

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10th DAY OF JUNE 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Jay T. Harrison, Sr., Chairman, Berkeley District  
Bruce C. Goodson, Vice Chairman, Roberts District  
John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
James G. Kennedy, Stonehouse District

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Matthew John Butler, a ninth-grade student at Williamsburg Christian Academy, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Mr. Thomas Ellis, 237 Brightwood Avenue, Hampton, representative of the Sierra Club, stated concern regarding the County's ability to provide adequate water with increasing demands for the service and requested the Board consider smart growth, protection of open space, and water reuse.

2. Mr. Ed Oyer, 139 Indian Circle, stated that the fees imposed by the government are a drain on retired citizens with fixed incomes.

**E. CONSENT CALENDAR**

Mr. Harrison pulled Item No. 7, Naming of the District Park, from the Consent Calendar.

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

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

1. Minutes
  - a. May 13, 2003, Regular Meeting
  - b. May 13, 2003, Work Session
  - c. May 27, 2003, Regular Meeting
2. Department of Criminal Justice Services Grant – Records System Improvement

**RESOLUTION**

**CRIMINAL JUSTICE RECORDS SYSTEM IMPROVEMENT GRANT**

- WHEREAS, the Department of Criminal Justice Services (DCJS) has approved a grant in the amount of \$169,616, with a Federal share of \$127,212, for the purchase and installation of a Computer Aided Dispatching System; and
- WHEREAS, the grant requires a cash local match of \$42,404, which is available in the Operating account; and
- WHEREAS, the grant will be administered by DCJS, with a grant period of January 1, 2003, through December 31, 2003, thus allowing any unexpended funds as of June 30, 2003, to be carried forward to James City County's next fiscal year.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Capital budget:

Revenues:

Department of Criminal Justice Services     \$127,212

Expenditures:

Computer Aided Dispatching                     \$127,212

3. Dedication of Streets in Stonehouse, Phase I, Sections 1, 2, and 3

**RESOLUTION**

**DEDICATION OF STREETS IN STONEHOUSE, PHASE 1 - SECTIONS 1, 2, AND 3**

- WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and
- WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and
- WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on May 30, 2003, for the crossing of three extrinsic structures which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

4. Award of Contract – James City/Williamsburg Community Center Pool Light Replacement and Ceiling Painting

### **RESOLUTION**

#### **AWARD OF CONTRACT - JAMES CITY/WILLIAMSBURG COMMUNITY CENTER**

##### **POOL LIGHT REPLACEMENT AND CEILING PAINTING**

WHEREAS, the plans and specifications have been advertised and competitively bid for replacement of lights and painting of the ceiling at the James City/Williamsburg Community Center; and

WHEREAS, three firms submitted bids, with Sun Bay Contracting, Inc., submitting the lowest bid of \$125,545.50; and

WHEREAS, the bid is within budget, funds are available, and Sun Bay Contracting, Inc., has been determined capable of performing the work associated with the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract to Sun Bay Contracting, Inc., in the amount of \$125,545.50.

5. Virginia Department of Emergency Management Awards

### **RESOLUTION**

#### **VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT AWARDS**

WHEREAS, the Virginia Department of Emergency Management (VDEM) has approved monetary assistance to the James City County Division of Emergency Management, providing:

\$22,000 improvement in radiological emergency response capability.

1. \$13,967 for improvement of emergency plans.
2. \$3,000 to assist with the establishment of Community Emergency Response Teams

- (CERT).
- 3. \$2,500 to assist with the establishment of Citizen Corps.

WHEREAS, no local matching funds are required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenue:

Transfer from the Virginia Department of Emergency Management	<u>\$41,467</u>
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Expenditures:

James City County, Division of Emergency Management	<u>\$41,467</u>
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- 6. Award of Contract – Computer Aided Dispatch Software System

**RESOLUTION**

**AWARD OF CONTRACT - COMPUTER AIDED DISPATCH SOFTWARE SYSTEM**

WHEREAS, a request for proposals for the Computer Aided Dispatch Software System was advertised and nine interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals and selected Open Software Solutions, Inc., as the most qualified firm to provide the services associated with the project; and

WHEREAS, a fee of \$439,645 was negotiated with Open Software Solutions, Inc., for providing the services with funds available in the Fiscal Year 2003 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide the Computer Aided Dispatch Software System to Open Software Solutions, Inc., for \$439,645.

- 8. Resolution of Support for the American Passenger Rail Agreement

**RESOLUTION OF SUPPORT**

**REGARDING THE AMERICAN PASSENGER RAIL AGREEMENT**

WHEREAS, in order to ensure the safety, quality, reliability, and efficiency of our country's vital transportation network and to preserve our national defense, America needs a balanced, integrated transportation system and the American people need diverse transportation choices; and

WHEREAS, passenger rail is a critical component of a modern, multi-modal transportation system, and needs to have financial support, unified policy development, and oversight similar to that afforded to our air, highway, and mass transit modes; and

WHEREAS, Federal funding is being sought to complete the upgrade of the rail infrastructure, service, and equipment for rail service between Washington, D.C., and Newport News, VA by 2007.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that we urge Congress and the President of the United States to fully institute the following passenger rail components, which are critical to the future of passenger rail in the United States, within the upcoming reauthorization of the Transportation Equity Act for the 21st Century (TEA21) and/or Amtrak Reauthorization legislation:

1. Establish a dedicated, multi-year Federal capital-funding program for intercity passenger rail, patterned after the existing Federal highway, airport, and mass transit programs.
2. Establish, as Federal policy, a preserved and improved national passenger rail system - a nationwide, interconnected passenger rail system that stimulates higher levels of efficiency, innovation, and responsiveness. Direct the Federal Railroad Administration, or another agency within the U.S. Department of Transportation, to - with state input and local input - develop, fund, and oversee this Federal policy.
3. Provide full Federal funding of Amtrak during the period that the new Federal plans and policies are being developed. Then, fully fund implementation of the national passenger rail system - with its new efficiencies, innovation, and responsiveness - in subsequent years.

9. Resolution of Approval from Williamsburg Landing, Inc., Revenue and Refunding Bond Issue

**RESOLUTION**

**APPROVAL FOR WILLIAMSBURG LANDING, INC.,**

**REVENUE AND REFUNDING BOND ISSUE**

WHEREAS, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, authorizes the creation of the Industrial Development Authority of the County of James City, Virginia (the Authority), and empowers the Authority to assist the Williamsburg Landing, Inc., a Virginia nonstock corporation (the Company), by the issuance of up to \$50 million of tax-exempt revenue bonds of the Authority (the Bonds) to: 1) finance the cost of constructing and equipping ten (10) new independent living units, including site preparation (the Project) at the Company's facility for the residence and care of the elderly known as Williamsburg Landing, located at 5700 Williamsburg Landing Drive, in James City County (the Facility); 2) refund up to \$36,870,000 in outstanding principal amount of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Williamsburg Landing, Inc.), Series 1996A (the 1996A Bonds); 3) prepay a \$2 million interim loan (the Interim Loan) with respect to the Project; and, 4) pay costs associated with the issuance of the Bonds; and

WHEREAS, Williamsburg Landing, Inc., is, and the Project will be, owned by the Company; and

WHEREAS, the Company has its principal place of business at 5700 Williamsburg Landing Drive, Williamsburg, Virginia 23185; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), requires approval by this Board of the issuance of any private activity bonds by the Authority after the Authority has held a public hearing to consider the issuance of such bonds as one of the acts required in order for the interest on such bonds to qualify for exemption from the imposition of Federal income tax; and

WHEREAS, the Authority held a public hearing on May 15, 2003, in compliance with the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the Virginia Code), and after such public hearing adopted a resolution to issue the Bonds, subject to the adoption of this resolution; and

WHEREAS, the Company has represented that it is a corporation described in Section 501(c)(3) of the Code, which is not organized and operated exclusively for religious purposes and which is exempt from Federal income taxation pursuant to Section 501(a) of the Code; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a record of the public hearing with respect to the Bonds, and a Fiscal Impact Statement in the form prescribed by Section 15.2-4907 of the Virginia Code has been filed with this Board.

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

Section 1: That the recitals in the first three preambles hereto are adopted as a part of this resolution as if fully written herein.

Section 2: That this Board approves the issuance of the Bonds by the Authority to the extent required by the Code and the Virginia Code.

Section 3: That the approval of the issuance of the Bonds, as requested by the Company and as required by Section 147(f) of the Code and the Virginia Code, is solely for Federal tax purposes, does not constitute an endorsement to a prospective purchaser of the Bonds of the proposed use of the proceeds of the Bonds or the creditworthiness of the Company, and, as required by Virginia law, the Bonds shall provide that neither the Commonwealth of Virginia, the County of James City, nor 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 monies pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County of James City or the Authority shall be pledged thereto.

Section 4: That this resolution shall be in effect from and after its adoption.

10. The Issuance and Sale of General Obligation Public Improvement Refunding Bonds

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS,  
SERIES 2003, OF THE COUNTY OF JAMES CITY, VIRGINIA, AND PROVIDING  
FOR THE FORM, DETAILS, AND PAYMENT THEREOF**

WHEREAS, the issuance of general obligation bonds by the County of James City, Virginia (the "County"), in the maximum principal amount of \$52,100,000 was approved by the qualified voters of the County in three referenda at a special election held on March 1, 1994, to finance a school construction program, library improvements, and park and recreation improvements (together, the "Improvements"). On August 3, 1994, the County issued its \$9,500,000 General Obligation Public Improvement Bonds, Series of 1994 (the "1994 Bonds") to finance a portion of the costs of the Improvements. On December 5, 1995, the County issued its \$35,000,000 General Obligation Public Improvement Bonds, Series 1995 (the "1995 Bonds") to finance a portion of the costs of the Improvements; and

WHEREAS, to take advantage of lower interest rates, the County issued its \$4,280,000 General Obligation Public Improvement Refunding Bond, Series 2002, on November 20, 2002, to refund the 1994 Bonds maturing on and after December 15, 2007, and then issued its \$3,180,200 General Obligation Public Improvement Refunding Bond, Series 2002B, on December 17, 2002, to refund the 1995 Bonds maturing on December 15, 2015; and

WHEREAS, the County's Board of Supervisors (the "Board") determines that it may now be in the best interests of the County to take advantage of lower interest rates now prevalent in the capital markets and to issue and sell general obligation public improvement refunding bonds to refinance some or all of the 1994 Bonds maturing on December 15, 2005, and 2006, and some or all of the 1995 Bonds maturing on December 15, 2006, through 2014. The Board determines that it would be advantageous to the County to sell such refunding bonds in a negotiated sale to a group of underwriters with Morgan Keegan & Company, Inc., serving as senior manager and SunTrust Capital Markets, Inc., serving as co-manager (the "Underwriters").

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

**Section 1. Authorization, Issuance and Sale.** There is hereby authorized to be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), general obligation public improvement refunding bonds of the County in the principal amount not to exceed \$23,500,000 to refund some or all of the 1994 Bonds maturing on December 15, 2005, and 2006 (the "1994 Refunded Bonds"), to refund some or all of the 1995 Bonds maturing on December 15, 2006, through 2014 (the "1995 Refunded Bonds") and to pay the costs incurred in connection with issuing such refunding bonds. The Board hereby elects to issue such refunding bonds under the provisions of the Act.

**Section 2. Bond Details.** Such refunding bonds shall be designated "General Obligation Public Improvement Refunding Bonds, Series 2003" (the "Bonds"), shall be

dated June 15, 2003, shall be issued no later than December 31, 2003, shall be in registered form, in denominations of \$5,000 and multiples thereof, and shall be numbered R-1 upward. Subject to Section 4, the Bonds shall mature in installments, or have mandatory sinking fund installments, on each December 15 ending no later than the year 2014. Interest on the Bonds shall be payable on December 15, 2003, and semiannually thereafter on each June 15 and December 15 (each, an "Interest Payment Date"), and shall be calculated on the basis of a year of 360 days with twelve 30-day months. The Board authorizes the issuance and sale of the Bonds to the Underwriters on terms as shall be satisfactory to the County Administrator or the Chairman of the Board; **provided**, that the Bonds: (a) shall have a true or "Canadian" interest cost not to exceed 4.50% per year, taking into account any original issue discount or premium; (b) shall be sold to the Underwriters at a price not less than 99% of the original aggregate principal amount thereof; and (c) shall have a weighted average maturity of no more than nine (9) years.

Principal and premium, if any, on the Bonds shall be payable to the registered owners upon surrender of the Bonds as they become due at the designated corporate trust office of the Registrar, as defined in Section 8 below. Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar as of the close of business on the first day of the month of each Interest Payment Date. In case the date of maturity or redemption of the principal of any Bond or an Interest Payment Date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date, which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date, no additional interest shall accrue for the period after such date of maturity or redemption or Interest Payment Date. Principal, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

Each Bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated, unless such Bond is: (a) authenticated before December 15, 2003, in which case it will bear interest from June 15, 2003, or (b) authenticated upon an Interest Payment Date or after the record date with respect thereto, in which case it will bear interest from such Interest Payment Date (unless payment of interest thereon is in default, in which case interest on such Bond shall be payable from the date to which interest has been paid).

**Section 3. Book-Entry System.** Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The County has entered into or will enter into a Blanket Issuer Letter of Representations relating to a book-entry system to be maintained by DTC with respect to certain securities issued by the County, including the Bonds. As used herein, the term "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 3.

In the event that: (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar or the County; or (b) the County in its sole discretion determines: (i) to select a new

Securities Depository, or (ii) that beneficial owners of Bonds shall be able to obtain certificated Bonds, then the County Administrator shall, at the direction of the County, attempt to locate another qualified securities depository to serve as Securities Depository or arrange for the authentication and delivery of certificated Bonds to the beneficial owners or to the Securities Depository's participants on behalf of beneficial owners, substantially in the form provided for in Exhibit A. In delivering certificated Bonds, the County Administrator shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository's participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable, and exchangeable as set forth in Section 8.

So long as there is a Securities Depository for the Bonds: (1) it or its nominee shall be the registered owner of the Bonds; (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository; (3) the Registrar and the County shall not be responsible or liable for maintaining, supervising, or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants; (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds; and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations, such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

**Section 4. Redemption Provisions.**

- (a) Optional Redemption. Subject to the provisions of subsection (e) below, the Bonds maturing on or before December 15, 2012, are not subject to optional redemption prior to their respective stated dates of maturity. The Bonds maturing on or after December 15, 2013, shall be subject to redemption prior to their stated dates of maturity at the option of the County, on and after December 15, 2012, in whole or in part (in any integral multiple of \$5,000) at any time, upon payment of the following redemption prices (expressed as a percentage of the principal amount of the Bonds to be redeemed) plus interest accrued and unpaid to the redemption date as set forth below:

<b><u>Redemption Period (Inclusive)</u></b>	<b><u>Redemption Price</u></b>
December 15, 2012, through December 14, 2013	101%
December 15, 2013, and thereafter	100%

- (b) Mandatory Sinking Fund Redemption. Any term bonds specified in the Bond Purchase Agreement, as defined in Section 5 below, may be subject to mandatory sinking fund redemption as determined by the County Administrator or the Chairman of the Board. If there are any term bonds, on or before the 70th day next preceding any mandatory sinking fund redemption date, the County may apply as a credit against the County's

mandatory sinking fund redemption obligation for any Bonds maturing on such date, Bonds that previously have been optionally redeemed or purchased and canceled or surrendered for cancellation by the County and not previously applied as a credit against any mandatory sinking fund redemption obligation for such Bonds. Each such Bond so purchased, delivered or previously redeemed shall be credited at 100% of the principal amount thereof against the principal amount of the Bonds required to be redeemed on such mandatory sinking fund redemption date. Any principal amount of Bonds so purchased, delivered or previously redeemed in excess of the principal amount required to be redeemed on such mandatory sinking fund redemption date shall similarly reduce the principal amount of the Bonds to be redeemed on future mandatory sinking fund redemption dates, as selected by the County Administrator.

- (c) Bonds Selected for Redemption. If less than all of the Bonds are called for optional redemption, the maturities of the Bonds to be redeemed shall be selected by the County Administrator in such manner as he may determine to be in the best interest of the County. If less than all the Bonds of any maturity are called for redemption, the Bonds to be redeemed shall be selected by DTC or any successor Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.
- (d) Notice of Redemption. The County shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date to the Securities Depository as the registered owner of the Bonds or, if the book-entry system is discontinued, by registered or certified mail to the registered owners of the Bonds to be redeemed.
- (e) Determination of Final Redemption Provisions. The Board authorizes the County Administrator or the Chairman of the Board, in collaboration with Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor") and the Underwriters; 1) to determine whether any of the Bonds will be subject to optional redemption and, if they will be subject to optional redemption, on which dates and at which redemption prices such Bonds may be optionally redeemed; and 2) to determine whether the issuance of any term bonds would be beneficial to the County. Such final terms shall be set forth in the Bond Purchase Agreement.

**Section 5. Sale of the Bonds; Execution and Authentication.** The Bonds shall be sold by the County to the Underwriters pursuant to the terms and conditions to be set forth in the Bond Purchase Agreement to be dated the date of the sale of the Bonds (the “Bond Purchase Agreement”) between the County and the Underwriters. The substantially final form of the Bond Purchase Agreement has been made available to the Board prior to the adoption of this Resolution. The Bond Purchase Agreement is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions or omissions to the form of the Bond Purchase Agreement to reflect the final terms of the Bonds or other commercially reasonable provisions. All of such changes, insertions, completions, or omissions will be in accordance with the parameters set forth in this Resolution and shall be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Bond Purchase Agreement on behalf of the County.

The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice Chairman of the Board and the Board’s seal shall be affixed thereto or a facsimile thereof printed thereon and attested to by the manual or facsimile signature of the Clerk or Deputy Clerk of the Board, *provided*, that no Bond shall be valid until it has been authenticated by the manual signature of an authorized representative of the Registrar and the date of authentication noted thereon. Upon execution and authentication, the Bonds shall be delivered to or on behalf of the Underwriters in accordance with the terms of the Bond Purchase Agreement.

**Section 6. Bond Form.** The Bonds shall be in substantially the form set forth in Exhibit A attached hereto, with such changes, insertions, completions, or omissions to reflect the final terms of the Bonds.

**Section 7. Pledge of Full Faith and Credit.** The full faith and credit of the County are irrevocably pledged for the payment of principal of, premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the County shall levy and collect an annual *ad valorem* tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of, premium, if any, and interest on the Bonds, as the same become due.

**Section 8. Registration, Transfer and Owners of Bonds.** SunTrust Bank, Richmond, Virginia, is appointed paying agent and registrar for the Bonds (the “Registrar”). The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any Bonds at the designated corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County,

except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the first day of the month of each Interest Payment Date.

**Section 9. Refunding; Escrow Agreement.** The Board hereby authorizes the optional redemption of some or all of the 1994 Refunded Bonds on December 15, 2004 (the "1994 Redemption Date"), at a redemption price equal to 102% of the principal amount of the 1994 Refunded Bonds to be refunded plus accrued interest to the Redemption Date. The Board hereby authorizes the optional redemption of some or all of the 1995 Refunded Bonds on December 15, 2005 (the "1995 Redemption Date") at a redemption price equal to 102% of the principal amount of the 1995 Refunded Bonds to be refunded plus accrued interest to the Redemption Date. The County Administrator is authorized to work with the Financial Advisor and the Underwriters to determine which 1994 Refunded Bonds and 1995 Refunded Bonds will be redeemed. They may base such decisions on such factors as they shall determine to be in the best interest of the County, but the Bonds shall not be issued unless the combined net present value savings to the County from the issuance of the Bonds and the refunding of the 1994 Refunded Bonds and the 1995 Refunded Bonds will be at least 2.50%.

To facilitate the defeasance of the 1994 Refunded Bonds and the 1995 Refunded Bonds and the payment of the principal of, premium and interest on the 1994 Refunded Bonds and the 1995 Refunded Bonds from the date of issuance of the Bonds through the 1994 Redemption Date and the 1995 Redemption Date, respectively, the Board hereby authorizes the use of the Escrow Agreement dated the date of the issuance of the Bonds (the "Escrow Agreement") between the County and SunTrust Bank, as escrow agent (the "Escrow Agent"). The substantially final form of the Escrow Agreement has been made available to the Board prior to the adoption of this Resolution. The Escrow Agreement is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions, or omissions to the form of the Escrow Agreement to reflect the final terms of the Bonds or other commercially reasonable provisions. All of such changes, insertions, completions, or omissions will be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Escrow Agreement. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Escrow Agreement on behalf of the County.

**Section 10. Official Statement.** The form of the Preliminary Official Statement of the County, tentatively to be dated June 11, 2003 (the "Preliminary Official Statement"), has been made available to the Board prior to the adoption of this Resolution. The use and distribution by the Underwriters of the Preliminary Official Statement, in substantially the form made available to the Board, including the use and distribution of an Appendix to the Preliminary Official Statement describing the County, are hereby authorized and approved. The Preliminary Official Statement, including such Appendix, may be completed and "deemed final" by the County Administrator or the Chairman of the Board

as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), except for the omission from the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule. The delivery of the Preliminary Official Statement to the Underwriters shall be conclusive evidence that it has been deemed final as of its date by the County Administrator or the Chairman of the Board, except for the omission of such pricing and other information.

The County Administrator or the Chairman of the Board shall make such completions, omissions, insertions, and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement (the “Official Statement”). The use and distribution by the Underwriters of the Official Statement are hereby authorized and approved. The County Administrator or the Chairman of the Board shall arrange for the delivery to the Underwriters of a reasonable number of copies of the Official Statement, within seven (7) business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the Underwriters initially sell Bonds.

The County Administrator or the Chairman of the Board is authorized, on behalf of the County, to deem the Official Statement to be final as of its date within the meaning of the Rule. The County Administrator or the Chairman of the Board is authorized and directed to execute the Official Statement, which execution shall be conclusive evidence that the Official Statement has been deemed final.

**Section 11. Continuing Disclosure.** A substantially final form of the Continuing Disclosure Agreement to be given by the County (the “Continuing Disclosure Agreement”), evidencing conformity with certain provisions of the Rule, has been made available to the Board prior to the adoption of this Resolution. The Continuing Disclosure Agreement is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions, or omissions to the form of the Continuing Disclosure Agreement to reflect the final terms of the Bonds, the completion of the Official Statement or other commercially reasonable provisions. All of such changes, insertions, completions or omissions will be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Continuing Disclosure Agreement. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Continuing Disclosure Agreement on behalf of the County.

The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Resolution, failure of the County to comply with the Continuing Disclosure Agreement shall not be considered a default under this Resolution or the Bonds; *provided*, that any holder of the Bonds, including owners of beneficial interests in the Bonds, may take such actions as may be necessary and appropriate, including seeking a mandamus or specific performance by court order, to cause the County to comply with its obligations under this Section 11 and the Continuing Disclosure Agreement.

**Section 12. Arbitrage Covenants.**

- (a) No Composite Issue. The County represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bonds within the meaning of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”).
- (b) No Arbitrage Bonds. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds to be includable in the gross income for Federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

**Section 13. Non-Arbitrage Certificate and Elections.** Such officers of the County as may be requested, are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County. The County shall comply with any covenants set forth in such certificate regarding the use and investment of the proceeds of the Bonds.

**Section 14. Limitation on Private Use; No Federal Guaranty.** The County covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in: (a) ten percent (10%) or more of such proceeds being used in a trade or business carried on by any person other than a state or local governmental unit, as provided in Section 141; b) of the Code; (b) five percent (5%) or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code; or (c) five percent (5%) or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a state or local governmental unit, as provided in Section 141(c) of the Code; *provided*, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

The County represents and agrees that the Bonds are not and will not be “federally guaranteed,” as such term is used in Section 149(b) of the Code. No portion of the payment of principal of, or interest on the Bonds is, or will be

guaranteed, directly or indirectly, in whole or in part by the United States or an agency or instrumentality thereof.

**Section 15. Discharge upon Payment of Bonds.** The Bonds may be defeased, as permitted by the Act. Any defeasance of the Bonds, as permitted by the Act, shall not release the County or the Registrar from its obligations hereunder to register and transfer the Bonds or release the County from its obligations to pay the principal of, premium, if any, and interest on the Bonds as contemplated herein until the date the Bonds are paid in full, unless otherwise provided in the Act. In addition, such defeasance shall not terminate the obligations of the County under Sections 12 and 14 until the date the Bonds are paid in full.

**Section 16. Other Actions.** All other actions of the members of the Board, officers, staff, and agents of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds and the refunding of the 1994 Refunded Bonds and the 1995 Refunded Bonds are approved and confirmed. The officers and staff of the County are authorized and directed to execute and deliver all certificates and instruments, including Internal Revenue Service Form 8038-G and a Blanket Issuer Letter of Representations to the Securities Depository, and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

**Section 17. Limitation of Liability of Officials of the County.** No covenant, condition, agreement, or obligation contained herein shall be deemed to be a covenant, condition, agreement, or obligation of a member of the Board, officer, employee, or agent of the County in his or her individual capacity, and no officer of the County executing any Bond shall be liable personally on such Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No member of the Board, officer, employee, or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.

**Section 18. Contract with Registered Owner.** The provisions of this Resolution shall constitute a contract between the County and the registered owner of the Bonds for so long as the Bonds are outstanding. Notwithstanding the foregoing, this Resolution may be amended by the County in any manner that does not, in the opinion of the County, materially adversely affect the registered owner of the Bonds.

**Section 19. Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are repealed.

**Section 20. Effective Date.** This 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 Resolution with the Circuit Court of the County of James City, Virginia.

7. Naming of District Park

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated that 26 different names were submitted for the renaming of the District Park located at the intersection of Longhill and Centerville Roads.

The Parks and Recreation Advisory Commission unanimously selected "Freedom Park" as the qualifying name. That name has great significance with the land the park sits on as an area that is rich with history and has played a major role in the shaping of our nation.

Staff recommended approval of the resolution adopting the name "Freedom Park" for the park currently known as the District Park.

Members of the Board recognized Theodore Allen and Lafayette Jones for their efforts in identifying the history of the park.

Mr. Brown made a motion to adopt the resolution.

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

## RESOLUTION

### NAMING OF DISTRICT PARK

WHEREAS, the Parks and Recreation Advisory Commission asked citizens to suggest names for the District Park located at the intersection of Longhill and Centerville Roads; and

WHEREAS, after reviewing 26 potential names, the Parks and Recreation Advisory Commission unanimously selected "Freedom Park" as the qualifying name with no adverse comments received during the 60-day public notice period; and

WHEREAS, the Parks and Recreation Advisory Commission unanimously approved recommending the name "Freedom Park" for the District Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the name "Freedom Park" for the District Park.

## **F. PUBLIC HEARINGS**

1. Case No. SUP-10-03. Leighton-Herrmann Family Subdivision (continued from May 13, 2003)

Mr. O. Marvin Sowers, Director of Planning, stated that Michael Leighton-Herrmann has withdrawn his application for a special use permit for a family subdivision of approximately 10.8 acres zoned A-1, General Agricultural, at 217 Skillman Drive, further identified as Parcel No. (4-11) on James City County Real Estate Tax Map No. (4-3).

Mr. Harrison recognized the applicant's withdrawal of the application and removed the item from the agenda.

2. Case No. SUP-2-03. Hankins Industrial Park Ready Mixed Concrete Plant (continued from May 13, 2003)

Ms. Karen Drake, Senior Planner, stated that Mr. Vernon M. Geddy, III, applied on behalf of Southern Equipment Company, Inc., for a Special Use Permit (SUP) to allow the construction and operation of a Ready Mixed Concrete Plant at 190 Industrial Boulevard in the Hankins Industrial Park, Toano, VA, on approximately 16.22 acres zoned M-2, General Industrial, and further identified as Parcel No. (1-13) on James City County Real Estate Tax Map No. (12-4).

Staff continues to find the proposed Ready Mixed Concrete plant consistent with the surrounding zoning, development, and the 1997 Comprehensive Plan.

At its meeting on April 7, 2003, the Planning Commission voted 6-1 to recommend approval of this special use permit application.

Staff continues to recommend approval of the application.

Mr. Harrison opened the Public Hearing.

1. Mr. Vernon Geddy, III, on behalf of the applicant, provided the Board with an overview of the application proposal, supported staff and the Planning Commissions' recommendations, and requested the Board's approval of the application.

Mr. Kennedy inquired about the noise the business will generate, the hours of operations for the business, and if there is a noise ordinance for industrial sites.

Mr. Morton stated that there are no noise limitations for industrial parks and that a proposal has not been presented for noise limitations in industrial areas.

Mr. Kennedy stated that he would like staff to propose a noise limitation ordinance.

Mr. Goodson stated that a similar business is operating in the Roberts District and does not have concerns about the operation of this use in the western end of the County.

Mr. McGlennon inquired about the consideration of the fence in addition to the enhanced landscaping condition with the application.

Mr. Geddy stated that the applicant would be willing to construct the fence if required, but did not see the effective measure the fence would provide.

Mr. Sowers stated that it is staff's opinion that the added fence would reduce noise pollution to the Mirror Lakes subdivision.

2. Ms. Virginia Hartmann, Vice Chair of the Industrial Development Authority, stated support for the proposal within the Hankins Industrial Park.

3. Ms. Terri Hudgins, President of the Stonehouse Citizens Association, stated opposition to the proposal because of the anticipated increased noise pollution, decreased air quality, and additional water demand strain.

4. Mr. Tony Dion, 102 Fairmont Drive, stated opposition to the proposal regarding the anticipated increase in noise pollution and dust, and encouraged the Board to approve businesses that are similar in industrial nature to those already operating at the Industrial Park.

5. Mr. James Stam, 104 Woodmont Place, requested the Board consider the vision of the future when deciding on cases such as this one, protect the Community Character Corridor and neighbors, and deny the application.

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

The Board held a brief discussion regarding the application.

Mr. Goodson made a motion to approve the application.

Mr. Brown requested an amendment to the motion to exclude the proposed SUP resolution Condition No. 15 requesting a solid 8-foot-tall fence.

The Board held a discussion regarding the fence.

Mr. Goodson amended his motion to accept the motion to exclude language requiring a fence in addition to the enhanced landscaping.

Mr. Harrison requested a roll call vote on the motion to adopt the resolution as amended.

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

## **RESOLUTION**

### **CASE NO. SUP-2-03. HANKINS INDUSTRIAL PARK READY MIXED CONCRETE PLANT**

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 production of ready-mix concrete is a specially permitted use in the M-2, General Industrial, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 7, 2003, recommended approval of Case No. SUP-2-03 by a 6-1 vote to permit the construction and operation of a Ready Mixed Concrete facility on 16.2± acres at 190 Industrial Boulevard in the Hankins Industrial Park and further identified as Parcel No. (12-4) on James City County Real Estate Tax Map No. (1-13).

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-2-03 as described herein with the following conditions:

1. If construction has not commenced on the project within thirty-six months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grating, and the pouring of footings.
2. Prior to the issuance of preliminary approval for the site plan, the applicant shall record an approved subdivision plat showing the subdivision of the 16.22± acre parcel from the currently existing Parcel No. (1-13) on James City County Real Estate Tax Map (12-4), generally in accordance with Parcel No. 2 as shown on the conceptual site plan titled "Ready Mixed Concrete Hankins Industrial Park", dated January 15, 2003.
3. The Ready Mixed Concrete facility shall be constructed generally as shown on the conceptual site plan titled "Ready Mixed Concrete Hankins Industrial Park" as drawn by AES Consulting Engineers on January 15, 2003. The proposed Ready Mixed Concrete facility to be constructed can be further identified as the Rustler II model or shall be an equivalent model as approved by the Planning Director, which can yield a batch size up to 12 yd<sup>3</sup>, up to four aggregate storage compartments with a capacity

of up to 170 yd<sup>3</sup> or 220 tons, and has up to two cement storage compartments with a capacity up to 2,484 ft<sup>3</sup> or 621 barrels.

4. A Spill Prevention and Control Measure Plan shall be approved by the Director of the Environmental Division prior to final site plan approval for the Ready Mixed Concrete plant. The Spill Prevention and Control Measure plan shall be constructed and implemented prior to issuance of the certificate of occupancy.
5. A dust collection system, such as, but not limited to the Reverse Air Duct Collector RA140, shall be utilized on the Ready Mixed Concrete plant. The manufacturer's specifications for the system shall be submitted with the site plan and shall be approved by the Director of Planning prior to final site plan approval.
6. Rock, gravel, sand, cement, and/or similar materials shall be stored in bins to control runoff and scattering of such materials onto adjacent property. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval
7. No flags or signage on any silo, hopper, or any other piece of permanent external equipment shall be permitted.
8. All exterior light fixtures on the property shall be recessed fixture with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall occur outside the property lines.
9. The "reverse warning beepers" on all equipment, which serves the Ready Mixed Concrete plant, shall be turned down to their lowest volumes as permitted by Federal or State law or regulations.
10. The Development Review Committee shall review and approve the site plan for this project.
11. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. Enhanced landscaping, defined as at least 133 percent of the County's Landscaping Ordinance requirements, shall be planted and maintained along the eastern property line landscape buffer from the public right-of-way to the stormwater management plan to help screen and filter any noise and dust from the concrete plant.
12. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning

prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

13. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA). The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
14. A minimum 200-foot wide undisturbed wooded buffer shall be maintained along the northern property line adjacent to property outside of the Hankins Industrial. This buffer shall remain in its natural state with any activity in the buffer to be reviewed and approved prior to occurrence by the Director of Environmental and the Director of Planning.
15. A solid fence at least eight feet in height if constructed with wood or at least six feet in height if constructed of concrete or of an equivalent height and construction material for sound attenuation as approved by the Planning Director, shall be constructed and maintained along the eastern property line from the public right-of-way to the stormwater management pond to help filter noise and dust of the concrete plant from adjacent property. The Planning Director shall review and approve the location of the fence and the proposed fence construction prior to final site plan approval.
16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder

#### **G. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on the Board's discussion regarding the Hankins Industrial Park Ready Mixed Concrete Plant and stated that similar discussions were held when the last ready mixed concrete plant proposal was before the Board.

#### **H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended the Board go into Closed Session 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, and 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 at the conclusion of the Board's business, the Board adjourn until 4 p.m. on June 24 for a Joint Work Session with the Planning Commission to be followed by a Regular Meeting at 7 p.m.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon noted that the Williamsburg Area Transport (WAT) won the 2003 Virginia Transit Association Innovative Program Award for Small Systems.

Mr. McGlennon recognized the artwork from Rawls Byrd Elementary School on display in the Board Room.

Mr. Brown requested a Joint Work Session with the Parks and Recreation Advisory Commission for an update on the master plans for parks and other facility developments.

Mr. Wanner stated that a Work Session with the Parks and Recreation Advisory Commission is scheduled in the fall.

**J. CLOSED SESSION**

Mr. Goodson made a motion to go into Closed Session 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, and 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, Kennedy, Harrison (5). NAY: (0).

At 8:08 p.m. Mr. Harrison convened the Board into Closed Session.

At 8:25 p.m., Mr. Harrison reconvened the Board into Open Session.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, Harrison (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 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, (ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) to consider the acquisition of a parcel of property for public

use; and Section 2.2-3711(A)(1) to consider personnel matters, the appointment of individuals to County Boards and/or Commissions.

Mr. McGlennon made a motion to appoint Robert Watson to an unexpired term on the Williamsburg Regional Library Board of Trustees, term to expire on June 30, 2006.

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

**K. RECESS**

At 8:28 p.m. Mr. Harrison recessed the Board until 4 p.m. on June 24, 2003.

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Sanford B. Wanner  
Clerk to the Board

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