

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

January 2, 2003

4:00 P.M.

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A. ROLL CALL	
B. PUBLIC HEARINGS	
1. Lease Agreement - James City-Bruton Volunteer Fire Department	
2. Ordinance - Outdoor Water Use	
C. ORGANIZATIONAL MEETING	
1. Board of Supervisors	
2. James City County Transit Company	
a. James City County Transit Company Stockholders	
1. Board of Directors	
2. Minutes - January 2, 2002	
b. James City County Company Stockholders	
1. Board of Directors	
2. Minutes - October 22, 2002	
D. ADJOURNMENT	

MEMORANDUM

DATE: January 2, 2003
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Lease Agreement - James City-Bruton Volunteer Fire Department

The existing lease of the County owned property in Toano for use as a volunteer fire department by the James City-Bruton Volunteer Fire Department expires in 2005. The volunteers have asked for an early renewal of the lease in order to permit them to invest in desired building improvements and enhancements. The terms of the lease are acceptable to the volunteers and staff.

A resolution is attached authorizing the County Administrator to execute the attached lease agreement between James City County and James City-Bruton Volunteer Fire Department, Inc.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/gb
leaseagree.mem

Attachments

RESOLUTION

LEASE AGREEMENT JAMES CITY-BRUTON VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Board of Supervisors of James City County has been requested to approve a lease agreement between the County of James City and the James City-Bruton Volunteer Fire Department, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a lease agreement between James City County and the James City-Bruton Volunteer Fire Department, Inc.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of January, 2003.

leaseagree.res

THIS CONTRACT OF LEASE, made this _____ day of _____, 2003, between the **COUNTY OF JAMES CITY, VIRGINIA**, (herein known as the Lessor) and the **JAMES CITY-BRUTON VOLUNTEER FIRE DEPARTMENT, INC.** (herein known as the Lessee).

WITNESSETH: That for the consideration of \$20.00 paid to the Lessor by the Lessee, the Lessor agrees to lease and demise to the Lessees for the term of twenty (20) years from the date of this Lease the following described property, to-wit:

All that certain piece of parcel of land, situated in Stonehouse District, James City County, Virginia, containing 2.33 acres, more or less, and lying on the southerly side of Route #610, fronting on said Route #610 the distance of 225 feet, more or less, and running back from said Route #610 between parallel lines, 210 feet apart, said easterly parallel line being a distance of 10 feet from the easterly side of the fire station (Fire Station 1) and running parallel with said fire station, said parallel line being 510 feet, more or less.

This lease shall be automatically renewable for an additional 20-year period provided that both parties agree to such renewal and further provided that the Lessee attests to the Lessor, within ninety (90) days of the end of the lease term or any renewal period, that Lessee remains an active and productive organization able to provide fire and rescue services to the County.

WITNESS the following signatures and seals:

COUNTY OF JAMES CITY, VIRGINIA

By: _____
Sanford B. Wanner
County Administrator

**JAMES CITY-BRUTON VOLUNTEER
FIRE DEPARTMENT, INC.**

By: _____

Print Name: _____

Print Title: _____

MEMORANDUM

DATE: January 2, 2003

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority
Frank M. Morton, III, County Attorney

SUBJECT: Ordinance - Outdoor Water Use

On October 22, 2002, the Board adopted Ordinance No. 196A-1 implementing Executive Order 33 issued by Governor Warner, which prohibited many water uses in the Commonwealth. Governor Warner issued Executive Order 33 due to the ongoing drought in Virginia. As a result of recent rainfall, the Governor lifted many of the restrictions included in his Executive Order 33.

On November 12, 2002, the Board of Supervisors approved an Emergency Ordinance repealing Ordinance No. 196A-1. Since the Ordinance was approved under emergency conditions, it must be readopted within 60 days of its original adoption.

The attached ordinance, providing for the repeal of Ordinance No. 196A-1, has been duly advertised as required by the Code of Virginia.

Staff recommends that the Board approve the attached ordinance.

Larry M. Foster

Frank M. Morton, III

LMF/FMM/gb
outwateruse.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN EMERGENCY ORDINANCE NO. 196A-2
WHICH REPEALED THE GOVERNOR OF VIRGINIA'S EXECUTIVE ORDER 33.

Whereas, on November 12, 2002 the Governor of Virginia rescinded Executive Order 33 (2002);
and

*Whereas, the Board of Supervisors of James City County adopted Emergency Ordinance No.
196A-2 on November 12, 2002.*

*NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County,
Virginia, that Ordinance No. 196A-1 is hereby repealed.*

Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of
January, 2003.

h2oem0103.ord

MEMORANDUM

DATE: January 2, 2003
TO: The Board of Supervisors
FROM: Frank M. Morton, III, County Attorney
SUBJECT: Organizational Meeting

The Code of Virginia, Section 15.2-1416, requires the Board of Supervisors to organize at its first meeting in January.

The meeting should proceed generally as follows:

1. Nominations and elections of Chairman and Vice Chairman.
2. Establishment of meeting dates, place and times (this is accomplished by adopting the attached resolution).
3. Commission/Committee appointments, usually handled in closed session.
4. Appointment of The Board of Directors and Officers for the James City County Transit Company. The past practice has been that the Stockholders (all of whom are members of the Board of Supervisors) have served as the Board of Directors, the President has been a member of the Board of Supervisors and the Secretary/Treasurer has been a staff member. I suggest, with Sandy Wanner's concurrence, that Anthony Conyers, Jr., be renominated to that joint position. The Stockholders and the Board of Directors of the Transit Company must meet after these appointments are made to formally approve the appointments.

The Board of Supervisors has followed Robert's Rules of Order, and more specifically, the provisions which pertain to the Conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows:

Procedure in Small Boards. In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

- Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- Motions need not be seconded.
- There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- Informal discussion of a subject is permitted while no motion is pending.

Organizational Meeting

January 2, 2003

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- The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom with the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

In addition, the Board for the last several years has chosen to follow the following:

- Motions to rescind shall not be in order after the Board has made a decision on land use matters involving rezonings or special use permits. A motion to reconsider such matters must be made at the same meeting the original decision is made by the Board.

I believe these rules have worked effectively for these Boards and recommend their continuation.

I have attached the appropriate resolution for your consideration.

Frank M. Morton, III

FMM/gb
bosorg03.mem

Attachments

RESOLUTION

ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following rules shall apply for the Year 2003:

1. Regular meetings of the Board shall be held as shown on the attached 2003 calendar, in the Board Room of the James City County Government Center. The meeting time shall be 7:00 p.m.

Work session meetings of the Board shall be held at 4:00 p.m., Tuesday before the second regular meeting in the Board Room of the James City County Government Center.

2. The Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows; provided, however, the Board may amend by Resolution the Rules as it deems appropriate. The following rules shall apply:
 - a. Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
 - b. Motions need not be seconded.
 - c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
 - d. Informal discussion of a subject is permitted while no motion is pending.
 - e. The Chairman can speak in discussion without leaving the chair; and can make motions and votes on all questions.
3. In addition, the Board agrees to the following:
 - a. A motion to rescind shall not be in order in a land use decision involving a rezoning or a special use permit. A motion to reconsider such a decision must be made at the same meeting the decision is made by the Board.

- b. Should it be necessary to cancel an advertised Board of Supervisors meeting due to weather or other conditions, the meeting shall be continued forty-eight hours to the same time and place.

Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of January, 2003.

bosorg03.res

MEMORANDUM

DATE: January 2, 2003
TO: The Board of Supervisors
FROM: Frank M. Morton, III, County Attorney
SUBJECT: Organizational Meeting - James City County Transit Company

I recommend the various appointments relating to the Transit Company proceed as follows:

1. At the request of the Stockholders, the Board of Supervisors appoints the Board of Directors and officers.
2. The Stockholders convene to approve the appointments for the Board of Directors made under "1" above.
3. The Board of Directors convene to approve the appointments for officers made under "1" above.

Frank M. Morton, III

FMM/gb
jctorg03.mem

Attachments

MEMORANDUM

DATE: January 2, 2003
TO: The Board of Supervisors
FROM: Frank M. Morton, III, County Attorney
SUBJECT: Appointment of Board of Directors and Officers for James City County Transit Company

The James City County Transit Company Stockholders request that the Board of Supervisors appoint its Board of Directors, President, and Secretary/Treasurer for the Year 2003.

I have attached the appropriate resolution for your consideration.

Frank M. Morton, III

FMM/gb
bodorg03.mem

Attachment

RESOLUTION

APPOINTMENT OF BOARD OF DIRECTORS AND OFFICERS FOR

JAMES CITY COUNTY TRANSIT COMPANY BY

BOARD OF SUPERVISORS

WHEREAS, the Stockholders of the James City County Transit Company (Transit Co.) have requested the Board of Supervisors to appoint the Board of Directors and the officers of the Transit Company for the Year 2003.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby appoints as Directors of the Transit Company for the Year 2003 the following individuals:

Bruce C. Goodson
Jay T. Harrison, Sr.
James G. Kennedy
John J. McGlennon
Michael Brown

BE IT FURTHER RESOLVED, that the Board of Supervisors appoints the following officers:

President -

Secretary/Treasurer - Anthony Conyers, Jr.

Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of January, 2003.

jctbod03.res

MEMORANDUM

DATE: January 2, 2003
TO: The Stockholders of the James City County Transit Company
FROM: Frank M. Morton, III, County Attorney
SUBJECT: Approval of the Board of Directors

The Stockholders are requested to formally approve the Board of Directors for the James City County Transit Company appointed by the Board of Supervisors at its organizational meeting on January 2, 2003.

I have attached the appropriate resolution for your consideration.

Frank M. Morton, III

FMM/gb
bodappv03.mem

Attachment

RESOLUTION

APPROVAL OF BOARD OF DIRECTORS OF

JAMES CITY COUNTY TRANSIT BY STOCKHOLDERS

WHEREAS, the Board of Supervisors of James City County, Virginia, appointed the Board of Directors of the James City County Transit Company (Transit Co.) on January 2, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Stockholders of the James City County Transit Company, hereby approve as Directors of the Transit Company the following appointments of the Board of Supervisors:

Bruce C. Goodson
Jay T. Harrison, Sr.
James G. Kennedy
John J. McGlennon
Michael Brown

Stockholders, James City County Transit
Company

ATTEST:

Anthony Conyers, Jr.
Secretary/Treasurer

Adopted by the Stockholders of the James City County Transit Company, James City County, Virginia, this 2nd day of January, 2003.

AT A ORGANIZATIONAL MEETING OF THE JAMES CITY COUNTY TRANSIT STOCKHOLDERS, JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF JANUARY, 2002, AT 4:21 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy
Jay T. Harrison, Sr.
Michael J. Brown
John J. McGlennon
Bruce C. Goodson

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

B. ORGANIZATIONAL MEETING

Mr. Goodson made a motion to adopt the Resolution for Approval of the Officers for James City County Transit Company by the Board of Directors.

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

RESOLUTION

APPROVAL OF OFFICERS FOR JAMES CITY COUNTY

TRANSIT COMPANY BY THE BOARD OF DIRECTORS

WHEREAS, the Board of Supervisors of James City County, Virginia, appointed the Officers of the James City County Transit Company (Transit Co.) on January 2, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City County Transit Company, hereby approves as Officers of the Transit Company the following appointments of the Board of Supervisors:

President - John J. McGlennon

Secretary/Treasurer - Anthony Conyers, Jr.

Mr. Kennedy made a motion to approve the minutes for the January 2, 2001, Transit Company meeting.

The motion passed by unanimous voice vote.

Mr. McGlennon adjourned the Board at 4:22 p.m.

Anthony Conyers, Jr.
Secretary

010202bdtranstock.min

MEMORANDUM

DATE: January 2, 2003
TO: The Board of Directors of the James City County Transit Company
FROM: Frank M. Morton, III, County Attorney
SUBJECT: Approval of Officers

The Board of Directors is requested to formally approve the Officers for the James City County Transit Company appointed by the Board of Supervisors at its organizational meeting on January 2, 2003.

I have attached the appropriate resolution for your consideration.

Frank M. Morton, III

FMM/gb
offappv03.mem

Attachments

RESOLUTION

APPROVAL OF OFFICERS FOR JAMES CITY COUNTY

TRANSIT COMPANY BY THE BOARD OF DIRECTORS

WHEREAS, the Board of Supervisors of James City County, Virginia, appointed the Officers of the James City County Transit Company (Transit Co.) on January 2, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City County Transit Company, hereby approves as Officers of the Transit Company the following appointments of the Board of Supervisors:

President -

Secretary/Treasurer - Anthony Conyers, Jr.

Board of Directors James City County Transit
Company

ATTEST:

Anthony Conyers, Jr.
Secretary/Treasurer

Adopted by the Board of Directors of the James City County Transit Company, James City County, Virginia, this 2nd day of January, 2003.

AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY COUNTY TRANSIT COMPANY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 22ND DAY OF OCTOBER, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, President
Michael J. Brown
Bruce C. Goodson
Jay T. Harrison, Sr.
James G. Kennedy

Anthony Conyers, Jr., Secretary

B. CONSENT CALENDAR

Mr. McGlennon stated that the James City County Transit Company celebrated its 25th anniversary on October 19, for providing public transportation service in the County.

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

The motion passed by a unanimous voice vote.

1. Minutes - August 13, 2002, Regular Meeting
2. FTA Civil Rights and Title VI Assurances

RESOLUTION

FTA CIVIL RIGHTS AND TITLE VI ASSURANCE

WHEREAS, the Federal government has made funds available for public transportation; and

WHEREAS, the Board of Directors of James City County Transit Company desires to secure funds in support of James City County Transit operations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City County Transit Company, James City County, Virginia, hereby authorizes the President of the James City County Transit Company to sign Federal Transit Administration Title VI Assurances, Appendices A and B. These Assurances ensure the following:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of the transportation services and transit related benefits.
2. The James City County Transit Company will complete, maintain, and submit in a timely

manner, Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 48 CFR Part 21.8.

3. The James City County Transit Company will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin, as it relates to the provision of transportation services and transit related benefits, may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

BE IT FURTHER RESOLVED that the Board of Directors of the James City County Transit Company, certifies that the funds shall be used in accordance with Title VI of the Civil Rights Assurances and Title VI of the Civil Rights Act as provided by the Department of Transportation's Federal Transit Administration and subject to audit.

C. BOARD REQUESTS AND DIRECTIVES - None

D. ADJOURNMENT

Mr. Goodson made a motion to adjourn.

The motion passed by a unanimous voice vote.

Mr. McGlennon adjourned the Board at 8:14 p.m.

Sanford B. Wanner
Secretary to the Board