

AGENDA ITEM NO. G-1

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF JUNE, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Chairman, Berkeley District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Melissa Knutsen, a fourth-grade student at Matthew Whaley Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Resolution of Appreciation – Gilbert A. Bartlett

Mr. Goodson presented a Resolution of Appreciation to Gilbert A. Bartlett in recognition of his service to the County through his twelve years of service on the Industrial Development Authority.

Mr. Bradshaw added words of appreciation to Mr. Bartlett for his service to the County.

Mr. Bartlett stated that he enjoyed his service to the County and working with those he served with.

2. Resolution of Appreciation – Let's be Water Smart Landscaping Challenge Partners

Mr. Goodson presented a Resolution of Appreciation to the Partners of the Let's be Water Smart Landscaping Challenge and the contest winner.

Michele LeBlanc-Pichè, contest winner; Tom Belden of Belden Landscapes, Mike Turkovich of Cooke's Gardens, Glenn Gross of Precipitation Unlimited, Inc., Keith Coulsting of Smith Turf and Irrigation & Vista Professional Lighting, Sassia Niederste-Hollenberg of ServiceMASTER LawnCare of Williamsburg,

Mason Morton of Turf Care, Bob Winters of Turf Love, and Larry Waltrip and Don Broady, Jr., of Waltrip Recycling accepted the Resolution of Appreciation.

3. Resolutions of Appreciation - Military Reservist

Mr. Goodson presented Resolutions of Appreciation to Renea L. Edwards, *in absentia*, Kenton E. Givens, *in absentia*, Wekena E. Glover, Sterling T. Perry, Darryl C. Stanton, Jr., and Irma O. Woodruff who are County and James City Service Authority employees and also reserve members of the uniformed services that were called up for active duty for an extended period of time to defend the United States of America.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that he appreciated the Memorial Day services at the Williamsburg Memorial Park and he looked forward to the presence of a bugler at the service next year.

F. CONSENT CALENDAR

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

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

1. Minutes

- a. May 25, 2004 - Work Session as amended
- b. May 25, 2004 - Regular Meeting

2. Resolution of Appreciation - Gilbert A. Bartlett

RESOLUTION

RESOLUTION OF APPRECIATION - GILBERT A. BARTLETT

WHEREAS, Gilbert A. Bartlett served as a member of the Industrial Development Authority of James City County since June 1992 and has chosen to retire from same effective July 2004; and

WHEREAS, Gilbert A. Bartlett served as Chairman of the Industrial Development Authority of James City County from January 1999 to December 2001; and

WHEREAS, throughout this period of service, Gilbert A. Bartlett gave freely of his time, his energy, and his knowledge for the betterment of his County as an active member; and

WHEREAS, Gilbert A. Bartlett consistently demonstrated those essential qualities of leadership, diplomacy, perseverance, and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Gilbert A. Bartlett and recognizes his distinguished service and dedication to the County and its citizenry.

3. Resolution of Appreciation - Let's Be Water Smart Landscape Challenge Partners

RESOLUTION OF APPRECIATION

LET'S BE WATER SMART LANDSCAPE CHALLENGE PARTNERS

WHEREAS, Basnight Land and Lawn, Belden Landscapes, Cooke's Gardens, Crafter's Market in the Outlet Mall, Heart's Ease Landscape and Garden Design, Henderson, Inc., Precipitation Unlimited, Inc., Smith Turf and Irrigation, ServiceMASTER LawnCare of Williamsburg, Turf Care, Turf Love, Virginia Cooperative Extension and James City County/Williamsburg Master Gardeners Association, Vista Professional Outdoor Lighting, Waltrip Recycling, and Wild Birds Unlimited demonstrated their commitment as Let's be Water Smart Partners (Partners) by donating materials, time, and energy in the Water Smart Landscape Challenge project and educational video; and

WHEREAS, the Partners illustrated a public/private effort for promoting responsible water usage in James City County through education and public awareness; and

WHEREAS, the Partners have shown efforts in conserving water and enhancing the community by ensuring the health of the environment for present and future generations; and

WHEREAS, the Water Smart Partners recognize the benefits to using Water Smart principles when establishing landscapes and incorporate those principles into their business practices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding dedication and partnership of the Water Smart Partners.

BE IT FURTHER RESOLVED that this resolution of recognition is presented individually to each above listed Water Smart Partners.

4. Resolution of Appreciation - Military Reservists

RESOLUTIONS OF APPRECIATION - MILITARY RESERVISTS

WHEREAS, James City County/James City Service Authority employees who are reserve members of the uniformed services were called up for active duty for an extended period of time; and

WHEREAS, these employees spent many months away from families and home while defending the United States of America; and

WHEREAS, these employees were subject to long hours, hard work, and dangerous conditions while carrying out their assignments; and

WHEREAS, the Board of Supervisors is proud and appreciative of the role these employees played in the protection of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere thanks to:

Renea L. Edwards
Kenton E. Givens
Wekena E. Glover
Sterling T. Perry
Darryl C. Stanton, Jr.
Irma O. Woodruff

for their service to our country.

5. Revisions to Chapter 3, Drug Free Workplace Policy; Section 5.4, Employee Benefits - Leave; and Chapter 8, Grievance Procedure; of the James City County Personnel Policies and Procedures Manual, as amended

RESOLUTION

REVISIONS TO CHAPTER 3, DRUG FREE WORKPLACE POLICY; SECTION 5.4, EMPLOYEE BENEFITS - LEAVE; AND CHAPTER 8, GRIEVANCE PROCEDURE; OF THE JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, it's the practice of the County to periodically review its personnel policies for conformance to laws and alignment with the County's values; and

WHEREAS, the Drug Free Workplace policy and Grievance Procedure were revised to conform with changes in the law, to be streamlined, and to be easier to understand and to use; and

WHEREAS, portions of the Employee Benefits - Leave policy were changed to make the use of leave more equitable among employees and more supportive of employees balancing work and life demands.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures listed above are adopted effective July 1, 2004.

G. PUBLIC HEARINGS

1. Case No. SUP-12-04. Hogan Homestead Children's Nursery

Ms. Sarah Weisiger, Planner, stated that Cathrine Hogan has applied for a special use permit amendment to continue to operate a child day care establishment in her home at 233 Nina Lane on approximately 0.331-acres zoned R-2, General Residential, and further identified as Parcel No. (3-203) on James City County Real Estate Tax Map No. (32-4).

Ms. Weisiger stated that no negative impacts to the neighborhood as a result of this establishment have come to staff's attention. Ms. Weisiger also stated that the proposed conditions are in accordance with the Planning Commission's policy on child day cares located within residential neighborhoods.

At its meeting on May 3, 2004, the Planning Commission voted 7-0 to recommend approval of the special use permit.

Staff recommended approval of the application.

Mr. Goodson opened the Public Hearing.

1. Mr. John Hogan, representing the applicant, was available to answer questions from the Board, and commented on the success of the business.

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

Mr. Bradshaw recommended adoption of the resolution.

Mr. Bradshaw clarified the limitation prohibiting food preparation in the conditions associated with the resolution is designed to reflect the Health Department's definition of food preparation and it does not prohibit the preparation of snacks.

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

RESOLUTION

CASE NO. SUP-12-04. HOGAN HOMESTEAD CHILDREN'S NURSERY

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, Ms. Cathrine Hogan has applied for a special use permit to allow for a child day care center to be operated in her home at 233 Nina Lane; and

WHEREAS, the property is located on land zoned R-2, General Residential, and can be further identified as Parcel No. (3-203) on James City County Real Estate Tax Map No. (23-4); and

WHEREAS, the Planning Commission, following its Public Hearing on May 3, 2004, voted 7-0 to recommend approval of this application.

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-12-04 as described herein with the following conditions:

1. No more than eight children other than the owners' children shall be cared for at the child day care center.
2. The owner/operator of the child day care center shall reside on the property.
3. Hours of operation shall be limited from 7:00 a.m. to 1:30 p.m., Monday through Friday.
4. This special use permit shall be valid for a period of thirty-six months from the date of issuance of this special use permit.

5. No additional exterior lighting shall be permitted on the property which relates to its use as a child day care center.
6. No signage related to the day care center shall be permitted on the property.
7. No food preparation or laundry services shall be provided as part of the operation of the child day care center.
8. This special permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case Nos. Z-1-04/MP-2-04. New Town Section 5

Ms. Sarah Weisiger, Planner, stated that Greg Davis has applied on behalf of New Town Associates to rezone two parcels at 152 and 155 Tewning Road of approximately 8.87 acres from R-8, Rural Residential, and M-1, Limited Business/Industrial, with proffer to M-1, Limited Business/Industrial, with proffers; to remove the parcels from future consideration of New Town Design Review Board and Design Guidelines; and to mitigate the impact of the light industrial development on adjacent New Town sections by proffering a height limit on structures of 45 feet.

Staff found the rezoning proposal to be in accordance with the Comprehensive Plan.

At its meeting on May 3, 2004, the Planning Commission voted 7-0 to recommend approval of the rezoning and master plan.

Staff recommended approval of the applications.

Mr. Goodson opened the Public Hearing.

1. Mr. Tim Trant, Attorney with Kaufman & Canoles, applicant, provided an overview of the proposal and requested the Board approve the resolution.

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

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

CASE NOS. Z-1-04/MP-2-04 NEW TOWN SECTION 5

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-1-04, for rezoning approximately 8.87 acres from R-8 Rural Residential, with proffers and M-1 Limited Business/Industrial with proffers, to M-1 Limited Business/Industrial, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on May 3, 2004, recommended approval of Case Nos. Z-1-04/MP-2-04, by a vote of 7 to 0; and

WHEREAS, the properties are located at 155 and 152 Tewning Road as shown on the Master Plan MP-2-04 and further identified as Parcel Nos. (1-3) and (1-4), on James City County Real Estate Tax Map No. (38-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-1-04/MP-2-04 and accepts the voluntary proffers.

Mr. Goodson recognized Mr. Wilford Kale, Planning Commission member, in the audience.

3. Case No. SUP-17-04. James City County Communications Tower - Forge Road

Mr. Matthew D. Arcieri, Planner, stated that Richard M. Miller, Fire Chief, received approval from the Board for a special use permit to construct a communications tower at 3135 Forge Road zoned B-1, General Business, and further identified as Parcel No. (1-27) on James City County Real Estate Tax Map No. (12-3), and has applied to amend the permit to increase the height of the communications tower from 140 to 160 feet to increase the microwave signal path strength between the Emergency Operations Center and the County's Landfill.

Staff found the proposal to be generally consistent with the 2003 Comprehensive Plan and notes that, despite the increase in height, the tower will be thirty feet shorter than the existing tower and thus reduce the existing tower's negative visual impacts.

At its meeting on June 7, 2004, the Planning Commission recommended approval of the case by a vote of 7-0.

Staff recommended the Board approve the permit application with conditions.

Mr. Bradshaw inquired as to where the trees were located that were interfering with the signal strength between the towers.

Mr. Richard Miller, Fire Chief, stated that the trees are near the Emergency Operations Center and that by raising the tower height, the signal strength increases.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution as amended to include the Planning Commission recommended language.

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

RESOLUTION

CASE NO. SUP-17-04. JAMES CITY COUNTY COMMUNICATIONS TOWER - FORGE ROAD

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, antennas and towers in excess of 60 feet in height are a specially permitted use in the B-1, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on June 7, 2004, recommended approval of Case No. SUP-17-04 by a 7-0 vote to permit the construction and operation of a 160-foot-tall communication tower as part of the James City County 800-MHz trunked radio system at the James City County Emergency Operations Center (EOC) on 3135 Forge Road and further identified as Parcel No. (1-27) on James City County Real Estate Tax Map No. (12-3).

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-17-04 as described herein with the following conditions:

1. This special use permit shall be valid for a total of one tower. The maximum height of the tower shall not be greater than 160 feet. The tower site shall be developed generally in accordance with the site layout titled "Special Use Permit Plan for 140' Cellular Tower on the James City County Property" dated December 1, 2003, with the exception that the tower height may be increased to 160 feet. Additional minor changes may be approved by the Director of Planning.
2. Final building design, location, orientation, and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
3. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit, or the permit shall become void.
4. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
5. The tower shall have a finish that is grey in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the Federal Aviation Administration or Federal Communications Commission shall be allowed on the tower.

6. No advertising material or signs shall be placed on the tower.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. SUP-16-04. Williamsburg-Jamestown Airport - SUP Amendment

Ms. Sarah Weisiger, Planner, stated that Larry Waltrip has applied on behalf of Mary Waltrip to amend Special Use Permit No. 32-97 to develop portions of Parcel No. (1-12) on James City County Real Estate Tax Map No. (48-2), and include in the amendment Parcel Nos. (1-5A) and (1-6) on James City County Real Estate Tax Map No. (48-2) for the construction of the proposed T-hangers on Parcel No (1-12) in an area located south of Marclay Road and adjacent to the airport.

Staff found the amendment proposal will allow the development of the airport property in accordance with the Master Plan approved with Special Use Permit No. 23-97.

At its meeting on June 7, 2004, the Planning Commission voted 7-0 to recommend approval of the application.

Staff recommended approval of the amendment.

Mr. McGlennon requested verification that the proposal is to include a parcel of land that was presumed to have been included in the SUP application presented in 1997 but was not.

Ms. Weisiger confirmed that is the case.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution as amended to include language regarding the Planning Commission recommendation.

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

RESOLUTION

CASE NO. SUP-16-04. WILLIAMSBURG-JAMESTOWN AIRPORT - SUP AMENDMENT

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, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. SUP-16-04 for the purpose of amending the existing special use permit for the Williamsburg-Jamestown Airport which is located on Parcel Nos. (1-5A) and (1-6) on James City County Real Estate Tax Map No. (48-2) and zoned R-8, Rural Residential, to include a portion of Parcel No. (1-12) on James City County Real Estate Tax Map No. (48-2) as shown on the Airport Layout Plan dated May 24, 2004, that is located generally south of Marclay Road and north of Parcel No. (1-5A); and

WHEREAS, the Planning Commission, following its Public Hearing on June 7, 2004, recommended approval of Case No. SUP-16-04, by a vote of 7 to 0.

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-16-04 as described herein with the following conditions:

1. No extension of the existing runway shall be permitted. A paved safety overrun adjacent to Runway 13 (western end of runway), not to exceed 900 feet may be constructed in accordance with FAA standards. The paved safety overrun shall be marked appropriately and lights shall be installed and maintained across the width of the runway to delineate the runway and safety overrun.
2. The Williamsburg-Jamestown Airport Special Operating Procedures shall be amended such that Condition No. 5 under General Procedures which states that, "the calm wind runway (less than five knots) will be Runway 13, weather and traffic permitting" shall be deleted. The existing Williamsburg-Jamestown Airport Special Airport Operating Procedures, with the above revision noted, shall remain in effect.
3. The Williamsburg-Jamestown Airport shall review, revise, and publish, as necessary, the description of the airport and associated local rules, procedures, and warnings in the following industry publications:
 - a. Airport Facility Directory
 - b. VDOA (5010) Inspection Form - Remarks/Runway section.
 - c. Permanent NOTAM (Class II)

These publications shall indicate the established flight patterns and procedures and notify all pilots of the special established patterns to avoid the surrounding residential neighborhoods and Rawls Byrd Elementary School. This condition shall be satisfied prior to the issuance of a building permit for any of the proposed improvements contained within the Master Plan. Documentation shall also be submitted to the Community Airport Committee.

Also the following steps shall be taken:

- a. Report the basic pertinent information by UNICOM when pilots check in for takeoff and landing operations.
- b. Identify/distribute information through a published set of "Airport Rules and Regulations."
- c. Post/display Special Operating Procedures in the flight planning area and other conspicuous areas of the terminal building.

4. The Airport Procedures shall be amended to require runway preference for runway 31 for all arriving aircraft, not just twin-engine aircraft as stated in the current Airport Procedures.
5. Signs shall be erected at both ends of the runway which read as follows:

For departures on Runway 31: “Remember to turn left to avoid flying over the Elementary School.”

For departures on Runway 13: “Remember to make right turn for noise abatement.”

6. A Community Airport Committee shall be established. The Committee’s purpose is to provide a formal setting for an on-going dialogue between all interested parties (i.e., the citizens, the County, the Airport owners and operators, pilots, Williamsburg-James City County Schools, and business community). It shall be the responsibility of the Airport owners to establish the Committee. The Committee shall be a balanced representation of the following interest groups: airport owners/operators, citizens, the County, Williamsburg-James City County Schools, and pilots. The Committee shall be comprised of no fewer than five persons and no more than 10 persons. The Airport owners shall submit a list of committee members to the County for approval within six months of the approval of this Special Use Permit application. The Committee shall meet at least four times per year in open session.
7. Approval of the facilities contained in the Master Plan in no way obligates the County to approving the construction of these facilities. The proposed facilities shall undergo the typical site plan and building plan review process and receive County approval before construction of these facilities and improvements shall commence.
8. A lighting plan shall be prepared and approved by the Planning Director for each site plan submittal that contains outdoor lighting. All outdoor lighting, exclusive of lights for the runway, taxiways, and other required safety lighting, shall have recessed lenses.
9. The following size limitations shall apply to the planned facilities:

T-Hangar Units	63 units* maximum
Corporate Hangar Units	14 units* maximum
Apron Parking Tie-Downs	49 spaces maximum
Terminal Building Expansion	2,500 square feet maximum -- Total size of building shall not exceed 7,327 square feet (4,327 + 2,500)
Flight Management Building	2,500 square feet maximum

*For T-Hangars and Corporate Hangars - 1 unit is equivalent to 1 aircraft parking space.

10. The improvements labeled as “Ultimate” on the Master Plan are not approved as part of this application. A 25-foot wide paved apron shall be permitted between the helipads (Stage III) and Hangar 14 (Stage I). The purpose of this paved apron would be to provide access to hangars on the west side of the airport.
11. No GPS “straight-in” approach procedure shall be permitted at the Airport.
12. The corporate hangars may include attached accessory office space that is exclusive of the airplane storage area. The office area shall be used/occupied by the owners or tenant

of the corporate hangar to which the office/storage area is attached. The use of the office space shall be strictly limited to airport-related activities. The cumulative amount of office space attached to corporate hangars shall not exceed 5,000 square feet (i.e., five corporate hangars with 1,000 square feet office space OR two corporate hangars with 2,500 square feet -- the other three shall contain no office space, or any combination thereof not to exceed 5,000 square feet).

13. A landscaped buffer around the perimeter of the site shall be maintained or established which accomplishes the goal of screening the proposed airport improvements from adjacent properties. The Planning Director shall determine whether additional landscaping is needed to screen future improvements from adjacent properties at the time of site plan review.

5. Amended Appropriation - FY 2005 Budget

Mr. John E. McDonald, Manager of Financial and Management Services, provided an amended Resolution of Appropriation for Fiscal Year 2005 based upon the changed expectations of State revenue for the County through the adopted State budget and the approved amended transient occupancy tax.

Mr. Harrison inquired how much of the increased State revenue would be reoccurring revenue.

Mr. McDonald stated that the \$2.00/night tax will expire in 2008 and the others are subject to annual or biannual review by the General Assembly during its budget deliberations.

Mr. Goodson opened the Public Hearing.

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

Mr. Brown made a motion to adopt the resolution.

Mr. Harrison stated concern that the County needs to be mindful of reoccurring expenditures.

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

RESOLUTION

AMENDED APPROPRIATION - FY 2005 BUDGET

WHEREAS, the Board of Supervisors of James City County has been requested to amend the County's FY 2005 Operating Budget to account for adjustments caused by the passage of a State budget by the 2004 General Assembly; and

WHEREAS, a public hearing has been held this date to solicit public comments on the proposed revisions; and

WHEREAS, it is now necessary to appropriate these additional funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2004, and ending June 30, 2005.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following amounts are hereby approved as additional appropriations for the offices and activities below in the amounts shown, as follows:

PROPOSED ADDITIONS TO OPERATING REVENUES:

Other Local Taxes - Transient Occupancy Taxes		\$ 850,000
Revenue from the Commonwealth:		
State Sales Taxes	\$ 780,000	
HB599 Funding	170,000	
Compensation Board	<u>75,325</u>	<u>1,025,325</u>
TOTAL		<u><u>\$ 1,875,325</u></u>

PROPOSED ADDITIONS TO OPERATING EXPENDITURES:

Contributions - Williamsburg Convention/Visitors Bureau		\$ 850,000
Public Safety - Sheriff	\$ 34,125	
Judicial - Commonwealth's Attorney and Clerk of the Circuit Court	32,000	
Financial Administration - Treasurer and Commissioner of the Revenue	5,400	
Elections - Registrar and Board of Elections	2,300	
Community Services - Cooperative Extension	<u>1,500</u>	<u>75,325</u>
General Services - Grounds		\$ 122,000
Schools Debt Service		500,000
Nondepartmental:		
Matching Funds - Grants	\$ 30,000	
Contingency	<u>48,000</u>	<u>78,000</u>
		<u>250,000</u>
Contribution to Capital Projects		<u><u>\$1,875,325</u></u>

PROPOSED ADDITIONS TO CAPITAL REVENUES:

Contribution - General Fund	\$ 250,000
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PROPOSED ADDITIONS TO CAPITAL EXPENDITURES:

Parks and Recreation - Freedom Park	\$ 250,000
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PROPOSED ADDITIONS TO DEBT SERVICE FUND REVENUES:

General Fund Contribution - Schools	\$ 500,000
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PROPOSED ADDITIONS TO DEBT SERVICE FUND EXPENDITURES:

Fund Reserve	\$ 500,000
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H. BOARD CONSIDERATIONS

1. Amended FY 2006 Operating Budget

Mr. John E. McDonald, Manager of Financial and Management Services, presented a resolution to amend the FY 2006 Operating Budget to acknowledge the additional State revenues, the proceeds of the amended transient occupancy tax, and the addition of recurring expenditures from FY 2005; and that the FY 2006 Budget with amendments is to be used for planning purposes only.

The Board and staff discussed the capping of Personal Property Tax reimbursement to localities for vehicles by the General Assembly, the lack of capping measures for localities on assessing tax rates for Personal Property Taxes, the amount of revenue increase since 2000 for Personal Property Tax proceeds, and the potential for citizens to have to pick up the difference in reimbursement levels should the State not reimburse the localities for vehicle Personal Property Taxes.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

AMENDED FY 2006 OPERATING BUDGET

WHEREAS, the Board of Supervisors of James City County has been requested to amend the County's FY 2006 Operating Budget, for planning purposes only, to account for adjustments caused by the State FY 2005/FY 2006 Budget adopted by the 2004 General Assembly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following amounts are hereby approved as amendments to the FY 2006 Operating Budget and shall be included in the adopted budget publication for planning purposes only:

1. Reduce the State Personal Property Tax Relief Act ("Car Tax") reimbursement by \$600,000, adding that revenue to local personal property tax revenues.
2. Add \$850,000 in additional room tax proceeds and the same amount to the contribution to the Williamsburg Area Convention & Visitors Bureau.
3. Add \$79,000 in Compensation Board Salaries to both revenues and expenditures.
4. Add \$780,000 in State Sales Taxes and \$170,000 in HB599 Revenues. Allocate the additional \$950,000 to the Debt Service Reserve (\$500,000), Capital Projects - Undesignated (\$250,000), Grounds Maintenance (\$107,000), and Operating Contingency (\$93,000).

2. Creation of the Five Forks Area Study Committee

Mr. Matthew D. Arcieri, Planner, presented a resolution for the Board to endorse the formation of a Five Forks Area Study Committee to develop guiding principles in transportation, land use, and economic development for the development of the Five Forks area.

The Board and staff held a brief discussion regarding the number of members that may be appointed to the Committee and the tentative date for the first meeting being in conflict with the Jamestown Road and Route 199 Improvement Project town meeting scheduled for June 30, 2004.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CREATION OF THE FIVE FORKS AREA STUDY COMMITTEE

WHEREAS, Economic Development Action 12G of the 2003 Comprehensive Plan recommends that James City County evaluate redevelopment and land use issues in the Five Forks area; and

WHEREAS, Kimley-Horn and Associates has conducted a traffic impact analysis to assess current and projected traffic levels in the Five Forks area; and

WHEREAS, the James City County Environmental Division has provided a preliminary environmental assessment that takes into account the recommendations of the Powhatan Creek Watershed Management Plan; and

WHEREAS, staff has recommended that a study committee be created to be responsible for preparing guiding principles in transportation, land use, and economic development for the development of the Five Forks area; and

WHEREAS, these principles will be used by citizens, staff, Planning Commission, and Board of Supervisors to guide recommendations and decisions in future land use cases and other development activity in the Five Forks area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the formation of a Five Forks Area Study Committee as described herein.

3. Contract Change Order - AMEC Earth and Environmental, Inc. - Study for the Establishment of the James City County Stormwater Utility

Mr. Wayland N. Bass, County Engineer, made a presentation on the proposed next phase of the Stormwater Utility establishment and presented a resolution to authorize the County Administrator to execute a change order to the existing AMEC contract for AMEC to provide consulting services to establish the James City County stormwater utility.

The Board and staff held a discussion regarding the timing of the next phase and implications of adopting the resolution at this meeting.

The Board concurred to defer action on the proposal until July 27 and to hold a Work Session on the matter on June 22.

The Board directed staff to provide information at the June 22 Work Session regarding the timing opportunity in Fiscal Year 2006 for the establishment of a Stormwater Utility, be prepared to discuss the options and policy analysis for a Stormwater Utility, milestone dates/events to brief the Board on the process and progress, how the County currently handles Stormwater issues and how that would change if revenue generated by a Utility is used to address the issues, information on upcoming Capital projects that will impact Stormwater, and timing of Capital projects in regard to the creation of a Stormwater Utility, as well as current and future funding to address Stormwater concerns.

Mr. Goodson deferred action on the item until July 27, 2004, and directed staff to prepare a Work Session on the item for June 22, 2004.

4. Resolution Requesting the Circuit Court to Order an Election on Issuance of General Obligation Bonds in the Maximum Amount of \$39,820,000 for School Facilities

Mr. John E. McDonald, Manager of Financial and Management Services, requested the Board approve a resolution requesting the Circuit Court to order an election on the question of issuing general obligation bonds to finance a portion of the costs of a new high school.

The Board and staff discussed the proposed ceiling amount for the bond and the amount including consideration for inflation of steel prices and construction and on addressing the facility needs of the students including an auxiliary gym.

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY,
VIRGINIA, TO INCUR A DEBT IN THE FORM OF GENERAL OBLIGATION BONDS
AND TO REQUEST A PUBLIC REFERENDUM ON THE ISSUANCE OF
SUCH BONDS TO FINANCE A NEW HIGH SCHOOL**

WHEREAS, the Williamsburg-James City County School Board (the "School Board") has found and determined that there is a need to construct and equip a new high school in the Williamsburg-James City County area (the "Project"), to be financed in part by the issuance of general obligation bonds of James City County, Virginia (the "County"), in the maximum amount of \$39,820,000; and

WHEREAS, the School Board adopted a resolution on June 1, 2004, requesting the Board of Supervisors of the County (the "Board") to request the Circuit Court for the City of Williamsburg and the County of James City, Virginia (the "Circuit Court") to order an election on the question of contracting a debt and issuing general obligation bonds of the County in the maximum amount of \$39,820,000 for the Project; and

WHEREAS, the Board concurs in the need to undertake the Project and desires to determine the interest of the County's qualified voters in issuing debt in the form of general obligation bonds to finance a portion of the cost of such Project; and

WHEREAS, Section 15.2-2640 of the Code of Virginia of 1950, as amended (the "Code"), requires that the purposes for which the bonds are to be issued and the maximum amount of bonds to be issued be set forth in a resolution; and

WHEREAS, Sections 15.2-2610 and 15.2-2638 of the Code require that voter approval be obtained at a referendum before such bonds can be issued, and Section 15.2-2640 requires that the Board by resolution must request the Circuit Court to order an election on the question of contracting the debt and issuing the proposed bonds.

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

1. The Board finds and determines that it is necessary and expedient to undertake the Project, which will promote the public welfare of the County and its inhabitants.
2. The Board hereby determines that it is advisable to determine the interest of the qualified voters of the County on the incurrence of debt by the County in the form of the County's general obligation bonds in an amount not to exceed \$39,820,000 to finance the cost of the Project.
3. The Board hereby requests that the Circuit Court, pursuant to Sections 15.2-2610, 15.2-2611, and 24.2-684 of the Code, enter an Order requiring County election officials to conduct a special election for the qualified voters of the County on November 2, 2004, the day of the general election, and that the referendum question be placed on the ballot in substantially the following form:

QUESTION: Shall James City County, Virginia, contract a debt and issue its general obligation bonds in a principal amount not to exceed \$39,820,000 pursuant to the Public Finance Act of 1991, as amended, for the purpose of financing a portion of the costs of the construction and equipping of a new high school that will serve the residents and students of James City County?

- () YES
() NO

4. The Clerk of the Board shall certify a copy of this resolution to the Circuit Court.
5. This Resolution shall take effect immediately.

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

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 the appointment of individuals to County Boards and/or Commissions.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that a public informational meeting will be held on June 30 at 6:30 p.m. at the Rawls Byrd Elementary School to provide citizens with an update on the progress of the Route 199 and Jamestown Road intersection improvement project.

L. MATTERS OF SPECIAL PRIVILEGE

Mr. Morton announced his retirement from his position as the County Attorney to be effective September 1, 2004.

Mr. Morton indicated his interest in serving in the community and perhaps on a County Board or Committee at some point in the future, stated that his 31 years with the County have been rewarding, and thanked the Board and citizens for allowing him to serve.

M. CLOSED SESSION

Mr. Harrison 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.

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

Mr. Goodson adjourned the Board into Closed Session at 8:41 p.m.

Mr. Goodson reconvened the Board into Open Session at 9:03 p.m.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (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.

Mr. Goodson stated that the Board will defer making appointments to the Five Forks Study Committee until June 22, during which time the potential members will be contacted to verify interest in serving on the Committee.

N. AJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 9:04 p.m., Mr. Goodson adjourned the Board until 4 p.m. on June 22, 2004.

Sanford B. Wanner
Clerk to the Board

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