannum, 130 Kingspoint Drive, spoke on behalf of the League of Women Voters requesting the Board, by resolution, support the Educational Facilities Bond Act that would provide funding for facility renovations at the College of William & Mary and assistance with the Thomas Nelson Community College educational facility in Williamsburg.

2. Mr. Jerry Burchette, 105 Timberwood Drive, requested the Board consider repealing Section 15-36(C) of the County Code that requires hunting be done from tree stands.

The Board requested Mr. Morton provide the Board with information regarding Section 15-36(C) of the Code and recommendation on Mr. Burchette's request.

3. Ms. Mary Anne Abbondanzo, 131 Stanley Drive, requested assistance from the Service Authority in the consideration of large families that conserve water. Ms. Abbondanzo stated she had high water bills that are being assessed at the third-tier rate due to her large family.

The Board requested Mr. Foster provide the Board with information regarding the impacts of the three-tier rate adjustments and what consideration could be offered to large families.

4. Mr. Philip Forgit, 110 Deerwood Drive, thanked members of the Board for its willingness to review and suggest alternatives in the realignment within school programming, and stated opposition to the proposed tax rate reduction.

5. Mr. Thomas Powers, 133 Jerdone Road, President of the Williamsburg Land Conservancy, thanked the Board for its assistance in the preserving the tree buffer along Route 5 (John Tyler Highway).

6. Mr. Mike Halpin, 1203 Penniman Road, stated opposition to a tax rate reduction and requested the Board keep the tax rate at its current level.

7. Ms. Karen Schumacher, 119 Elizabeth Harris Drive, Executive Director of the Williamsburg Land Conservancy, thanked the Board and staff for assisting in the preservation of the tree buffer along Route 5 (John Tyler Highway).

8. Mr. Ralph Bresler, 3028 John Vaughan Road, requested the Board not reduce the tax rate.

9. Mr. Bill Frymoyer, 3136 Parkside Lane, thanked the Board for its assistance in preserving the tree buffer along Route 5 (John Tyler Highway).

10. Mr. Ed Oyer, 139 Indian Circle, stated concern regarding the uncertain economic conditions throughout the world, requested the Board cut expenditures if it cuts the tax rate, stated concern about adjusting employee grades without adjusting employee's pay accordingly, and stated concern that the Commonwealth is one of the third highest assessors of taxes on phones in the United States.

E. PRESENTATIONS

1. E-Man Coloring Contest Winners

Mr. Kennedy and Mr. Harrison, on behalf of the Board of Supervisors and County, recognized Miss Isabella Gordineer, Miss Morgan Wright, and Miss Kristin Bunn for winning the E-Man Coloring Contest, and presented them with a day-pass to the Community Center and a shirt showing their winning entries.

2. 2002 Development Potential Analysis

Mr. Joe McCleary, a member of the Development Potential Analysis Committee, made a presentation summarizing the findings and conclusions of the 2002 Development Potential Analysis efforts of the Citizen Advisory Committee to get information out to citizens as well as receive input from citizens on the Comprehensive Plan; encouraged Board guidance; and invited members of the Board to attend the October 7 Planning Commission meeting where Kimley-Horn will present the 2002 Development Potential Analysis in greater detail.

3. FY02 Strategic Management Plan Year-End Report

Ms. Rona J. Vrooman, Training and Quality Performance Coordinator, presented a year-end report on the FY02 Strategic Management Plan and highlighted some of the targeted goals.

F. HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer for the Virginia Department of Transportation (VDOT), stated that shoulder along Route 614 (Centerville Road) between Longhill Road and Jolly Pond Road will be widened by the end of January 2003; the intersection of Route 637 (Quarterpath Road) and Route 199 is being reviewed; the Public/Private Transportation Act (PPTA) for the Route 199 Jamestown Corridor improvements has been approved, but has not been signed; and the overlay project on Route 199 addressed maintenance issues and will assist in the PPTA project.

Mr. McGlennon requested the tree damaged by a vehicular accident at the intersection of Route 5 and Route 614 be removed.

Mr. Kennedy thanked VDOT for its quick response to the trash and grass situation along Route 665 (Chickahominy Road), and requested VDOT review the signage requests for Chickahominy Haven.

G. CONSENT CALENDAR

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

Mr. Kennedy requested Item Number 4, Crop Disaster Area Declaration, be pulled.

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

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

1. Minutes

- a. August 13, 2002, Regular Meeting
- b. September 10, 2002, Special Meeting
- c. September 10, 2002, Regular Meeting

2. Recreation Grant-in-Aid Program Awards

RESOLUTION

RECREATION GRANT-IN-AID PROGRAM AWARDS

WHEREAS, the James City County Board of Supervisors approved \$25,000 for the Grant-in-Aid Program in FY 2002 for community park projects and programs; and

WHEREAS, three organizations, to include Williamsburg Youth Football League, Clara Byrd Baker PTA, and the Williamsburg Area Bicyclists, have applied for funds that support recreation projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the matching grant awards to the above mentioned organizations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following expenditures:
EXPENDITURES:

Grant-in-Aid Account (0130220900)

| | |
|------------------------------------|----------------|
| Williamsburg Youth Football League | \$3,000 |
| Clara Byrd Baker PTA | \$4,000 |
| Williamsburg Area Bicyclists | <u>\$ 175</u> |
| Total | <u>\$7,175</u> |

3. Resolution of Approval for Multifamily Housing Revenue Refunding Bond Series 2002 Issue for Chambrel at Williamsburg Project

RESOLUTION

APPROVAL FOR MULTIFAMILY HOUSING REVENUE REFUNDING BOND

SERIES 2002 ISSUE FOR CHAMBREL AT WILLIAMSBURG PROJECT

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the "Authority") has considered the application of CMCP-Williamsburg, LLC, a Delaware limited liability company (the "Owner") for the issuance of the Authority's Variable Rate Demand Multifamily Housing Revenue Refunding Bonds in an amount not to exceed \$25,000,000 (the "Bonds") to refund all or a portion of the Authority's \$13,707,550 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Community Project) 1996 Series A and \$11,292,450 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Community Project) 1996 Series B (collectively the "1996 Bonds"), the proceeds of which were used to refund the Authority's \$25,000,000 Elderly Residential Mortgage Revenue Bonds (Williamsburg-Oxford Project) (the "1985 Bonds"), the proceeds of which were used to make a loan to Williamsburg-Oxford Limited Partnership, a Maryland limited partnership (the "Original Owner") to finance the acquisition, construction, and equipping by the Original Owner of a 256-unit elderly residential rental project known as Chambrel at Williamsburg, located at 3800 Treyburn Drive, Williamsburg, Virginia (the "Project"), twenty percent (20%) of the units of which are to be occupied by individuals of low or moderate income, and has held a public hearing thereon on September 12, 2002; and

WHEREAS, the Authority has recommended that the Board of Supervisors (the "Board") of James City County, Virginia (the "County") approve the refunding of the 1996 Bonds and issuance of the Bonds by the Authority to comply with Section 147(f)(2) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, a record of the public hearing held on the issuance of the Bonds has been filed with the Clerk of the Board.

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

1. The holding of a public hearing with respect to the refunding of the 1996 Bonds and the Project by the Authority at 1:30 p.m. on September 12, 2002, at 101-C Mounts Bay Road, Williamsburg, Virginia, in accordance with the requirements of Section 147(f) of the Code, and Section 15.2-4906 of the Code of Virginia, is hereby ratified.
 2. The Board approves the refunding of the 1996 Bonds and further approves issuance of the Bonds by the Authority for the benefit of the Owner, to the extent of and as required by Section 147(f)(2) of the Code, and Section 15.2-4906 of the Code of Virginia, to permit the Authority to assist in the refunding of the 1996 Bonds.
 3. The approval of the issuance of the Bonds, as required by Section 147(f)(2) of the Code and by Section 15.2-4906 of the Virginia Code, does not constitute an endorsement of the Bonds or the credit worthiness of the Owner, and the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth, the County, nor the Authority shall be pledged thereto.
 4. All acts of the officers and members of the Board which are in conformity with the purposes and intent of this Resolution shall be, and the same hereby are, in all respects, satisfied, approved and confirmed.
 5. This resolution shall take effect immediately upon its adoption.
5. Request to Congress to Appropriate Funds for the Removal of the Environmentally Hazardous Vessels from the James River Reserve Fleet

RESOLUTION

REQUEST TO CONGRESS TO APPROPRIATE FUNDS FOR THE REMOVAL OF THE ENVIRONMENTALLY HAZARDOUS VESSELS FROM THE JAMES RIVER RESERVE FLEET

- WHEREAS, the James River Reserve Fleet, commonly known as the Ghost Fleet, is moored on the James River near Fort Eustis; and
- WHEREAS, the United States Maritime Administration has identified the Reserve Fleet as a serious and increasing environmental threat to the Hampton Roads region; and
- WHEREAS, the environmental risk of a large oil and fuel spill is heightened by the threat of storm or hurricane-related damage that would result in the heavy pollution of the waters, shores, beaches, and wetlands, thereby causing hundreds of thousands to millions of dollars in environmental damage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, urges Congress to appropriate the necessary funds for the removal of the obsolete, environmentally hazardous vessels from the James River Reserve Fleet in order to protect the waters, shores, beaches, and wetlands from ecological disaster.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, directs the County Administrator to forward a copy of this resolution to each member of the Virginia delegation to the House of Representatives, and to both Virginia's U. S. Senators.

6. Award of Contract – Wexford Hills Subdivision Section 1 – Street and Stormwater Improvements

RESOLUTION

AWARD OF CONTRACT - WEXFORD HILLS SUBDIVISION

SECTION 1 - STREET AND STORMWATER IMPROVEMENTS

WHEREAS, the developer of Wexford Hills Subdivision, Section 1, has not completed streets and stormwater facilities acceptable to the Virginia Department of Transportation (VDOT); and

WHEREAS, the County has cashed the developers Subdivision Bond providing sufficient funds to award the work to Toano Contractors, Inc.

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 Toano Contractors, Inc., for this work in the amount of \$122,827.

7. USDA Farmland Protection Program Grant – Cooperative Agreement

RESOLUTION

USDA FARMLAND PROTECTION PROGRAM GRANT - COOPERATIVE AGREEMENT

WHEREAS, funds are needed to assist with the purchase of conservation easements on parcels identified during the initial Purchase of Development Rights (PDR) application period that closed on May 31, 2002; and

WHEREAS, the United States Department of Agriculture may fund the purchase of conservation easements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Cooperative Agreement between the United States of America and Commodity Credit Corporation for the Farmland Protection Program, and to accept any grant funds awarded.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the Cooperative Agreement for the Farmland Protection Program.

4. Crop Disaster Area Declaration

Mr. William C. Porter, Jr., Assistant County Administrator, stated that based on information from the Virginia Cooperative Extension Service, the extreme drought conditions have seriously impacted the County's crop yields.

Staff recommends the Board adopt a resolution requesting the Governor to declare the County a disaster area for the agricultural industry.

Mr. Kennedy inquired if the County would assist farmers with tax payment arrangements without assessing penalties.

Ms. Ann Davis, Treasurer, stated that the County is always willing to work out payment arrangements and would look at the provisions permitted in the Code to find alternative methods for payment arrangements.

Mr. Kennedy 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

CROP DISASTER AREA DECLARATION

WHEREAS, agriculture is a vital element of the economic base of James City County; and

WHEREAS, weather conditions have created a drought seriously affecting the yields of crops and the available resources of the County are insufficient to cope with the effects of the drought; and

WHEREAS, the cost of production of these crops is greater than the value of the commodity in the marketplace.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that a state of agricultural emergency is declared to exist in the County and hereby requests The Honorable Mark R. Warner, Governor of the Commonwealth of Virginia, to declare James City County a disaster area for the agricultural industry and to make available all possible assistance to farmers.

H. BOARD CONSIDERATIONS

1. Real Property Tax Rate

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Board held a Public Hearing on September 10 regarding the tax rate on real property for FY 03.

Staff recommended the Board approve the resolution retaining the tax rate on real property at \$0.87 per \$100 of assessed value.

The Board and staff held a discussion regarding the fiscal impacts with changing the tax rate after the land book has been issued or after January 1.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Brown presented fiscal materials regarding the County's population and anticipated growth vs. property taxes collected vs. the County's Adopted Budget figures.

The Board and staff held a discussion defining out the residential property taxes from general property tax figures; anticipated impacts to localities from State shortfalls; perceived citizens' priorities of County services in the face of these significant economic issues; and the opportunity to discuss Budget expenditure and revenue questions at the Board retreat in October specifically to discuss the Budget.

The Board held a discussion regarding the market values and property sale activities in the County impacting the property values and collected property taxes; biannual assessments; possible Budget expenditure reductions; and the Contingency Fund.

Mr. Brown requested an amendment to the motion to reduce the tax rate to \$0.86 after January 1, 2003.

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

Mr. Kennedy requested a roll call vote on Mr. McGlennon's motion to retain the current tax rate at \$0.87.

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

RESOLUTION

REAL PROPERTY TAX RATE

WHEREAS, the Board of Supervisors has, in accordance with the requirements of Section 58.1-3321 of the Code of Virginia, held a public hearing on the increase in real property taxes caused by a reassessment of property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes \$0.87 per \$100 of assessed value as the real property tax rate for the fiscal year ending June 30, 2003.

At 8:44 p.m., Mr. Kennedy recessed the Board for a break.

At 8:52 p.m., Mr. Kennedy reconvened the Board.

2. Colonial Pipeline – Transportation Improvement District

Mr. John E. McDonald, Manager of Financial and Management Services, stated that staff has been working to settle all outstanding financial issues for the Route 5 Transportation Improvement District (TID) and that TID has successfully met all of its financial obligations except for three.

Staff recommended the Board approve a resolution appropriating proffer funds and the transfer of funds from the Debt Service Fund to the TID to fully fund the payment of this obligation.

The Board and staff held a brief discussion regarding the fiscal impact of the TID in FY 02.

Mr. Harrison 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

COLONIAL PIPELINE - TRANSPORTATION IMPROVEMENT DISTRICT

WHEREAS, the Board of Supervisors has agreed to fund the outstanding financial obligations of the Route 5 Transportation Improvement District (TID); and

WHEREAS, Colonial Pipeline has relocated its pipeline to allow the construction of an extension of Monticello Avenue, a project initiated and financed by the TID; and

WHEREAS, funds sufficient to pay the bill include expected proffers dedicated to the extension of Monticello Avenue, as well as funds previously appropriated by the County on behalf of the TID.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the expenditure of \$288,687.41 in payment to the Colonial Pipeline Company for an obligation incurred by the Route 5 Transportation Improvement District.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia appropriates \$78,787 in proffers from developers to the TID and authorizes the transfer of \$209,901 from the Debt Service Fund to the TID to fully fund the payment of this obligation.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, provided the Board with a comparison of the 1993 Williamsburg/James City County (W/JCC) School Budget to its 2003 Budget and encouraged the Board to reduce spending.

2. Mr. Michael Kirby, 2712 Wingfield Close, thanked the Board for the elimination of the Route 5 Transportation Improvement District.

3. Ms. Nina Popal, Executive Director of Housing Partnerships, stated that Housing Partnerships had completed its first home and invited the Board to attend the open house at 244 Bush Springs Road on October 5 at 11:00 a.m.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess for a James City Service Authority, following which the Board should reconvene into open session to go into closed session 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 and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison stated that a Comprehensive Plan listening post/station is located in the lobby of Building C at the Government Center.

Mr. Goodson stated that a Comprehensive Plan listening post/station will be available at the Grove Day Celebration.

Mr. Kennedy recessed the Board at 9:05 p.m. for a James City Service Authority Board of Directors meeting.

At 9:08 p.m., Mr. Kennedy reconvened the Board.

L. CLOSED SESSION

At 9:08 p.m., Mr. Harrison made a motion to go into closed session 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 and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

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

At 9:35 p.m., Mr. Kennedy reconvened the Board into open session.

Mr. Harrison 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).

Mr. McGlennon made a motion to recommend Ms. Jean Wilder serve out the remainder of Bruce C. Keener's term on the Board of Equalization, term to expire on December 31, 2004, and if Ms. Wilder is unable to serve, the alternate recommendation is Mr. Marvin Rhodes.

M. ADJOURNMENT

Mr. Harrison 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 9:36 p.m.

Sanford B. Wanner
Clerk to the Board

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