

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND 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

Cameron Aadahl, a second-grade student at Norge Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), provided a presentation on the completed enhancement project on the portion of Ironbound Road (Route 615) between Sandy Bay Road (Route 681) and Jamestown Road (Route 31).

Mr. Hicks stated that the Secondary System Six-Year Road program's budget has been significantly reduced over the next few years and more community goal projects will be applied, such as the Route 615 enhancement project, to compensate for some of the funding reduction.

Mr. McGlennon commented that the citizens appreciated VDOT working with the neighborhood during the process; and that the project's expenditures were one-sixth of the estimated cost and was completed four years early.

Mr. Brown requested Mr. Hicks pass on the Board's appreciation of great work on the road renovation project.

Mr. Brown requested a warning sign be posted near the entrance to Winter East (Route 1537) off Season's Trace (Route 1530) to warn motorists of an obscured entrance.

Mr. Bradshaw inquired if the road improvement project for Sycamore Landing Road (Route 607 North of Croaker Landing Road) would be similar to the Ironbound Road (Route 615) enhancement project.

Mr. Hicks stated that Sycamore Landing Road (Route 607 North of Croaker Landing Road) is not in the Six-Year Secondary Road Plan; however, the enhancement project is the concept for Mount Laurel Road (Route 751) and Croaker Road (Route 607). Mr. Hicks stated that the anticipated costs for the Croaker Road project continues to increase.

Mr. McGlennon stated that local tourism businesses would like visitors exiting Busch Gardens to see signs directing them to local services prior to them getting onto the Interstate.

Mr. Goodson requested an update on the traffic signage for the Brewery traffic.

Mr. Hicks stated that the “No-U-Turn” sign was posted at the wrong intersection and that it is being relocated to the correct location.

Mr. Goodson inquired about the status of Plantation Road in the Roberts District.

Mr. Hicks stated that new land disturbance seems to have occurred and that new regulations begin July 1, which will require VDOT to go through environmental review process to do minor modifications to the road.

E. PRESENTATION

Mr. Goodson presented Mr. Seth Benton, Neighborhood Liaison to Burnt Ordinary, a resolution recognizing the Burnt Ordinary Neighborhood Association as the James City County Neighborhood of the Quarter.

Mr. Bradshaw added his personal congratulations to Mr. Benton and highlighted the neighborhood’s community day in August and invited the Board members to attend the event.

F. PUBLIC COMMENT

1. Mr. David Fuss, 300 Lake Charles Way, spoke on behalf of the Friends of Powhatan Watershed and highlighted some points made to the Board members in an E-Mail regarding its position on perennial streams in the County and requested the Board consider setting the benchmark score to 24; and commended the Board on its excellent job in protecting cultural and natural character of the area.

2. Mr. Ed Oyer, 139 Indian Circle, commented on a recent news clip on CNN regarding the standards of today’s education and stated that better students are needed.

G. CONSENT CALENDAR

Mr. Bradshaw requested Item No. 3, Grant Appropriation – Clerk of the Circuit Court, be pulled.

Mr. Harrison requested Item No. 5, Revenue Bond Financing for the Association for the Preservation of Virginia Antiquities, be pulled.

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

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

1. Minutes - April 8, 2004, Regular Meeting
2. Amending the Membership of the Colonial Services Board

RESOLUTION

AMENDING THE MEMBERSHIP OF THE COLONIAL SERVICES BOARD

WHEREAS, Chapter 10 of Title 37.1 of the Code of Virginia (1950), as amended, provides for the establishment of a community services board to deliver mental health, mental retardation, and substance abuse services; and

WHEREAS, the Board of Supervisors of James City County, with the intent of implementing provisions of Chapter 10 of Title 37.1 of the Code of Virginia, established the Colonial Services Board, hereinafter referred to as "the Board," by resolution, duly enacted on September 30, 1970; and

WHEREAS, since that date, the number of member jurisdictions has increased and the number of appointees from each jurisdiction has changed; and

WHEREAS, the original resolution enacted on September 30, 1970, was reaffirmed by the Board of Supervisors of James City County by resolution duly enacted on February 5, 1990; and

WHEREAS, since that date, the proportionate population of the member jurisdictions has changed; and

WHEREAS, Article 3, Section 2 of the Bylaws of the Colonial Services Board states:

Williamsburg, James City County, York County, and Poquoson shall be represented, as nearly as is practicable, on the Board in proportion to each jurisdiction's percentage of the overall population of the catchment area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in conjunction with the City Councils of Poquoson and Williamsburg and the Board of Supervisors of York County, desires to amend the number of board members serving on the Colonial Services Board in approximate proportion to current populations.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County does hereby amend the original resolution dated September 30, 1970, to amend the membership of the Colonial Services Board to be composed of fifteen members who shall be appointed by the Board(s) of Supervisors/City Council(s) in the following manner:

Five from James City County
Six from York County
Two from Williamsburg
Two from Poquoson

4. 2004 The Year of the Neighborhoods - Neighborhood of the Quarter - Burnt Ordinary

RESOLUTION

2004 THE YEAR OF THE NEIGHBORHOODS -

NEIGHBORHOOD OF THE QUARTER - BURNT ORDINARY

WHEREAS, the Burnt Ordinary Neighborhood Association has been a connected neighborhood with James City County's Neighborhood Connections since 1998 and consists of 80 apartments for families and 22 apartments for seniors; and

WHEREAS, the motto of the Burnt Ordinary Neighborhood Association is: "Working Together for a Better Community to Live In"; and

WHEREAS, the success of the Burnt Ordinary Neighborhood Association is due to its outstanding communication among members and working together through these efforts:

Monthly Newsletters;
Monthly Senior Bingo;
4-H Youth Group;
Youth-Senior Projects;
Youth Vegetable Garden; and
Burnt Ordinary Community Day.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the Burnt Ordinary Neighborhood Association the Neighborhood of the Quarter for June 2004 in connection with the celebration of the 10th Anniversary of Neighborhood Connections.

3. Grant Appropriation – Clerk of the Circuit Court

Mr. Bradshaw made a motion to adopt the resolution.

Mr. Bradshaw commended on the Clerk's for the use of technology and indexing of documents to keep up with the flow of information in the office.

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

RESOLUTION

GRANT APPROPRIATION - CLERK OF THE CIRCUIT COURT

WHEREAS, the State Compensation Board has awarded the Clerk of the Circuit Court two technology grants totaling \$156,141; 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 \$156,141

Expenditure:

Clerk Technology Upgrades \$156,141

5. **Revenue Bond Financing for the Association for the Preservation of Virginia Antiquities**

Mr. Wanner stated that the Industrial Development Authority (IDA) Board of Directors has passed a Resolution of Inducement for the Association for the Preservation of Virginia Antiquities for revenue bonds to finance the cost of constructing and equipping an “Archaearium,” renovating Dale House, along with landscaping, developing mobile exhibits, and the James Fort area interpretive design.

Mr. Wanner stated that the bonds do not carry the full faith and credit of James City County or its IDA and recommended approval of the resolution supporting the financing.

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

REVENUE BOND FINANCING FOR THE

ASSOCIATION FOR THE PRESERVATION OF VIRGINIA ANTIQUITIES

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the “Authority”), has considered the application of the Association for the Preservation of Virginia Antiquities (the “APVA”), requesting the issuance of the Authority’s revenue bonds in a principal amount not to exceed \$6,000,000 (the “Bonds”). The proceeds of the Bonds will be used to assist the APVA in financing or refinancing: 1) the construction, equipping, and development of a 7,500-square-foot building to be called the “Archaearium”; 2) the renovation, equipping, and development of an existing building known as the “Dale House”; 3) the acquisition, construction, and equipping of mobile units for exhibit space and other improvements at Historic Jamestowne (together, the Archaearium, the Dale House, the mobile units, and the

other improvements are the “Project”); and 4) the costs of issuing the Bonds. The Archaearium will exhibit a portion of the APVA’s archeological collections, as well as certain historical exhibits that will demonstrate the life of the early settlers at the original Jamestown Settlement. The Dale House will be used for visitor support services, including food services and retail space. The Project will be located on the 22.5 acres of land owned by the APVA in the southwest portion of Jamestown Island, which is at the western end of the Colonial Parkway in the County of James City, Virginia (the “County”). The balance of the land on Jamestown Island is owned by the National Park Service. Visitors to the National Park Service property may cross onto the land owned by the APVA and may also visit APVA facilities, including the Archaearium, the Dale House, the mobile units, and participate in APVA activities. The Project will be owned by the APVA and will be used by the APVA in furtherance of its mission to preserve, interpret, and promote property relating to the history and people of Virginia; and

WHEREAS, the APVA is a nonprofit Virginia nonstock corporation that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). It has its principal place of business at 204 West Franklin Street, Richmond, Virginia 23220; and

WHEREAS, Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”) provide that the highest-elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Bonds will be issued by the Authority on behalf of the County and the Project will be located in the County. The Board of Supervisors of the County of James City, Virginia (the “Board”) constitutes the highest-elected governmental unit of the County; and

WHEREAS, The Authority adopted an inducement resolution on June 15, 2004, (the “Inducement Resolution”), immediately following a Public Hearing held by the Authority on such date. In the Inducement Resolution, the Authority approved the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project and recommended and requested that the Board approve of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project. A copy of the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Authority’s Public Hearing, and the APVA’s Fiscal Impact Statement have been filed with the Board.

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

1. The recitals made in the first and second paragraphs of this resolution are hereby adopted as a part of this resolution. The Board accepts the documents submitted to it by the Authority.
2. The Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$6,000,000 and approves the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project. The Bonds may be issued in one or more series and from time to time. These approvals are given for the benefit of the APVA, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and to permit the Authority to assist in the financing or refinancing of the Project.

3. The approval of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the APVA. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the County, shall be pledged thereto.
4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.
5. The County, including its elected representatives, officers, employees, and agents, shall not be liable and hereby disclaims all liability for any damage to the APVA or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
6. This resolution shall take effect immediately upon its adoption.

H. PUBLIC HEARINGS

1. Case Nos. Z-15-03/MP-13-03/HW-2-03. Stonehouse Station at Norge (Continued from May 25, 2004)

Mr. Goodson stated that a request has been made for deferral.

Mr. Morton stated that Counsel for the applicant requested the deferral.

Mr. Goodson opened the Public Hearing.

The Board discussed what date to defer the item to.

The Board concurred to defer to the Board meeting until July 27.

As no one wished to speak to this matter, and without objection from the Board, Mr. Goodson left the Public Hearing open and continued the item to July 27, 2004, and directed staff to re-advertise the case for a Public Hearing.

2. Amendments to the FY 2004 Special Projects/Grants Budget

Ms. Suzanne R. Mellen, Director of Budget and Accounting, presented a budget amendment to appropriate reimbursements from the Federal Emergency Management Agency (FEMA), the Commonwealth of Virginia, and insurance proceeds to cover costs associated with Hurricane Isabel.

Mr. McGlennon inquired what the total expenditure amount is associated with Hurricane Isabel.

Ms. Mellen stated that the expenditure amount is approximately \$8,250,000.

Mr. McGlennon inquired if the proposed amendment is in addition to previous allocations.

Ms. Mellen stated that this is in addition to previous reimbursement allocations.

Mr. McGlennon inquired what the total local expenditure amount is.

Ms. Mellen stated approximately \$630,000 is the local expenditure amount.

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.

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

RESOLUTION

AMENDMENTS TO THE FY 2004 SPECIAL PROJECTS/GRANTS 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 Special Projects/Grants Budget to accommodate the anticipated revenues and spending related to Hurricane Isabel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Special Projects/Grants Budget with the following appropriation:

Revenues:

Federal Government	\$1,950,000
State Government	475,000
Insurance Proceeds	(50,000)
From the General Fund	<u>150,000</u>
Total:	<u><u>\$2,525,000</u></u>

Expenditure:

Storm Costs	<u><u>\$2,525,000</u></u>
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3. Ordinance to Amend and Reordain Chapter 1, General Provisions; Section 1-13, Courthouse Maintenance; Court Security and Jail Processing Fees

Mr. Leo P. Rogers, Deputy County Attorney, presented an ordinance to delete the July 1, 2004, expiration date of the courthouse maintenance, court security, and jail processing fees to modify the County Code to match the State Code amendment.

Staff recommended the Board adopt the proposed ordinance amendment.

Mr. Goodson opened the Public Hearing.

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

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).

4. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic; Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally

Mr. Leo P. Rogers, Deputy County Attorney, presented an ordinance amendment to incorporate by reference into the County Code, the 2004 amendments by the General Assembly to the Driving While Intoxicated (D.W.I.) and traffic laws enforced by County police. Mr. Rogers also stated the proposed amendment adds Section 13-7 (b), which expresses the Board's intent to incorporate new changes to the State Code without formal amendment, although staff will still bring annual updates to the Board.

Staff recommended adoption of the amendments.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the amended ordinance.

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

Mr. Morton stated that staff will continue to bring forward the changes to the State Code for inclusion in the County Code as there is still much debate as to whether a jurisdiction has the power to incorporate by reference.

5. Ordinance to Amend and Reordain Chapter 20, Taxation, Article I, In General; Section 20-4, Assessment of New Buildings and Computation of Tax Thereon; When Penalty Accrues for Nonpayment

Mr. John E. McDonald, Manager of Financial and Management Services, presented an ordinance amendment to modify the dates of the existing ordinance to correspond to the months of the fiscal year, July 1 to June 30.

Staff recommended the Board adopt the amendment.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the amended ordinance.

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

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the County has received a National Association of Counties award for the County's Purchase of Development Rights Program and for the Beyond the Bell program.

Mr. Wanner stated that the County's Purchase of Development Rights Program will be the model used by the State for its guidance in the development of its Program.

Mr. Wanner recommended the Board recess briefly for the James City Service Authority Board of Directors meeting, then reconvene to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of appointments of individuals to County Boards and/or Commissions, and Section 2.2-3711(A)(1) of the Code of Virginia to consider a personnel matter in the Office of the County Attorney.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that on June 30 at 6:30 p.m. in the Rawls Byrd Elementary School gym, a public meeting will be held with the VDOT and the Jamestown 2007 Corridor Constructors for an update on the completion of the Route 199 and Jamestown Road intersection project.

Mr. McGlennon introduced Ms. Natalie Ford in the audience, who is working on a pre-assignment for his class.

Mr. Goodson recessed the Board at 7:44 p.m.

Mr. Goodson reconvened the Board at 7:47 p.m.

L. 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 for the consideration of appointments of individuals to County Boards and/or Commissions, and Section 2.2-3711(A)(1) of the Code of Virginia to consider a personnel matter in the Office of the County Attorney.

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 7:47 p.m.

Mr. Goodson reconvened the Board into Open Session at 8:08 p.m.

Mr. Harrison 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; and Section 2.2-3711(A)(1), to consider a personnel matter involving the Office of the County Attorney.

Mr. Bradshaw made a motion to reappoint Stephen Murphy to a four-year term on the Cable Communications Advisory Committee, term to expire on June 30, 2008; to appoint Nancy Shackelford to a four-year term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2008; and to reappoint Victoria B. Gussman to the Williamsburg Regional Library System Board of Trustees, term to expire on June 30, 2008.

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

Mr. Harrison made a motion to appoint himself, Joseph McCleary, Kay Thorington, Gerald Johnson, David Fuss, Hampton Jessie, Tom Tingle, Jon Nystrom, and Henry Branscome, II, to the Five Forks Area Study Committee.

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

Mr. McGlennon made a motion to appoint Leo P. Rogers as the Acting County Attorney.

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

M. ADJOURNMENT

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 8:11 p.m. Mr. Goodson adjourned the Board until 7 p.m. on July 13, 2004.

Sanford B. Wanner
Clerk to the Board

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