

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

Skyler Helms, a future kindergarten student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATIONS**

1. Chesapeake Bay Partner Community Awards

Ms. Maureen Tooke, Environmental Protection Agency (EPA) Region III Chesapeake Bay Program Office, presented the County and accepted by Mr. Harrison, Darryl Cook, Environmental Director, and Michael Woolson, Watershed Planner, with an award from the Chesapeake Bay Partner Community Awards Program as a Gold level Bay Partner in recognition for the efforts that the County has undertaken in the areas of improving water quality, promoting sound land use, protecting and restoring living resources and habitats, and engaging the community.

2. July is Recreation and Parks Month

Mr. Harrison presented Mr. Needham S. Cheely, III, Director of the Division of Parks and Recreation, and Jim Dorsey and Mary Higgins, members of the Parks and Recreation Advisory Commission, with a resolution recognizing July as Recreation and Parks Month.

**E. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT), stated that he would accept remarks from the Board.

Mr. McGlennon requested the weeds be trimmed along the medium of Brookwood Drive (Route 700) near Route 199.

Mr. Kennedy inquired about VDOT's schedule to maintain the weeds along Route 60 near New Kent.

Mr. Brewer stated that contractors are out cutting now and should be out along the New Kent area of Route 60 this week.

Mr. Harrison inquired about the maintenance schedule for the ditches along Ironbound Road (Route 615).

Mr. Brewer stated that VDOT will be contacting the County regarding the drainage issue along Ironbound Road (Route 615).

Mr. Harrison inquired about "Children At Play" signs in Jamestown Hundred as well as speeding in the subdivision.

Mr. Goodson inquired about VDOT's schedule to mow and maintain the mediums of the main roadways in the County.

Mr. Brewer stated that VDOT targets maintenance at least once a month, although that schedule may be impacted by the weather.

**F. PUBLIC COMMENT - None**

**G. CONSENT CALENDAR**

Mr. Harrison inquired if a member of the Board wished to pull an item from the Consent Calendar.

Mr. Kennedy requested Item Number 9, Olde Towne Medical Center Reduction in Force, be pulled.

Mr. McGlennon requested Item Number 7, Lease and Purchase Option Agreement with the Colonial Williamsburg Foundation – Buses, be pulled.

Mr. McGlennon made a motion to adopt the remaining items on the Consent Calendar as well as the amended item relating to the minutes of June 10, 2003.

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

1. Minutes –

a. June 10, 2003, Work Session

b. June 10, 2003, Regular Meeting

2. Building D Lease

**RESOLUTION**

**BUILDING D LEASE**

WHEREAS, the Williamsburg-James City County Public Schools and James City County desire to enter into a lease agreement for Building D with an effective date of July 1, 2003.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to execute the lease between the Williamsburg-James City County Public Schools and James City County for occupancy of Building D at the James City County Government Complex.

3. Dedication of Streets in Fernbrook, Phases 1, 2, and 3

**RESOLUTION**

**DEDICATION OF STREETS IN FERNBROOK, PHASES 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.

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. U. S. Department of Justice COPS Universal Hiring Program Grant

**RESOLUTION**

**U.S. DEPARTMENT OF JUSTICE COPS UNIVERSAL HIRING PROGRAM GRANT**

WHEREAS, the United States Department of Justice Office of Community Oriented Policing Services (COPS) has approved a grant to provide three new police officers to enhance general law enforcement, community policing, and homeland security efforts; and

WHEREAS, the grant provides \$225,000 in salary and benefits over a three-year period with the County providing matching funds of \$188,181.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation amendments for FY 04 to the Special Projects/Grants Fund:

Revenues:

JCC General Fund (Grant Match Account)	\$ 41,073
Federal Revenue (COPS Grant)	<u>90,000</u>
	<u>\$131,073</u>

Expenditures:

COPS Universal Hiring Program Grant	<u>\$131,073</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby create three limited-term full-time police officer recruit positions and plans to fully-fund the three positions at the end of the grant period to comply with the grant’s Retention Plan.

5. Grant Appropriation – Clerk of the Circuit Court

**RESOLUTION**

**GRANT APPROPRIATION - CLERK OF THE CIRCUIT COURT**

WHEREAS, the State Compensation Board has awarded the Clerk of the Circuit Court a technology grant for \$68,800; and

WHEREAS, there is no local match 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:

State Compensation Board Technology Grant	<u>\$68,800</u>
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Expenditure:

Clerk Technology Upgrades \$68,800

6. Appropriation of Funds – Bus Shelter, Williamsburg Area Transport

**RESOLUTION**

**APPROPRIATION OF FUNDS - BUS SHELTER, WILLIAMSBURG AREA TRANSPORT**

WHEREAS, the Hampton Roads Planning District Commission approved an amendment of \$16,000 in State and Federal revenues to Williamsburg Area Transport; and

WHEREAS, State and Federal revenues will not require any local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the FY 04 Williamsburg Area Transport Budget:

Revenue:

Regional Service Transportation Program Grant \$16,000

Expenditure:

Installation and purchase of one bus stop shelter \$16,000

8. Title V Grant – “Beyond the Bell”

**RESOLUTION**

**TITLE V GRANT - “BEYOND THE BELL”**

WHEREAS, the Virginia Department of Criminal Justice Services has made matching funds available for the development of youth-at-risk programs; and

WHEREAS, funds are needed for two staff positions to continue to operate the new middle school after-school program at the County’s two community centers for referred at-risk youth.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$56,465 grant awarded by the Virginia Department of Criminal Justice Services.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants fund:

Revenues:

From the Commonwealth \$56,465

Expenditures:

Full-time salaries	\$42,848
Fringe benefits	<u>\$13,617</u>
	<u>\$56,465</u>

10. Budget Amendment – Norge Depot

**RESOLUTION**

**BUDGET ADJUSTMENT – NORGE DEPOT**

WHEREAS, the James City County Historic Commission wishes to move the historic Norge Depot to the James City County Library Site; and

WHEREAS, the estimated cost for moving the Norge Depot to the James City County Library site is estimated to be \$155,000; and

WHEREAS, the Historic Commission has obtained a TEA-21 Grant in the amount of \$75,000 and has \$40,000 in the FY 2003 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer:

Transfer From:

Operating Budget Item No. 001 162 7150 (Through transfer to County General Fund)	<u>\$40,000</u>
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Transfer To:

Capital Improvement Budget Item No. 013 075 0400	<u>\$40,000</u>
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and that said money be and hereby is appropriated for expenditures associated with the moving and restoration of the Norge Depot.

11. July – Recreation and Parks Month

**RESOLUTION**

**JULY – RECREATION AND PARKS MONTH**

WHEREAS, parks and recreation activities generate opportunities for people to come together and experience a sense of community through fun recreational pursuits; and

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit to contribute to our ongoing economic vitality; and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and recognize that they are essential to the quality of life.

12. County Fair Committee Appointments

7. Lease and Purchase Agreement with the Colonial Williamsburg Foundation - Buses

Mr. Leo P. Rogers, Deputy County Attorney, stated that the Colonial Williamsburg Foundation received a Congressional earmark grant of \$2,457,096 to cover eighty percent of the cost of acquiring nine energy efficient natural gas buses. The staff for the Colonial Williamsburg Foundation (CWF), James City County Transit Company (JCCT), and the County has negotiated the proposed lease and purchase agreement for natural gas buses to be used for public transportation. The County would enter into the agreement as the administrative, fiscal, and purchasing agent for the project.

The CWF would purchase the buses from the JCCT at the end of the term of the lease agreement.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**LEASE AND PURCHASE OPTION AGREEMENT WITH**

**THE COLONIAL WILLIAMSBURG FOUNDATION - BUSES**

WHEREAS, the Colonial Williamsburg Foundation (CWF) has received a Congressional earmark of \$2,457,096 to purchase nine natural gas buses; and

WHEREAS, these Federal funds must be directed to an existing recipient of Federal funds; and

WHEREAS, James City County Transit will serve as the pass through entity to receive the grant, purchase these buses, and lease them to the CWF; and

WHEREAS, James City County will act as the administrative, fiscal, and purchasing agent for the project; and

WHEREAS, CWF will fund the entire cost to purchase the buses and be responsible for maintaining them; and

WHEREAS, CWF has committed to operating these buses in accordance with Federal law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes its Chairman to execute the Lease and Purchase Option Agreement with the Colonial Williamsburg Foundation for nine natural gas buses.

Mr. Morton commented to the Board that staff has been working diligently for about one year to acquire this contract.

9. Olde Towne Medical Center Reduction in Force

Ms. Judith N. Knudson, Executive Director of the Olde Towne Medical Center, stated that due to projected budget shortfalls, the Williamsburg Area Medical Assistance Corporation determined that there was a need to reduce staff at the Olde Towne Medical Center effective July 1, 2003.

Based on the actions of the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC), Ms. Knudson recommended the Board adopt the resolution to eliminate and reduce staff positions at the Olde Towne Medical Center.

Mr. Kennedy inquired how the reduction/elimination would affect the operation of the Center.

Ms. Knudson stated that other staff and members of the Board of Directors of WAMAC have stepped forward to address the workload, and there has been some centralization of services.

Mr. Kennedy inquired about the status of the Dental Program and if it would be affected by the potential shortfalls.

Ms. Knudson stated that the Dental Program is very expensive, that it is difficult to attract volunteer dentists to treat low-income families, that there has been some re-assignment of patients, and that the recent grant from the Riverside Health Foundation will cover some costs.

Mr. Kennedy inquired about the fiscal short- and long-term viability of the Center.

Ms. Knudson stated that she is confident the Center will pull through as the economy grows stronger.

Mr. Kennedy made a motion to adopt the resolution.

Mr. McGlennon stated that he would like the Board to monitor the Dental Program and should there be fiscal challenges with the Program that the Board step up to assist.

Mr. Kennedy stated that he would like to get the other jurisdictions together to plan for problems that may be arising, and to monitor and to lend support to the Program.

Mr. Harrison requested staff keep the Board briefed on the Olde Towne Medical Center's status.

Mr. Harrison requested a roll call on the motion.

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

**RESOLUTION**

**OLDE TOWNE MEDICAL CENTER REDUCTION IN FORCE**

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation determined at a special meeting on April 28, 2003, that a projected budget shortfall would make it necessary to have a reduction in force at the Olde Towne Medical Center; and

WHEREAS, the decision was made to eliminate one full-time Director of Development position, one part-time Nurse Practitioner position (1,248 hours), and reduce one full-time Clinical Professional position from full-time to part-time (2,080 to 1,040 hours).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby reduce the work force at Olde Towne Medical Center as requested above effective July 1, 2003.

## **H. PUBLIC HEARINGS**

### **1. Conveyance of Easements to the Virginia Department of Transportation at 3493 John Tyler Highway**

Mr. O. Marvin Sowers, Jr., Planning Director, recommended the Board adopt a resolution conveying easements to the Virginia Department of Transportation (VDOT) on an 8.067-acre parcel located at 3493 John Tyler Highway, further identified as Parcel No. (1-12) on the James City County Real Estate Tax Map No. (45-2) to preserve the entire parcel as natural open space and to permit VDOT to use a portion of the parcel as a pedestrian and bicycle trail. VDOT has agreed to reimburse the County 90 percent of the appraised value of the parcel, allowing the County recoup most of the acquisition costs.

Mr. McGlennon inquired if the reimbursement would be to the Greenspace Fund.

Mr. Sowers stated that the funds would go into the Greenspace Fund.

Mr. Harrison opened the Public Hearing.

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

Mr. Brown made a motion to adopt the resolution.

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

## **RESOLUTION**

### **CONVEYANCE OF EASEMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, in December 1999, James City County acquired 8.067 acres of land commonly known as 3493 John Tyler Highway, designated as Parcel No. (01-12) on the James City County Real Estate Tax Map No. (45-2) (the "Property") for the purchase price of \$611,000; and

WHEREAS, the property is appraised at \$645,500; and

WHEREAS, the Commonwealth of Virginia received a Federal matching grant which will pay eighty percent of appraised value of the Property provided certain restrictions and easements are in place; and

WHEREAS, the Virginia Department of Transportation (VDOT) is willing to pay \$580,950, which is ninety percent of the appraised value of the Property for a Deed of Easement agreement for public use; and

WHEREAS, following a public hearing, the Board of Supervisors of James City County, Virginia, believes it is in the best interest of the County to convey an easement over the Property to VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a Deed of Easement and such other documents as may be necessary to convey an easement over the Property to VDOT in exchange for \$580,950.

2. Resolution to Endorse a TEA-21 Application Filed by the Jamestown-Yorktown Foundation

Mr. O. Marvin Sowers, Jr., Planning Director, stated that the Jamestown-Yorktown Foundation is applying to the Virginia Department of Transportation (VDOT) for funds from the Transportation Equity Program for the 21st Century (TEA-21) to construct two new replica ships, *Godspeed* and *Discovery*, to be home-ported at Jamestown Settlement.

The foundation must first receive a resolution of support for the project from the Board of Supervisors, before applying to the VDOT Commonwealth Transportation Board.

Staff recommended the Board approve the resolution endorsing the Jamestown-Yorktown Foundation's application.

Mr. Harrison opened the Public Hearing.

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

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**

**ENDORSE A TEA-21 APPLICATION FILED BY THE**

**JAMESTOWN-YORKTOWN FOUNDATION**

WHEREAS, the Jamestown-Yorktown Foundation intends to file an application with the Virginia Department of Transportation (VDOT) for an Enhancement Grant to construct two new replica ships, *Godspeed* and *Discovery*, to be home ported at the Jamestown Settlement; and

WHEREAS, in accordance with the Commonwealth Transportation Board grant allocation procedures, it is necessary that a request by resolution be received from the local government in order for VDOT to program a transportation enhancement project in the County of James City; and

WHEREAS, the Jamestown-Yorktown Foundation hereby agrees to pay 20 percent of the total cost for planning, design, right-of-way, and construction of this project, which is contingent upon entering into an acceptable reimbursement agreement with the VDOT; and

WHEREAS, if the Jamestown-Yorktown Foundation subsequently elects to cancel this project, the Jamestown-Yorktown Foundation hereby agrees to reimburse VDOT for the total amount of the costs expended by the department through the date the department is notified of such cancellation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board establish a project for the construction

of two new replica ships to be home ported at the Jamestown Settlement, as described in the "Replica Ships Construction" application submitted by the Jamestown-Yorktown Foundation.

3. Short-term Rental Tax

Mr. John E. McDonald, Manager of Financial and Management Services, presented two ordinance revisions to the Board for the County's Short-Term Rental Tax Ordinance. One revision provides for the repeal of the tax ordinance and the other provides for the implementation of a revised ordinance effective August 1, 2003.

Mr. McDonald stated that the tax has been on the books since 1989 but the tax has not been imposed.

Mr. McDonald stated that the anticipated annual net revenue for collection of this tax will be approximately \$22,000.

Staff recommended the Board repeal the tax Ordinance rather than amend it.

Mr. Goodson inquired if the Board repeals the tax, is there a provision by the State enabling the County to re-impose the tax at a later time.

Mr. McDonald stated that there is such a provision.

Mr. Harrison opened the Public Hearing.

1. Richard Bradshaw, Commissioner of the Revenue, provided the Board with an overview of the tax Ordinance and requested the Board repeal the tax.

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

Mr. McGlennon made a motion to repeal the tax.

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

4. Ordinance Amendment for Cable Communications Committee's Powers and Responsibilities

Mr. Leo P. Rogers, Deputy County Attorney, provided an overview of a proposed ordinance to amend the James City County Code, Section 5-8 as recommended by the Cable Communications Committee. The amendments are to update the ordinance and properly reflect the duties of the Committee as well as to identify the appointment procedures for Committee members.

Mr. McGlennon stated concern with the phrasing of paragraph (c) (7) and recommended the Board amend the beginning of the paragraph to read "Work with staff to perform research . . ." to avoid possible confusion in the Committee's role in this matter.

The Board briefly discussed the motion.

Mr. Harrison opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the revised Ordinance.

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

## **I. BOARD CONSIDERATION**

### **1. Sound Barrier Wall – Route 199**

Mr. John T. P. Horne, Development Manager, stated that the County was informed by the Jamestown 2007 Corridor Constructors that a sound barrier wall will be constructed with Segment II of the Route 199 project along approximately 1,600 feet of the frontage of Williamsburg Landing. Williamsburg Landing will be funding the construction of the basic wall under an agreement with the contractor and that there are two alternate design measures that are available to the County to fund.

Mr. Horne stated that the first alternate involves the substitution of concrete columns for the standard metal columns that are in the basic design. The second alternative involves a substitute material for the panels on the sound barrier wall that would soften the sound and would be with stamped concrete finish design to appear like bricks.

Mr. Horne stated that a decision on the first alternative has been requested by June 25. The cost for the alternative is \$83,632. The decision for the second alternative is not requested until August 31 and would cost \$81,592.

Staff recommended the Board not to fund the first alternative as staff sees little aesthetic benefit from the installation of the concrete columns.

Staff recommended the Board, with staff, visit a location where the stamped brick design is in place and after seeing the design in the field, staff would make a recommendation at that time.

Mr. Goodson requested staff to do some research to find if there was grant money available to cover the cost of upgrading the sound wall to stamped brick as part of the Jamestown 2007 event.

The Board and staff discussed the alternatives.

The Board concurred not to support the first alternative to upgrade the columns to concrete from metal, and concurred to review the stamped brick design in the field before making a decision on the second alternative.

### **2. Proposed Procedures – Implementation of the Public-Private Education Facilities and Infrastructure Act of 2002**

Ms. Stephanie Ahrendt, Purchasing Director, stated that the 2002 Virginia General Assembly passed the Public-Private Educational Facilities and Infrastructure Act of 2002 (PPEA) and provided an overview of the proposed procedures for receiving and evaluating any proposal submitted under the provisions of the PPEA.

Ms. Ahrendt stated that the proposed County Procedures are based upon the Model Procedures developed by a special committee of the State Division of Legislative Services and that the Procedures encompass unsolicited proposals from interested private entities.

Staff recommended approval of the proposed County Procedures.

Mr. Brown requested clarification between how solicitations are received and handled now versus under the PPEA.

Ms. Ahrendt stated that the PPEA would save the County time and money in the elimination of additional approval by outside agencies, the County would be able to recover of some staff costs associated with processing unsolicited proposals, and the Board would have more control over proposed projects.

Mr. Brown inquired about the \$1,000 fee to review unsolicited proposals and inquired if the level was too high for small businesses in the County.

Ms. Ahrendt stated that the figure is in keeping with the consideration of fees the business would encounter through normal approval routes and that it is consistent with research results conducted in surrounding jurisdictions.

Mr. Brown inquired if the Public-Private Partnership for the Jamestown 2007 corridor would be a similar situation to a PPEA situation.

Mr. Morton stated that the two are not similar situations, and that there are a couple localities experiencing a high volume of unsolicited bids that is taking up a lot of staff time and incurring publicizing expenses.

Mr. Morton stated that if the floor level becomes an impediment to small businesses in the County, the Board could always revisit it.

Mr. McGlennon made a motion to approve the Procedures.

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

## **J. PUBLIC COMMENT**

1. Mr. John Sutton, 307 Indian Springs Road, City of Williamsburg, stated that a local newspaper ran an article on the Route 199 sound walls, and he objected to the manner in which VDOT, Williamsburg Landing, and the contractor moved forward with this project without a Public Hearing or considering the County's desire to protect the Community Character Corridors by resisting sound walls.

Mr. Sutton requested the Board send a letter to VDOT requesting it receive public input on the proposal for a sound wall along that portion of Route 199.

Mr. McGlennon stated that VDOT agreed to the proposal by Williamsburg Landing to build the sound wall, and that the Board is not in support of sound walls along Route 199.

Mr. Goodson stated that VDOT and Williamsburg Landing made the agreement and that the Contractor is bound by VDOT's agreement.

Mr. McGlennon stated that a Public Hearing was held early in the process and the general opinion was against sound walls although there were some for sound walls, and that Williamsburg Landing is paying for the walls.

2. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, commented that there is a brick-stamped pattern on sound walls at the north end of the Hampton Roads Bridge Tunnel, that although the private initiative by Williamsburg Landing is good there will still be a visual impact on the community through the corridor.

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

Mr. Wanner recognized the following National Association of Counties (NACo) 2003 Achievement Award Winning Programs: *Cap It* for “Best of Category (Rural)”; *Automatic External Defibrillator Program*, *Working Towards Wellness*; *the 2002 Greenway Master Plan*, *the 4th Grade Learn to Swim Program*; *Chickahominy Riverfront Park*; and the *Powhatan Creek Watershed Management Plan*.

Mr. Wanner recognized the County’s honorable mention for its *2002 - A Year of Partnerships for James City County’s Transit Division* as recognized by the Virginia Association of Counties (VACo) 2003 Achievement Awards.

Mr. Wanner recommended the Board go into Closed Session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the disposition of parcels of property for public use and pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider the appointments of individuals to County boards and /or commissions.

**L. BOARD REQUESTS AND DIRECTIVES - None**

**M. CLOSED SESSION**

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the disposition of parcels of property for public use and pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider the appointments of individuals to County boards and/or commissions.

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

Mr. Harrison convened the Board into Closed Session at 8:31 p.m.

At 9:01 p.m. Mr. Harrison reconvened the Board into Open Session.

Mr. McGlennon made a motion to adopt the Closed Session 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)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3) to consider the disposition of a parcel of property for public use.

Mr. Brown made a motion to reappoint Alvin Busch to a four-year term on the Industrial Development Authority, term to expire on July 8, 2007; to appoint Dorothy L. Haramis and Gloria Shaffer to four-year terms on the Social Services Advisory Board, terms to expire on July 1, 2007; to appoint Wanda Hitchcock as an alternate to the Social Services Advisory Board for a four-year term, term to expire on July 1, 2007; and to appoint Joseph Gutierrez, Jr. to a four-year term on the Thomas Nelson Community College Local Board, term to expire on July 1, 2007.

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

**N. ADJOURNMENT**

Mr. McGlennon made a motion to adjourn.

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

At 9:03 p.m. Mr. Harrison adjourned the Board until 7 p.m. on July 8, 2003.

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Sanford B. Wanner  
Clerk to the Board