

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF OCTOBER, 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**

Sara-Kay Knicely, a Junior at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT), provided an update on the removal of storm debris from the interstate, primary roads, and major collector roads in the County.

Mr. McGlennon requested VDOT repair a pothole on Brookwood Drive (Route 700), and a pothole near the intersection of Lake Powell Road (Route 618) and Marclay Road .

Mr. McGlennon requested a schedule update for the work on Ironbound Road (Route 615) below Sandy Bay Road (Route 681).

Mr. Brewer stated that work would begin on that portion of Ironbound Road in Spring of 2004.

**E. PUBLIC COMMENT**

1. Reverend Thomas T. Shields, Sr., representing the Tri-County Pastor's Council, voiced the Council's sentiment that the citizens of the County would like the County to play a more active role in its recovery from the storm including providing information on where citizens can go for help with issues related to insurance disputes, inflated contractor fees, contractors failing to keep commitments to perform work, and available resources and services.

Reverend Shields recommended a Town Meeting where representatives of the County and businesses can be on hand to address questions about the needs of the community.

2. Mr. Wayne Nunn, 238 Lock Haven, stated concern regarding the real estate assessments, tax rates, apparent inequity in assessments within subdivisions, and requested the Board have an independent assessment audit performed in the County.

3. Mr. Ed Oyer, 139 Indian Circle, stated concern that citizen calls to 911 were told that the call was logged on the list, that citizens were not aware of any representatives checking in on Districts after the storm, that not all affected citizens were notified about the boil water notices or where they could get bottled water, and requested the overhanging trees on roadways be evaluated for removal.

## **F. PRESENTATION**

Mr. Harrison recognized Mr. Joe McCleary and Mr. A. Joe Poole, III, Planning Commission members, in the audience.

### **1. Planning Commission Annual Report FY 2002-2003**

Mr. Joe Poole, Chairman of the Planning Commission, presented an overview of the Planning Commission's FY 2002-2003 Annual Report and highlighted some of its accomplishments and projects.

Mr. McGlennon thanked the Planning Commission and Planning staff for its accomplishments and work on the Comprehensive Plan update.

## **G. CONSENT CALENDAR**

Mr. McGlennon made a motion to adopt the 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. September 9, 2003, Regular Meeting
- b. September 20, 2003, Special Meeting
- c. September 23, 2003, Work Session

### **2. Strengthening Families Program - Grant**

## **RESOLUTION**

### **STRENGTHENING FAMILIES PROGRAM - GRANT**

WHEREAS, James City County has received a grant to implement the Strengthening Families Program.

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

Revenue:

Historic Triangle Substance Abuse Coalition \$4,025

Expenditure:

Office of Community Services \$4,025

3. Carry Forward funds – Records Management System

**RESOLUTION**

**CARRY FORWARD FUNDS – RECORDS MANAGEMENT SYSTEM**

WHEREAS, the Police Department applied for and received a grant from the Department of Criminal Justice Services for a new Records Management System in the amount of \$134,900 in FY 2002; and

WHEREAS, the Police Department added an additional \$36,500 for training, travel, and equipment purchases that weren't covered by the grant; and

WHEREAS, the Board of Supervisors approved the acceptance of the grant and the necessary matching funds on January 8, 2002; and

WHEREAS, the Police Department will have expended or obligated \$150,588 of any grant funds by June 30, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declare \$20,812 as a continuing appropriation from the FY 03 Police Department's budget (001-062-0530) to be carried forward to the FY 04 Budget for the purpose of completing the Records Management System.

4. Appropriation – FY 04 Commonwealth Mass Transit Capital Matching Grant (Williamsburg Area Transport)

**RESOLUTION**

**APPROPRIATION - FY 04 COMMONWEALTH MASS TRANSIT**

**CAPITAL MATCHING GRANT (WILLIAMSBURG AREA TRANSPORT)**

WHEREAS, the Commonwealth of Virginia has made matching capital revenues available to assist public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of Williamsburg Area Transport operations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to accept this capital award in the amount of \$85,000 for bus shelters and two operational support vehicles.

BE IT FURTHER RESOLVED that the Board of Supervisors makes the following appropriation to the FY 04 Williamsburg Area Transport Budget:

Revenues:

Federal Matching Funds	\$68,000
State Matching Funds	6,800
Local Matching Funds	<u>10,200</u>
	<u>\$85,000</u>

Expenditure:

Williamsburg Area Transport	<u>\$85,000</u>
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5. Budget Transfer – Commonwealth Attorney’s Office

**RESOLUTION**

**BUDGET TRANSFER - COMMONWEALTH ATTORNEY’S OFFICE**

WHEREAS, the position of Deputy Commonwealth Attorney is vacant; and

WHEREAS, an experienced prosecutor from a neighboring locality is qualified for the position; and

WHEREAS, additional funding in the amount of \$14,615 is needed to match her current salary; and

WHEREAS the necessary funds are available in Operating Contingency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that \$14,615 in funds budgeted in FY 2004 Operating Contingency be transferred to the Commonwealth Attorney’s Office.

6. Contingency Transfer – Peninsula Public Health District

**RESOLUTION**

**CONTINGENCY TRANSFER – PENINSULA PUBLIC HEALTH DISTRICT**

WHEREAS, the Peninsula Public Health District (District) received additional, unanticipated funds from the Commonwealth for employee pay and Virginia Retirement System (VRS) increases, each requiring additional local matching funds; and

WHEREAS, in addition, the District has experienced a surge of new activity, specifically in environmental health services for water and septic systems; and

WHEREAS, the District has requested additional funds from all five of the localities that are included within the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby increases the FY 2004 Operating Budget allotment to the District by \$24,836 and authorizes a transfer from Operating Contingency to fund that request.

7. FY 2005-2010 Six-Year Improvement Program

**RESOLUTION**

**2005 - 2010 SIX-YEAR IMPROVEMENT PROGRAM**

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area and promote economic development; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- On schedule completion of the widening of the existing sections of Route 199 to four lanes;
- On schedule completion of the Route 199/Route 31 intersection improvements, with adequate pedestrian facilities;
- Funding the construction of Route 60 relocation with priority given to the section between Route 60 at a point east of Blow Flats Road in the County to the Fort Eustis Interchange in the City of Newport News;
- On schedule completion of the Monticello Avenue/Ironbound Road intersection improvement, with improvements being completed prior to the widening of Ironbound Road;
- Funding for landscaping along the Route 199 corridor;
- Proceeding with the next phases of preliminary design and environmental study for the Capital-to-Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998;
- Continued support for the Greensprings Interpretive Trail project; and
- Support for the Peninsula Light Rail Project.

**H. PUBLIC HEARINGS**

1. Case Nos. Z-6-03/MP-4-03. New Town – Sections 2 and 4 Rezoning Amendment

Ms. Karen Drake, Senior Planner, stated that Alvin P. Anderson of Kaufman & Canoles applied on behalf of New Town Associates, LLC, to amend the Master Plan, Proffers, and New Town Design Guidelines for approximately 85.6 acres of New Town Sections 2 and 4 zoned M-1, Limited Business, R-8, Rural Residential, with proffers and an approved Master Plan, and MU, Mixed Use, with proffers; at the intersection of Ironbound Road and Monticello Avenue (northwest corner) across from the Courthouse and further identified as a portion of Parcel No. (1-50) on the James City County Real Estate Tax Map No. (38-4).

Staff found the proposal to be generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines; and found the proposed development compatible with the surrounding zoning and development and the 2003 Comprehensive Plan recommendations.

Staff also found that the proposed proffers sufficiently mitigate anticipated impacts.

The Planning Commission voted unanimously to recommend approval of the rezoning at its meeting on September 8, 2003.

Staff recommended approval of the rezoning application and acceptance of the voluntary proffers.

Mr. Harrison opened the Public Hearing.

1. Mr. Greg Davis of Kaufman & Canoles, representing the applicant, provided an overview of the proposal and requested the Board approve the application.

Mr. Brown requested an explanation for the necessity to curb cut Monticello Avenue for a right-in only entrance to the site.

Mr. Davis stated that it is the safest traffic alternative to accessing the site with the imitations in interconnecting the site within the New Town development.

Mr. Brown inquired if additional right-in only curb cuts are anticipated.

Mr. Davis stated that the Master Plan does not show any, however he was unable to say for certain that no additional cuts would be requested.

Mr. Brown stated that additional curb cuts would impact the character uniqueness of the development.

Mr. McGlennon inquired how traffic would be directed out of the parking lot into the New Town development at the entrance/exit point.

Mr. Davis and Mr. Marvin Sowers, Director of Planning, stated that there are no plans for signage structures to direct traffic at the enter/exit point.

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

Mr. Goodson made a motion to adopt the revised resolution.

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

**RESOLUTION**

CASE NOS. Z-6-03/MP-4-03, NEW TOWN – SECTIONS 2 AND 4

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. Z-6-03/MP-4-03 to rezone approximately 2.9 acres from M-1, Limited Business, and R-8, Rural Residential, with proffers, to MU, Mixed-Use, with proffers; and amend the New Town Master Plan in connection therewith; and pursuant to the New Town Sections 2 and 4 Proffers, dated November 1, 2001, to amend the New Town Sections 2 and 4 Master Plan and New Town Design Guidelines for Sections 2 and 4; and

WHEREAS, on September 8, 2003, the Planning Commission recommended approval of this application by a vote of 7-0; and

WHEREAS, the property to be rezoned is identified as a portion of Parcel No. (1-50) on James City County Real Estate Tax Map No. (38-4), and comprising a portion of the land more particularly shown on the plan entitled “New Town Sections 2 and 4 Amended Master Plan” prepared by AES Consulting Engineers, with a revision date of June 23, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the rezoning and master plan amendments applied for in Case Nos. Z-6-03/MP-4-03 and accepts the voluntary proffers. Further, the Board of Supervisors does hereby approve the amendments to the New Town Sections 2 and 4 Design Guidelines and the New Town Sections 2 and 4 Master Plan requested as a part of the applications in Case Nos. Z-6-03/MP-4-03.

2. Case Nos. Z-5-03/MP-6-03/Design Guidelines. WindsorMeade Marketplace

Mr. Christopher Johnson, Senior Planner, stated that Alvin P. Anderson of Kaufman & Canoles applied on behalf of C. C. Casey Limited Company, to rezone approximately 34.49 acres to construct a 200,000-square-foot commercial shopping center at 4692, 4696, 4700, 4704, 4710, and 4740 Old News Road, zoned R-8, Rural Residential, and further identified as Parcel Nos. (1-2), (1-5), (1-6), (1-7), (1-8), and (1-34) on the James City County Real Estate Tax Map No. (38-3).

Staff found the proposal compatible with the surrounding zoning and land use, consistent with the Comprehensive Plan, and consistent with the New Town Master Plan, Design Guidelines, and proffers.

The Planning Commission voted 6-1 to recommend approval of the application at its meeting on September 8, 2003.

Staff recommended approval of the resolution approving the rezoning, master plan, and design guidelines, and accepting the voluntary proffers.

Mr. Harrison opened the Public Hearing.

1. Mr. Tim Trant of Kaufman & Canoles, representing the applicant, provided an overview of the proposal, anticipated developer conception of the marketplace, the role Section 11 plays in the New Town Development, and requested approval of the application.

Mr. McGlennon inquired about the nature of the tenants lined up for the marketplace.

Mr. Trant stated that other than announcing the tenant Belk, the other tenants are in various phases of negotiations and therefore he is unable to disclose that information at this time.

Mr. Jim Gresock of S.L. Nusbaum, stated that there are half-a-dozen tenants at various stages of negotiations for the commercial space.

Mr. McGlennon inquired if a sense of the type of retail stores could be given.

Mr. Gresock stated that the tenants would complement the Belk shopping experience.

Mr. McGlennon inquired how the design of the marketplace will complement pedestrian and bike traffic.

Mr. Trant provided an overview of the pedestrian walkways and layout of the parking lot and commercial space to promote easy bike and pedestrian access.

Mr. Gresock stated that the layout would be similar to the Ukrop's parking lot layout.

As no one else 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**

### **CASE NO. Z-5-03/MP-6-03/DESIGN GUIDELINES.**

#### **WINDSORMEADE MARKETPLACE**

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-5-03/MP-6-03/Design Guidelines for rezoning 34.49± acres from R-8, Rural Residential, with proffers; to MU, Mixed-Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 8, 2003, recommended approval of Case No. Z-5-03/MP-6-03/Design Guidelines, by a vote of 6 to 1; and

WHEREAS, the properties are located at 4692, 4696, 4700, 4704, 4710, and 4740 Old News Road and further identified as Parcel Nos. (1-2), (1-5), (1-6), (1-7), (1-8), and (1-34) on James City County Real Estate Tax Map No. (38-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-5-03/MP-6-03/Design Guidelines and accepts the voluntary proffers.

### 3. **Adoption of the 2000 Edition of the Virginia Statewide Fire Prevention Code**

Mr. Mark Hill, Deputy Fire Marshall, stated that in order for Chapter 9, Fire Protection, of the James City County Code to remain current, the Virginia Statewide Fire Prevention Code-2000 Edition needs to be adopted.

Mr. Hill recommended the Board adopt the Ordinance amending and reordaining Chapter 9 of the Code of James City County.

Mr. Brown stated that there appeared to be no substantive changes and requested verification of that observation.

Mr. Hill stated that this is a housekeeping amendment.

Mr. Morton stated that in the future substantive changes would be presented to the Board regarding this chapter of the Code.

Staff recommended approval of the Ordinance.

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 resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison (4). NAY: (0). ABSENT: Kennedy (1).

#### 4. Amendments to the FY 2004 Operating and Capital Budgets

Mr. John E. McDonald, Manager of Financial and Management Services, stated that a reduction of \$580,000 in real property revenue and operating contingency spending in the FY 2004 Operating Budget is recommended as a result of the Board's decision to reduce the FY 2004 real property tax rate to \$0.86; that an increase of the FY 2004 Capital Budget by \$13.5 million is recommended for public safety communication improvements; and that \$580,950 be restored to Greenspace in the Capital Budget.

Mr. McDonald stated that separate resolutions have been drafted for Board consideration regarding the FY 2004 Operating Budget and the FY 2004 Capital Budget.

The Board discussed the role of the Contingency Fund, desire to identify other revenue sources, and the anticipated revenue associated with the land book values.

Mr. Harrison opened the Public Hearing.

1. Mr. Ralph Bressler, Berkeley District, stated concern regarding the reduction in the tax rate when revenue sources are soft, the land book value revenue is lower than the trigger figure for the tax rate reduction, that there could be additional one-time emergencies in FY 04; and recommended the Board look for additional revenue sources and reconsider the tax rate reduction.

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

Mr. McGlennon stated that he requested staff to split the FY 2004 Budget resolution so that the FY 2004 Operating Budget and the FY 2004 Capital Budget could be considered separately.

The Board discussed the possible impacts of the tax rate reduction in the face of revenue shortfalls, the ability of the County to pull funding together to cover one-time funding events, the method of assessment appraisals, a cash proffer policy, and the lack of an identification of services to be reduced to compensate for the tax rate reduction.

Mr. McGlennon made a motion to approve the amendments to the FY 2004 Capital Budget resolution.

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

## RESOLUTION

### AMENDMENTS TO THE FY 2004 CAPITAL BUDGET

WHEREAS, the Board of Supervisors of James City County has adopted a budget for the year ending June 30, 2004 (FY 2004), and has been requested to amend the Capital Budget to accommodate certain changes; and

WHEREAS, those changes consist of: 1) the appropriation to the Capital Budget of the anticipated proceeds from the 800-MHz public safety communications system financing; and 2) the appropriation of funds received from the sale of property to the Virginia Department of Transportation (VDOT) returned to the Greenspace account from which the original purchase was funded.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Capital Budget and appropriates additional funds in the amount of \$13.5 million from the proceeds of a public financing to radio system improvements.

BE IT FURTHER RESOLVED that the Board of Supervisors amends the FY 2004 Capital Budget and appropriates additional funds in the amount of \$580,950 received from the sale of property to the Greenspace account.

Mr. Brown made a motion to approve the amendments to the FY2004 Operating Budget.

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

**RESOLUTION**

**AMENDMENTS TO THE FY 2004 OPERATING BUDGET**

WHEREAS, the Board of Supervisors of James City County has adopted a budget for the year ending June 30, 2004 (FY 2004), and has been requested to amend the Operating Budget to accommodate a certain change; and

WHEREAS, this change consists of a reduction in Operating Contingency and real property tax revenue to reflect the current tax on real property of \$0.86.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Operating Budget by reducing real estate tax revenues and Operating Contingency by \$580,000.

**I. BOARD CONSIDERATION**

1. Yarmouth Creek Watershed Management Plan (Deferred from September 9, 2003)

Mr. John T. P. Horne, Acting General Services Manager, stated that the Yarmouth Creek Watershed Management Plan (Plan) was deferred by the Board at its meeting on September 9, 2003, and stated that staff continues to recommend adoption of the Plan with the exception of Priority No. 3, Special Stormwater Criteria.

The Board and staff discussed the proposed buffer, the formation of the Yarmouth Creek Watershed Advisory Committee, and the assessed values of property within the Watershed.

Mr. Kennedy 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**

**YARMOUTH CREEK WATERSHED MANAGEMENT PLAN**

WHEREAS, the Yarmouth Creek Watershed is a resource of local and national significance; and

WHEREAS, the Board authorized staff to prepare a Management Plan to help the County and landowners protect the watershed and its natural resources; and

WHEREAS, stakeholders, staff, and consultants have met over a period of 12 months to share information, set goals, and develop the Watershed Management Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Yarmouth Creek Watershed Management Plan dated July 14, 2003, with the exception of Priority No. 3, Special Stormwater Criteria.

At 8:42 p.m., Mr. Harrison recessed the Board for a brief break.

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

**J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated concern about the rate at which the home and property values are rising and impacting assessments, commented on a neighboring jurisdiction's recent denial of another development due to the proposed density.

2. Mr. Mark Rinaldi, 10020 Sycamore Landing Road, complemented staff's dedication in helping citizens with the aftermath of Isabel.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner introduced John T. P. Horne, Acting General Services Manager.

Mr. Horne provided the Board with an update on the debris pick up within the County.

Mr. Brown asked if the County would make more than one pass through the County to collect debris.

Mr. Horne stated that there would be two passes through the County to collect tree debris, construction debris, and household debris.

Mr. Brown inquired about the collection of rootballs.

Mr. Horne stated that rootballs that are 26 inches or less would be collected with the tree debris, and rootballs over 26 inches would be collected by a different debris crew.

Mr. McGlennon inquired how the debris collection would impact the fall leaf collection.

Mr. Horne stated that instead of three leaf collections to be held once in November, once in December, and once in January, that there would be two collections, one in December and one in January.

Mr. Wanner stated that Mr. Kennedy sponsored a Chickahominy Haven citizen meeting with members of FEMA and County staff.

Mr. McGlennon inquired about the maintenance of overhanging trees.

Mr. Wanner stated that staff will identify the Virginia Department of Transportation streets with overhanging trees and those County maintained properties with overhanging trees and have the appropriate entity address the hazardous situations.

Mr. Wanner recommended that the Board go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, the appointments of individuals to County Boards and/or Commissions.

Mr. Wanner recommended that at the conclusion of the agenda, the Board recess to 4 p.m. on October 28, 2003, for a Work Session.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon requested the County arrange a joint meeting with the representatives of Cox Cable to permit the County and its citizens to voice concerns regarding its customer service following the hurricane.

Mr. Brown concurred with Mr. McGlennon's request and stated that he had numerous conversations with citizens about Cox Cable's customer service.

Mr. Harrison requested staff set up a town meeting for October 30 with representatives from various agencies to provide citizens with information regarding debris clean up efforts and any services or sources available to citizens to cope with the effects of Isabel.

Mr. Harrison stated that a Berkeley District town meeting would be held on October 22 at the Clara Byrd Baker Elementary School regarding the affordable housing project in the Five Forks area.

**M. CLOSED SESSION**

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, the appointments of individuals to County Boards and/or Commissions.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison (4). NAY: (0). ABSENT: Kennedy (1).

At 9:16 p.m. Mr. Harrison convened the Board into Closed Session.

At 9:23 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, Harrison (4). NAY: (0). ABSENT: Kennedy (1).

**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.

Mr. McGlennon made a motion to reappoint Henry Lindsey to a five-year term on the Wetlands Board, term to expire on October 1, 2008.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison (4). NAY: (0). ABSENT: Kennedy (1).

**N. RECESS**

At 9:24 p.m. Mr. Harrison recessed the Board until 4 p.m. on October 28, 2003.

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Sanford B. Wanner  
Clerk to the Board

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