

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF NOVEMBER, 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

William C. Porter, Jr., Assistant 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. Danny Protocollo, a fourth grade student at Clara Byrd Baker School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated concern regarding the fiscal situation of the County and State and requested the Board postpone any Capital Improvement Projects not underway.

E. PRESENTATIONS

1. Annual Financial Report – KPMG LLP

Ms. Suzanne Mellen, Director of Budget and Accounting, introduced Ms. Elizabeth P. Foster, Partner at KPMG LLP.

Ms. Foster provided the Board with an overview of KPMG's independent audit results of the County's financial statements for the year ended June 30, 2002, and stated that the results of the operations and cash flows of the County's proprietary fund types for the year ended in conformity with generally accepted accounting principles. Ms. Foster stated that this year's audit was a clean and unqualified audit, the highest you can get.

The Board and Ms. Foster discussed the reported findings in last year's audit, the change in the layout for next year's Comprehensive Annual Financial Report, audit procedures, rotation of parties and independence of auditors from those they audit, how illegal activity found by an auditor would be addressed to the County, and reported findings this year to improve internal controls.

Ms. Foster and the Board thanked the Financial and Management Services staff for their work and cooperation.

2. Local Travel Industry Update – Dave Schulte

Mr. Dave Schulte, Executive Director of the Williamsburg Area Convention & Visitors Bureau, provided the Board with an overview of the local travel industry including: sale trends of hotel rooms for 2000 vs. 2001 vs. 2002 across the nation and locally, challenges facing the national travel industry as well as the local travel industry to attract tourists, and the 2003 strategies the local travel industry will use to attract vacationers.

The Board and staff discussed the fact that the timeshare industry is not included in the reports, efforts to offer package deals to attract tourists, and the visitor demographics.

F. HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer for the Virginia Department of Transportation (VDOT), introduced Mr. Todd Hollows, Associate Resident Engineer, who will be working with the State legislators in attracting State transportation funding to the area.

Mr. Hicks provided an update on the following road projects: Cedar Drive at Cypress Point – improved road grade and anticipate upgrading the road through the Rural Addition Program by the end of Summer 2003; intersection of Airport Road and Mooretown Road – by Summer 2003 will improve the intersection with the installation of a traffic signal; Merry Oaks Road - overhanging tree limbs have been trimmed and will be maintained; and the intersection of Southside Riverside Drive with Northside Riverside Drive – the traffic engineers have looked at the intersection and will make traffic safety recommendation.

Mr. Hicks stated that VDOT is ready with equipment and sand to address any potential snow or freezing rain that may come to the area this season.

Mr. Harrison inquired if a representative from VDOT would go with him to look at the roads in Governor's Land for improvements.

Mr. Hicks stated that a representative would go with Mr. Harrison.

Mr. Goodson inquired if the intersection of Route 199 and Mounts Bay Road has been reviewed for adjustments to the traffic signal timing and if time-of-day signals could be considered for the intersection.

Mr. Hicks stated that slight timing adjustments have been made to the traffic signal and will continue to be made until an adequate timing pattern had been found.

Mr. Goodson inquired if the traffic signal timing for the turn lanes has been adjusted at the intersection of Route 60 and Route 199 in consideration that there is less traffic since the opening of the Grove Interchange.

Mr. Hicks stated that VDOT would look into the timing.

Mr. Brown inquired if VDOT was responsible for the maintenance of Historical Markers within VDOT right-of-ways and requested that if it falls within VDOT's responsibility, the marker on Route 60 East, westbound lane near Ben & Jerry's, could be made legible.

Mr. Hicks stated that he would look into the maintenance responsibility for the marker.

Mr. McGlennon inquired about the status of the Public/Private partnership for the Jamestown Route 199 corridor.

Mr. Hicks stated that the partnership is on track and groundbreaking will be in January 2003.

Mr. McGlennon stated that Homeowner Associations are concerned about the responsibility of maintaining stormwater structures and inquired if specific sites are identified to VDOT, would a representative clarify the responsible party for maintaining the structure and if appropriate maintain the structure.

Mr. Hicks stated that VDOT would look at any stormwater structures in question.

G. CONSENT CALENDAR

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

Mr. McGlennon 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. November 12, 2002, Regular Meeting

2. General Obligation Public Improvement Refunding Bond

SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$4,280,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BOND, SERIES 2002, OF THE COUNTY OF JAMES CITY, VIRGINIA, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, on November 12, 2002, the Board of Supervisors of the County of James City, Virginia (the "Board") adopted a resolution entitled "Resolution Authorizing the Issuance and Sale of \$4,280,000 General Obligation Public Improvement Refunding Bond, Series 2002, of the County of James City, Virginia, and Providing for the Form, Details and Payment Thereof" (the "Bond Resolution"). On November 20, 2002, in accordance with the Bond Resolution, James City County, Virginia (the "County") issued to SunTrust Bank (the "Bank") the County's \$4,280,000 General Obligation Public Improvement Refunding Bond, Series 2002 (the "Bond") bearing interest at the rate of 3.75 percent per year; and

WHEREAS, provided that the Board adopts this Supplemental Resolution (the "Supplemental Bond Resolution") on November 26, 2002, the Bank has agreed to a reduction in the interest rate payable on the Bond to 3.59 percent per year. The Board wishes to take advantage of this opportunity to reduce the interest rate on the Bond.

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

Section 1. Authorization of Reduced Interest Rate. The Board hereby authorizes a reduction in the interest rate payable on the Bond to 3.59 percent per year, from and after November 27, 2002. All other payment terms set forth in the Bond, including the principal and interest payment dates, the principal installment payment schedule and the final maturity date of December 15, 2014, shall remain the same.

Section 2. Ratification of Bond Resolution. Except as noted in Section 1, the Board hereby ratifies all of the provisions contained in the Bond Resolution and in the documents and certifications referred to in the Bond Resolution.

Section 3. Other Actions. All other actions of the Supervisors, officers, staff, and agents of the County in conformity with the purposes and intent of this Supplemental Bond Resolution and in furtherance of accomplishing the reduction of the interest rate payable on the Bond are approved and confirmed. The officers and staff of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with this Supplemental Bond Resolution.

Section 4. Effective Date. This Supplemental Bond Resolution shall take effect immediately upon its adoption. The Clerk and any Deputy Clerk of the Board are hereby authorized and directed to see to the immediate filing of a certified copy of this Supplemental Bond Resolution with the Circuit Court of the County of James City, Virginia.

3. Riverview Plantation Water Rates

RESOLUTION

RIVERVIEW PLANTATION WATER RATES

WHEREAS, the Riverview Plantation neighborhood is provided water by Tidewater Water Company; and

WHEREAS, investments in the water system and ongoing maintenance of the system infrastructure have been minimal and inadequate; and

WHEREAS, the owner has filed a notice with the State Corporation Commission with the intent to increase the water rates of customers served by the Riverview Plantation water system; and

WHEREAS, this is the second time in recent years that the rates to customers have been increased without improvements to service; and

WHEREAS, the Board of Supervisors of James City County went on record opposing the last rate increase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, directs its Chairman to forward correspondence to the State Corporation Commission opposing the rate increase proposed by Tidewater Water Company.

H. PUBLIC HEARING

1. Approval of Amendment to Deed of Easement for Open Space/Major Open Space/RPA Buffer 1528 Harbor Road in Governor's Land

Mr. Morton recommended the Board hold a Public Hearing on this item then defer it indefinitely. Mr. Morton recommended the Board not take action on this item until the litigation has been resolved.

Mr. Kennedy opened the Public Hearing.

1. Mr. Steve Test, attorney representing the applicant, provided the Board with an overview of the proposal, provided a brief overview of the litigation, and recommended the Board not defer the item for more than a couple weeks.

Mr. Morton stated that his recommendation remains to hold off action on this item until the parties conclude its litigation.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing and deferred the item indefinitely.

I. BOARD CONSIDERATION

1. Public Use Site – U. S. Home

Mr. John T. P. Horne, Development Manager, stated that a provision of the proffers dated November 7, 2001, in connection with Case No. Z-4-00/MP-01-01 that rezoned property for the U. S. Home project called "Colonial Heritage," dealt with the possible donation of a public use site or for the Board to receive \$750,000 for the acquisition of public use sites or other capital projects.

Mr. Horne stated that during the rezoning, the most widely discussed possible use for the public use sites was a public high school. The School Board has evaluated both public use sites and determined that neither site is appropriate for the construction of a high school.

Staff recommends the Board adopt the resolution electing to receive the cash contribution of \$750,000 from the applicant as allowed for under the proffers.

Mr. Kennedy inquired if the U. S. Home owned Site B.

Mr. Horne stated that U. S. Home does not own Site B.

Mr. Morton stated that according to the proffers, if the Board elects to accept a site from U. S. Home, U. S. Home has two more years to designate which site will be given to the County, and during that time Site B may be acquired.

Mr. Goodson made a motion to adopt the resolution accepting a site from U. S. Home.

The Board discussed the option of accepting a cash contribution from U. S. Home or accepting an unspecified site and the impacts the options could have on the County's development.

Mr. Brown stated his concerns about the risk of electing to accept restricted-use land from U.S. Home, which is unlikely to be used by the County in the foreseeable future, rather than \$750,000 which could be used for certain needed capital projects.

Mr. Kennedy requested a vote on the motion.

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

RESOLUTION

PUBLIC USE SITE - U.S. HOME

WHEREAS, the Board of Supervisors approved Case No. Z-4-00/MP-01-01 on November 27, 2001; and

WHEREAS, as part of that case, certain proffers were accepted, one of which dealt with a public use site or cash contribution; and

WHEREAS, the above proffer allows the Board, by resolution, to elect to receive a site or \$750,000 in cash.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby elect to receive a public use site, as provided for in proffers accepted as part of Case No. Z-4-00/MP-01-01.

J. PUBLIC COMMENT - None

K. REPORTS OF THE ASSISTANT COUNTY ADMINISTRATOR

Mr. Porter stated that due to the holiday on Thursday, the Jamestown District will not have its recyclables picked up until Saturday, November 30.

Mr. Porter stated that the County offices will be closed on November 28 and 29 for the holiday, however the convenience centers will be open on November 29.

L. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to appoint Charlene Talcott to a three-year term on the Clean County Commission, term to expire on November 26, 2005; and to appoint Judge G. C. Fairbanks, IV, to the Colonial Community Criminal Justice Board.

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

Mr. Harrison stated that notes from the Berkeley town meeting have been distributed to the members of the Board and requested that staff submit a copy of that item on letterhead to Dr. Beers.

M. ADJOURNMENT

Mr. Goodson made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 8:22 p.m. until 7 p.m. on December 10, 2002.

William C. Porter, Jr.
Deputy Clerk to the Board

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