

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 10, 2003

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. MOMENT OF SILENCE	
C. PLEDGE OF ALLEGIANCE – Matthew John Butler, a ninth-grade student at Williamsburg Christian Academy	
D. PUBLIC COMMENT	
E. CONSENT CALENDAR	
1. Minutes -	
a. May 13, 2003, Regular Meeting	1
b. May 27, 2003, Work Session	15
c. May 27, 2003, Regular Meeting	17
2. Department of Criminal Justice Services Grant - Records System Improvement . . .	27
3. Dedication of Streets in Stonehouse, Part I - Sections 1, 2, and 3	29
4. Award of Contract - James City/Williamsburg Community Center Pool Light Replacement and Ceiling Painting	33
5. Virginia Department of Emergency Management Awards	35
6. Award of Contract - Computer Aided Dispatch Software System	37
7. Naming of the District Park	39
8. Resolution of Support for the American Passenger Rail Agreement	43
9. Resolution of Approval for Williamsburg Landing, Inc., Revenue and Refunding Bond Issue	45
10. Issuance and Sale of General Obligation Public Improvements Refunding Bonds, Series 2003, of the County of James City, Virginia, and Providing for the Form, Details, and Payment Thereof	55
F. PUBLIC HEARINGS	
1. Case No. SUP-10-03. Leighton-Herrmann Family Subdivision (continued from May 13, 2003)	73
2. Case No. SUP-2-03. Hankins Industrial Park Ready Mixed Concrete Plant (continued from May 13, 2003)	87
G. PUBLIC COMMENT	
H. REPORTS OF THE COUNTY ADMINISTRATOR	

-CONTINUED-

I. BOARD REQUESTS AND DIRECTIVES

J. CLOSED SESSION

1. Consideration of Personnel Matters, the Appointment of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Social Services Advisory Board
 - b. Williamsburg Regional Library Board of Trustees
2. Consideration of the Acquisition of a Parcel of Property for Public Use, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

K. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF MAY, 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, Absent
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. Goodson requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Antoine Whitby, a ninth-grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. May is Bike Month

Mr. Goodson presented Mr. Ned Cheely, Mr. Tom King, and Ms. Kitty Preston, with a resolution declaring May as Bike Month in James City County and accepted a Certificate of Recognition for Bike Month signed by Governor Warner.

2. Williamsburg Christian Academy Update Report – Lorraine Perkins

Ms. Loraine Perkins provided an updated of the relocation of the Williamsburg Christian Academy to 101 School House Lane.

3. Employee and Volunteer Outstanding Service Awards

Mr. Goodson and the Board members presented Outstanding Service Award plaques to the following teams: *Beacon of Freedom Award*: Noreen Bernstein, Jim Bradley, Antionette Brennan, Rita Dimmett-Godfrey, Bob Doars, John Hornback, Virginia Lee, Barbara McGowan, Ann Parker, Jenny Payne, William Ricketts, Joseph Rountree, Jane Strauss, Todd Williamson, Bob Winters, and Barbara Ziman; *Child Welfare*:

Christina Sawyer and Mackenzie Sieler; *Neighborhood Conference Committee*: Terry Buntrock, Helen Clendenin, Nancy Ellis, Peggie Gaul, Henry Goldner, Frankie Gorrell, Stan Gorrell, Carole Giuliano, Debbie Hipple, Mike Litterst, Caroline Rhodes, Rudy Schwab, and Rick Smethurst; *Paws to Read at the Library*: Lillian Barrett, Maggie Black, Jo Brooks, Deidre Bucci, Donna Bucci, Angel Carlton, Doug Carlton, Charlesey Delorenzo, Neil Delorenzo, Cathy Dodgen, Connie Holland, Ann Kushnick, Peter Kushnick, Trudy McLain, Stephanie Owens, Cindy Palmaz, Claudio Palmaz, Rebecca Peebles, Helen Phillips, Tammy Price, Nancy Scott, Kenneth Snider, John Underwood, Ramona Underwood, Bill Wagner, Jo Ann Wagner; *Police Department Accreditation*: Emmett Harmon, Jeff Hicklin, Terry Hutchens, and Ken Middlebrook; *Purchase of Development Rights*: L. Bruce Abbott, Thomas Belden, Loretta Garrett, David Hertzler, II, and David Powell, Jr.; and the *Youth Council*: Peyton Akers, Alexandra Armstead, Andre Brooks, Ari Caramanica, Taylor Green, Cristin Kelsh, Sara Knicely, David McLane, Megan Mannarino, Jessica Pearson, Kelvin Pressy, Alexis Smith, Kadari Watson, and Christina Weber; to the following individuals: Amanda Hayes, Arlana Fauntleroy, and Kirk Moore; and a Life Saving Award to Bernadette Williams.

E. PUBLIC COMMENT

1. Mr. Bruce Abbott, 4478 Centerville Road, requested the Board encourage Southern States to remain in the County or City of Williamsburg and not close the store serving the region.

2. Mr. Ed Oyer, 139 Indian Circle, stated that the proposed stormwater fees and other fees imposed by the government are a drain on retired citizens with fixed incomes, and commented that military base pay is the basis for Social Security payments.

F. CONSENT CALENDAR

Mr. Goodson inquired if the Board wished to pull an item from the Consent Calendar for discussion.

Mr. Kennedy requested that Item Number 8, Budget Amendments – Fire Station No. 5, Courthouse, and GIS Mapping System, 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: McGlennon, Brown, Goodson, Kennedy, (4). NAY: (0). ABSENT: Harrison (1).

1. Minutes
 - a. April 10, 2003, Budget Work Session
 - b. April 14, 2003, Budget Work Session
 - c. April 16, 2003, Budget Work Session

2. May is Bike Month

RESOLUTION

MAY IS BIKE MONTH

WHEREAS, cycling is a relaxing and enjoyable mode of exercise and transportation for many men, women, and children throughout James City County, and it is a convenient and environmentally clean way for many to travel between work, school, and home; and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise, and it is important for children and adults to learn the basics of bicycle safety and to always wear a safety helmet while bicycle riding; and

WHEREAS, Bike Month is designed to increase awareness about bicycling opportunities through organized activities such as bike-to-work days and bike rodeos for children.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2003 as Bike Month in James City County, Virginia, and call this observance to the attention of its citizens.

3. Virginia Leadership Association

RESOLUTION

VIRGINIA LEADERSHIP ASSOCIATION

WHEREAS, leadership programs from across the Commonwealth share many of the same opportunities, priorities, and challenges; and

WHEREAS, directors of leadership programs have come together in agreement that a State coalition of leadership programs be created to share best practices and stimulate improvement; and

WHEREAS, a State coalition will create a forum for leadership programs to effectively network and communicate shared ideas, visions, and long-term strategies.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, supports and endorses the Virginia Leadership Association (VLA), an organization whose purpose is to strengthen communities throughout Virginia by fostering the principles of community leadership and civic engagement.

4. Installation of “Watch for Children” Sign – The Meadows

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGN - THE MEADOWS

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of Whistle Walk in The Meadows community have requested that a “Watch for Children” sign be installed on Whistle Walk as illustrated on the attached drawing titled “The Meadows ‘Watch for Children Sign’.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain one “Watch for Children” sign as requested with funds from the County’s secondary road system maintenance allocation.

5. Dedication of Streets in Villages of Westminster – Phase 1, Section 2; Phase 2, Section 2; Phase 4, Sections 1 and 2; and Phase 5, Sections 1 and 2

RESOLUTION

DEDICATION OF STREETS IN VILLAGES OF WESTMINSTER - PHASE 1, SECTION 2;

PHASE 2, SECTION 1; PHASE 4, SECTIONS 1 AND 2; AND PHASE 5, SECTIONS 1 AND 2

WHEREAS, the streets described on the attached Additions Forms SR-5(A)s, fully incorporated herein by reference, are shown on plats recorded in the Clerk’s Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Forms SR-5(A)s to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department’s Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

6. Destruction of Paid Personal Property and Real Estate Tax Tickets

RESOLUTION

DESTRUCTION OF PAID REAL ESTATE TAX TICKETS

WHEREAS, the Code of Virginia § 58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid real estate tax records from 1992, 1996, and 1997.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the paid real estate tax records from 1992, 1996, and 1997.

RESOLUTION

DESTRUCTION OF PAID PERSONAL PROPERTY TAX TICKETS

WHEREAS, the Code of Virginia § 58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid personal property tax records from 1992, 1996, and 1997.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the paid personal property tax records from 1992, 1996, and 1997.

7. Williamsburg Regional Library System Board of Trustees Reappointment – Assistant County Administrator

9. Reimbursement – High School Facility Financing

RESOLUTION

REIMBURSEMENT - HIGH SCHOOL FACILITY FINANCING

WHEREAS, James City County, Virginia (the "County") has made or will make expenditures (the "Expenditures") in connection with the construction and/or expansion of high school facilities, to include possible land acquisition (the "Project"); and

WHEREAS, the County may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County from the proceeds of one or more tax-exempt obligations to be issued by or on behalf of the County (the "Indebtedness").

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

1. The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.
2. The maximum principal amount of Indebtedness expected to be issued for the Project is \$45,000.000.
3. This resolution shall take effect immediately upon its adoption.

10. Virginia Department of Transportation Williamsburg Residency

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION

WILLIAMSBURG RESIDENCY

WHEREAS, an article in the April 22, 2003, Richmond Times Dispatch entitled "State Engineers' Credential's Weak" indicated that the Virginia Department of Transportation (VDOT) may take action to ensure all resident engineers are licensed Professional Engineers; and

WHEREAS, the Resident Engineer for the Williamsburg Residency, Steven W. Hicks, was promoted to Resident Engineer by VDOT knowing that he was a planner and not a licensed Professional Engineer; and

WHEREAS, during his tenure as Resident Engineer, Steven W. Hicks has demonstrated leadership, a commitment to excellence and a commitment to partnering with local governments to meet their transportation needs; and

WHEREAS, sufficient engineering expertise exists at either the residency or district levels within VDOT to address engineering issues.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Commonwealth Transportation Board and the Commissioner of Transportation to modify the requirement that VDOT resident engineers be licensed Professional Engineers and allow VDOT employees who clearly show the skills necessary to be effective resident engineers, such as Mr. Hicks, to remain in their positions.

8. Budget Amendments – Fire Station No. 5, Courthouse, and GIS Mapping System

Mr. Kennedy inquired about the need to replace the Courthouse security x-ray machine.

Mr. McDonald stated that parts are not available for the existing security x-ray machine and it is recommended the entire unit be replaced by a unit recommended by the U. S. Marshall Service.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

BUDGET AMENDMENTS - FIRE STATION NO. 5,

COURTHOUSE, AND GIS MAPPING SYSTEM

WHEREAS, emergency repairs are required for the fuel tanks at Fire Station No. 5 on Monticello Avenue and the costs are estimated at \$30,000; and

WHEREAS, funds for the final \$28,000 annual payment under a contract for orthophotography were not included in the FY 2003 Budget; and

WHEREAS, the Courthouse x-ray machine needs to be replaced at a cost not to exceed \$27,000, and Courthouse Maintenance Funds can be used.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that \$58,000 in funds budgeted in FY 2003 in Operating Contingency be transferred for the purposes identified below:

Fleet Maintenance – Fuel Tank Repair	\$30,000
Real Estate Assessments – Contracted Orthophotography	<u>\$28,000</u>
Total	<u>\$58,000</u>

BE IT FURTHER RESOLVED that a sum not to exceed \$27,000 be appropriated from the Courthouse Maintenance Fund to the County’s Special Grant Fund to acquire a new security x-ray machine.

G. PUBLIC HEARINGS

Mr. Goodson recognized Mr. Joe Poole, Planning Commission, in the audience.

1. Case No. SUP-10-03. Leighton-Herrmann Family Subdivision

Mr. Matthew D. Arcieri, Planner, stated that Michael Leighton-Herrmann applied for a special use permit for a family subdivision of approximately 10.8 acres zoned A-1, General Agricultural, at 217 Skillman Drive, further identified as Parcel No. (4-11) on James City County Real Estate Tax Map No. (4-3).

Staff found the proposal to be consistent with the surrounding zoning and development and recommended approval of the application with conditions.

Mr. Goodson stated that following the Public Hearing, and without objection from the Board, the case will be continued to June 10, 2003.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson continued the case to the Board's next regular meeting to be held on June 10, 2003, at 7 p.m.

2. Case No. SUP-2-03. Hankins Industrial Park Ready Mixed Concrete Plant

Mr. Vernon M. Geddy, III, applied on behalf of Southern Equipment Company, Inc., for a special use permit (SUP), to allow the construction and operation of a Ready Mixed Concrete Plant at 190 Industrial Boulevard in the Hankins Industrial Park, Toano, VA, on approximately 16.22 acres zoned M-2, General Industrial, and further identified as Parcel No. (1-13) on the James City County Real Estate Tax Map No. (12-4).

Staff found the proposed Ready Mixed Concrete plant consistent with the surrounding zoning, development, and the 1997 Comprehensive Plan.

At its meeting on April 7, 2003, the Planning Commission voted 6-1 to recommend approval of this special use permit application.

Mr. Goodson stated that following the Public Hearing, and without objection from the Board, the case will be continued to June 10, 2003.

Mr. Goodson opened the Public Hearing.

1. Mr. Tony Dion, 102 Fairmont Drive, recapped an E-Mail he sent to the Planning office and to the members of the Board regarding his concern about the operation hours of the business, number of trips to be generated, the amount of concrete, and the basis of the DEQ Permit for the operation of this business.

Mr. Dion requested the Board outline the conditions in the permit addressing his concerns should the Board chooses to approve this application, but requested the Board's denial of the application.

As no one else wished to speak to this matter, Mr. Goodson continued the case to the Board's next regular meeting to be held on June 10, 2003, at 7 p.m.

3. Proposed Agreement Between the Virginia Department of Transportation and the Board of Supervisors of James City County, Virginia, for the Removal of illegal Advertisement Within the Limits of Highways

Mr. Wanner stated that staff has been working with the Virginia Department of Transportation (VDOT) to develop a cooperative agreement that would permit designated County employees, specifically Zoning Officers, to remove such signs placed in the VDOT right-of-way and for prosecuting violations of Section 33.1-373 of the Code of Virginia, Annotated.

The Board and staff held a brief discussion concerning the placement of political signs in VDOT right-of-ways before the elections and their removal within three days after the election.

Mr. Morton stated that the State Code does not speak to when political signs can be posted, only to when they should be removed.

Mr. Goodson opened the Public Hearing.

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

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

RESOLUTION

**PROPOSED AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF
TRANSPORTATION AND THE BOARD OF SUPERVISORS OF
JAMES CITY COUNTY, VIRGINIA, FOR THE REMOVAL OF
ILLEGAL ADVERTISEMENT WITHIN THE LIMITS OF HIGHWAYS**

WHEREAS, the Board of Supervisors of James City County, Virginia (“Board”), has the authority to enter into an agreement with the Virginia Department of Transportation (VDOT) under §33.1-375.1 of the Code of Virginia Annotated; and

WHEREAS, a public hearing was held on May 13, 2003, to determine if the public health, safety, morale, or welfare requires that a sign removal program be adopted.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve an Agreement with the Virginia Department of Transportation under § 33.1-373 of the Code of Virginia Annotated to adopt a County sign removal program, and designates the Zoning Administrator to be the County’s responsible party for enforcement under the Agreement.

H. BOARD CONSIDERATION

1. Exemptions from Real and Personal Property Taxes

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the 2003 session of the General Assembly amended the Code to accommodate an amendment approved by voters last November in the Constitution of Virginia to delegate authority and responsibility of exempting real and personal property to local governments.

Mr. McDonald stated that beginning retroactively, as of January 1, 2003, the Board of Supervisors will have the authority to act by ordinance to exempt real and personal property from taxation. Staff has set out an outline for a legislative policy that will apply to applications for tax exemptions and has also provided a draft application for the Board's review.

Mr. McDonald recommended approval of the resolution for guidelines for the review and approval of requests for exemptions.

Mr. Goodson inquired if each exemption would have to have a Public Hearing.

Mr. Morton stated that each exemption would be an Ordinance, which would require a Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

EXEMPTIONS FROM REAL AND PERSONAL PROPERTY TAXES

WHEREAS, the Virginia General Assembly has adopted legislation stating that the Board of Supervisors of James City County may, by designation or by classification, exempt from property taxes by an adopted ordinance, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, certain pre-existing tax exemptions granted by the General Assembly after 1971 are taxable as of January 1, 2003, and would now need a local ordinance to be tax-exempt; and

WHEREAS, the Board of Supervisors has been requested to adopt guidelines for the review and approval of requests for exemptions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the following requirements before advertising an ordinance for public hearing that would allow an exemption from real and/or personal property taxes:

1. A completed application that provides sufficient information about the applicant and the property that the Board of Supervisors will be able to consider the standards and questions mandated by Section 58.1-3651 of the Code of Virginia; and

2. A check in the amount of \$100 to cover the costs of advertising for the public hearing.

2. Real Estate Sales and Option Purchase Agreement/TMB Service Corp./Warhill

Mr. Wanner stated that the Schools have selected the Warhill site as the most feasible location for a school. The County owns approximately 40 acres as part of the 1996 Warhill acquisition and that the remainder of the land should be purchased with the school site. Staff approached TMB regarding purchase of the site and began negotiations for the purchase of approximately 67.7 acres zoned PUD-C, Mixed Use. TMB told staff they would sell the entire site only. TMB was not interested in selling only a portion of the site

Staff and TMB negotiated a price of \$2,150,000 for the site and staff recommended the Board approve the resolution authorizing the execution of the purchase agreement.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

REAL ESTATE SALES AND OPTION PURCHASE AGREEMENT/

TMB SERVICE CORP./WARHILL

WHEREAS, the Williamsburg-James City County Schools (“Schools”) and the County have been interested in securing a site for an eventual third high school; and

WHEREAS, the Schools have identified 40 acres of the County-owned Warhill site and an additional 30.4 acres of adjacent property owned by TMB Service Corp. (“TMB”) as the most feasible site for a high school; and

WHEREAS, the County has negotiated with TMB and reached a purchase price of \$2,150,000 for the entire TMB site consisting of 67.7± acres; and

WHEREAS, the County and TMB wish to enter into an Option Purchase Agreement and TMB has executed the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Option Purchase Agreement and any other documentation necessary to purchase the 67.7± tract owned by TMB.

3. Capital Budget Amendments – School Site Acquisition

Mr. John E. McDonald, Manager of Financial and Management Services, recommended the Board adopt the resolution authorizing the necessary budget transfers to allow for the purchase of the site for \$2,150,000.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CAPITAL BUDGET AMENDMENTS - SCHOOL SITE ACQUISITION

WHEREAS, the James City County Board of Supervisors has been asked to increase the capital budget line item designated for the purchase of a high school site from the current budget balance of \$753,012 to a total of \$1,250,000, an increase totaling \$496,988; and

WHEREAS, this sum, combined with \$900,000 from the County’s Operating and Capital Budgets for economic development, may be used to acquire property with the potential to be both a high school site and a site for future commercial/industrial development.

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

To:

High School Site Acquisition \$496,988

From:

Operating Contingency \$260,988

(Through Transfer from County General Fund)

Capital Contingency 236,000

\$496,988

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended 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.

Mr. Wanner recommended that at the conclusion of the Board’s business, the Board adjourn until 4 p.m. on May 27 for a Work Session to be followed by a Regular Meeting at 7 p.m.

K. BOARD REQUESTS AND DIRECTIVES - None

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

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

At 8 p.m. Mr. Goodson convened the Board into Closed Session

At 8:04 p.m., Mr. Goodson reconvened the Board into Open Session.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy, (4). NAY: (0). ABSENT: Harrison (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 re-appoint William Pennock to a five-year term on the Board of Building Adjustments and Appeals; term to expire on May 13, 2008, and to reappoint Roger Guernsey and two alternates: Beth Crowder and Alan Jenner to five-year terms on the Board of Building Adjustments and Appeals.

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

M. RECESS

At 8:04 p.m. Mr. Goodson recessed the Board until 4 p.m. on May 27, 2003.

Sanford B. Wanner
Clerk to the Board

051303bs.min

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF MAY, 2003, AT 4:00 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, Absent
James G. Kennedy, Stonehouse District

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

B. BOARD DISCUSSION

1. Crossroads Update – New Town

Mr. Alvin Anderson, Attorney for New Town Associates, and Mr. John McCann, Manager New Town, provided the Board with a status report on the development of New Town.

The Board and Mr. McCann discussed affordable homes within the residential village of New Town; types of businesses relocating to New Town from the Greater Williamsburg Area; and that residential housing will be targeted to middle-income citizens.

2. Youth Advisory Council

Mr. Anthony Conyers, Jr., Community Services Manager, and Nancy Ellis, Superintendent of Recreation, introduced the Youth Advisory Council. Staff and members of the Council provided a brief background on the Council, accomplishments, and goals.

The Board and Council discussed how the Council can contribute to the government, citizens, and potential future of the community; proposed third high school impact on students; and services and opportunities for youth to learn and grow while having fun.

3. Ironbound Square Redevelopment and Senior Citizen Housing

Mr. Anthony Conyers, Jr., Community Services Manager, introduced Rick Hanson, Housing and Community Development Administrator.

Mr. Hanson provided the Board with an overview of the Ironbound Square Redevelopment Plan and an update on Senior Citizen Housing, as well as down-payment financing assistance.

Mr. Hanson introduced Ms. Kathy E. Vesley, Senior Vice President of Bay Aging, and Mr. Bill Massey, Peninsula Area Agency on Aging, who provided the Board with an overview of services available from the organizations for this project.

A discussion was held regarding steps to minimize the resale of affordable housing at unaffordable rates, and what mechanisms could be put in place to minimize that tendency.

C. RECESS

At 5:27 p.m., the Board broke for supper.

Sanford B. Wanner
Clerk to the Board

052703bsws.min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF MAY, 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, Absent
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

Makonna Johnson and Shakeela Johnson led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Clean County Commission Annual Report – Felecia Manley, Chair

Ms. Felecia Manley, Chair of the Clean County Commission provided the Board with an overview of the Commission's accomplishments during the past year including litter control, beautification, recycling, and educational efforts.

E. PUBLIC COMMENT

1. Ms. Ruth Larson, Vice President of The Meadows Homeowners' Association, stated concern regarding the safety of pedestrians and vehicles because of the traffic turning movements into Mid County Park and onto Old Field Road.

2. Mr. Ed Oyer, 139 Indian Circle, commended the organizers of the Memorial Service held at Williamsburg Memorial Park on Memorial Day.

F. HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation, stated that Racefield Drive (Route 622) is scheduled to be paved in July and the portion of Ironbound Road (Route 615) between Sandy Bay Road (Route 681) and Jamestown Road (Route 31) will be worked on in August.

Mr. Harrison restated Ms. Larson's concern about the turn lane into Mid County Park.

Mr. Hicks stated that he would have a traffic study performed on the site.

Mr. Harrison requested if the drainage area along Ironbound Road (Route 615) will be maintained regularly.

Mr. Hicks stated that it will be cleaned and monitored.

Mr. Kennedy requested guardrails be installed along Route 60 in both the Lightfoot area and the area near the Olive Branch Church to reduce the number of vehicular accidents.

Mr. Hicks stated that he would have VDOT review the recommendation.

G. CONSENT CALENDAR

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

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

1. Minutes –
 - a. April 22, 2003, Regular Meeting
2. Additional Allocations – Social Services Division

RESOLUTION

ADDITIONAL ALLOCATIONS - SOCIAL SERVICES DIVISION

WHEREAS, the State Department of Social Services has provided additional funding for Head Start Child Day Care, VIEW Job Working/Transitional Child Day Care, and Fee System Child Day Care; and

WHEREAS, sufficient matching funds have been previously appropriated in the Social Services budget.

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

Revenues:

From the Commonwealth

\$81,335

Expenditures:

Head Start Child Day Care	\$13,000
VIEW JOBS Working/Trans Child Day Care	35,928
Fee System Child Day Care Fee	40,000
Fringe Benefits (Local Funding)	<u>(7,593)</u>
	<u>\$81,335</u>

3. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Daniel Waltrip

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

CIVIL CHARGE - DANIEL WALTRIP

WHEREAS, Daniel Waltrip is the owner of a certain parcel of land, commonly known as 157 Saw Mill Road, designated as Parcel No. (1-22B) on James City County Real Estate Tax Map No. (36-3); hereinafter referred to as the (“Property”); and

WHEREAS, on or about April 4, 2002, it was determined by County staff that vegetation was removed from approximately 3,000 square feet of area in the Resource Protection Area on the Property; and

WHEREAS, Daniel Waltrip agreed to a Restoration Plan to replant 30 trees or 90 shrubs, on the Property in order to remedy the violation under the County’s Chesapeake Bay Preservation Ordinance and Daniel Waltrip has provided surety to the County to guarantee the completion of the restoration for the Resource Protection Area on the Property; and

WHEREAS, Daniel Waltrip has agreed to pay \$2,500 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,500 civil charge from Daniel Waltrip as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

4. Concerning the Issuance of Refunding Revenue Bonds Series 2003 by the Virginia Peninsula Regional Jail Authority

RESOLUTION OF THE COUNTY OF JAMES CITY

CONCERNING THE ISSUANCE OF REFUNDING REVENUE BONDS SERIES 2003

BY THE VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

- WHEREAS, the County of James City is a member of the Virginia Peninsula Regional Jail Authority (the "Authority") created by the County of James City, the City of Poquoson, the City of Williamsburg, and the County of York (collectively, the "Member Jurisdictions") pursuant to Article 3.1, Chapter 3, Title 53.1 of the Code of Virginia of 1950, as amended (the "Act"); and
- WHEREAS, the Authority and the Member Jurisdictions entered in a Cooperative Service Agreement dated as of November 14, 1994, as superseded by an Amended and Restated Cooperative Service Agreement dated as of August 1, 1995 (the "Service Agreement") which provided, among other things, for the planning, development, and operation of the Authority's regional jail facility (the "Regional Jail"), and provided for the financing of the Regional Jail through the issuance of the Authority's revenue bonds; and
- WHEREAS, in furtherance of the provisions of the Service Agreement and the Act, the Authority issued its Regional Jail Facility Revenue Bonds, Series 1995, in the aggregate principal amount of \$36,340,000 (the "1995 Bonds"); and
- WHEREAS, in connection with the issuance of the Authority's 1995 Bonds, each of the Member Jurisdictions agreed in the Service Agreement, subject to the appropriation of funds for such purposes, to provide funding makeup support on a proportionate basis for: (i) the payment of debt service on the 1995 Bonds and (ii) to cure any deficiency in the debt service reserve fund established by the Authority for the 1995 Bonds in the event the Authority lacked sufficient funds to make such payment or to cure such deficiency (the "Debt Service and Reserve Makeup Undertaking"); and
- WHEREAS, in connection with the issuance of the 1995 Bonds by the Authority, the Member Jurisdictions further agreed to provide annually for as long as the 1995 Bonds remained outstanding to each nationally recognized municipal securities information repository certain financial information and operating data as more particularly described in the Continuing Disclosure Agreement dated September 15, 1995, (the "Continuing Disclosure Agreement") among the Authority, the Member Jurisdictions, and Crestar Bank, now SunTrust Bank, as dissemination agent (the "Continuing Disclosure Undertaking"); and
- WHEREAS, in order to achieve debt service savings and to restructure debt service payments, the Authority proposes to issue a series of refunding bonds in the aggregate principal amount of approximately \$21,655,000 (the "Refunding Bonds") to refund a portion of the 1995 Bonds and to apply the prepaid reimbursement payment received from the Commonwealth of Virginia for the Commonwealth's share of the construction and financing costs of the Regional Jail to defease and redeem the balance of the 1995 Bonds; and
- WHEREAS, such refunding, defeasance, and redemption of the 1995 Bonds by the Authority will cause the Debt Service and Reserve Makeup Undertaking and the Continuing Disclosure Undertaking of the Member Jurisdictions with respect to the 1995 Bonds to terminate; and

WHEREAS, to facilitate the sale of the Refunding Bonds, the insurer for the Refunding Bonds has required that the Authority request that each Member Jurisdiction agree to extend its Continuing Disclosure Undertaking and agree to extend its Debt Service and Reserve Makeup Undertaking to the Authority for the Refunding Bonds.

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

1. Approval of Continuing Disclosure Agreement. The Continuing Disclosure Undertaking in connection with the issuance of the Authority's Refunding Bonds is hereby approved, such undertaking being on substantially the same terms and conditions as are set forth in the Continuing Disclosure Agreement for the Authority's 1995 Bonds, the form of which is on file with the County, which is hereby approved in substantially such form.
2. Approval of Debt Service and Reserve Makeup Undertaking. The Debt Service and Reserve Makeup Undertaking for the Authority's Refunding Bonds is hereby approved on substantially the same terms and conditions as such undertaking is contained in the Service Agreement, including the requirement that such undertaking is subject to the appropriation of funds for such purpose, provided, however, the percentage on which such undertaking shall be based for each Member Jurisdiction in any given fiscal year in which payment may be required shall be derived from the percentage of each Member Jurisdiction's utilization of the Regional Jail for the immediately preceding fiscal year.
3. Approval and Execution of Documents. The Chairman or the Vice Chairman are each authorized to execute and deliver on behalf of the Authority, and, if required, the Secretary or any Assistant Secretary of the Authority is authorized to affix and attest the seal of the Authority to, the Continuing Disclosure Agreement in substantially the form on file with such changes, insertions, or omissions, as may be approved by the Chairman or Vice Chairman, and to any amendment to the Service Agreement which may be necessary or desirable to reflect the changes to the Debt Service and Reserve Makeup percentage herein authorized, whose approval will be evidenced conclusively by the execution and delivery of such documents. Each officer of the County is authorized to execute and deliver on behalf of the County such other instruments, documents, or certificates, and to do and perform such things and acts, as they deem necessary or appropriate to carry out the transactions authorized by this Resolution and all of the foregoing, previously done or performed by such officers, are in all respects approved, ratified, and confirmed.
4. This resolution shall take effect immediately.

5. Contributions to Conferences, Inc.

RESOLUTION

CONTRIBUTION TO CONFERENCES, INC.

WHEREAS, the Virginia Association of Counties (VACo) will be hosting the National Association of Counties (NACo) annual conference in July 2007; and

WHEREAS, VACo has created a nonprofit corporation (Conferences, Inc.) to raise funds; and

WHEREAS, VACo has requested each Virginia county to contribute a minimum of \$1,000 to Conferences Inc., in order to assist VACo to carry out its responsibilities and duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes \$1,000 to be paid to Conferences Inc., from FY 03 Board Professional Services.

H. PUBLIC HEARING

1. Public Hearing to Authorize the Acquisition by Voluntary Conveyance or Condemnation of Certain Easements Across Property at 1321 Jamestown Road, James City County, Virginia, Owned by Sarah A. Armistead, Trustee, and Letitia Hanson, for Public Purposes, To Wit: Easements Related to a Public Water Supply

Mr. Larry M. Foster, General Manager of the James City Service Authority, stated that staff has been informed that a public hearing is required for this matter which the Board approved on April 22, 2003.

Staff recommended that following a Public Hearing, the Board adopt the resolution.

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 resolution.

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

A RESOLUTION TO AUTHORIZE THE ACQUISITION, BY
VOLUNTARY CONVEYANCE OR CONDEMNATION, OF CERTAIN
EASEMENTS ACROSS PROPERTY AT 1321 JAMESTOWN ROAD,
JAMES CITY COUNTY, VIRGINIA, OWNED BY SARAH H. ARMISTEAD,
TRUSTEE, AND LETITIA HANSON, FOR PUBLIC PURPOSES,
TO WIT: EASEMENTS RELATED TO A PUBLIC WATER SUPPLY SYSTEM

WHEREAS, the James City Service Authority is constructing a desalinization plant which will require a concentrate discharge line; and

WHEREAS, the concentrate discharge line needs to cross certain real property commonly known as 1321 Jamestown Road and designated as Parcel No. (1-24) on James City County Real Estate Tax Map No. (46-2) (the "Property"); and

WHEREAS, after holding a public hearing, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of easements across the Property for the installation, operation, maintenance and/or removal of an underground liquid transmission pipeline and utility services related to a public water supply system, for public purposes and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

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

1. The acquisition of the hereinafter described property for water supply system purposes is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by § 15.2-1900, Code of Virginia (1950), as amended.
2. The County elects to use the procedures set forth in §§ 33.1-119 through 33.1-132, as authorized by §15.2-1904A, Code of Virginia (1950), as amended.
3. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent to so enter and take the property under those powers granted the Commonwealth Transportation Commissioner pursuant to §§ 33.1-119 through 33.1-132, Code of Virginia (1950), as amended.
4. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan be and they are hereby authorized and directed to acquire by voluntary acquisition or, if necessary, by condemnation in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Article 7 (§ 33.1-89 *et seq.*), Code of Virginia (1950), as amended, the hereinafter described property.
5. The names of the present owners of the property to be acquired are:
Sarah H. Armistead, Trustee with the Power of Sale Under the Will of Robert T. Armistead and Letitia Hanson.
6. A substantial description of the property is:

(1) a 20'-wide easement in perpetuity for the installation, operation, maintenance and/or removal of an underground liquid transmission pipeline and related utility services, and (2) two adjacent 10'-wide temporary construction easements to provide access to the permanent easement area during construction that will expire upon completion of construction, (3) two adjacent 40'-wide temporary construction easements to provide construction staging of equipment during construction that will expire upon completion of construction over, upon, across, and under the following described property, to-wit:

All those certain pieces or portions of land lying and situate in Berkeley Magisterial District, James City County, Virginia, shown and designated as "20' PERMANENT UTILITY EASEMENT FOR THE EXCLUSIVE USE OF J.C.S.A." and "10' TEMP. CONSTRUCTION EASEMENTS" and "40' TEMP. CONST. ESMTS." on that certain plat entitled "PLAT OF EASEMENT FOR CONVEYANCE TO JAMES CITY SERVICE AUTHORITY FROM THE ROSA ARMISTEAD ESTATE" dated January 9, 2003 and revised April 16, 2003, prepared by AES Consulting Engineers, of Williamsburg, Virginia; said plat being attached hereto, for a more complete description of the easements herein conveyed.

The Grantors shall retain the right to place one or more roads, constructed to meet or exceed applicable Virginia Department of Transportation standards, across the easements granted herein, provided that the top of any pipeline placed by the Grantee therein remains at least 36 inches below the surface of any such road and further provided that any such road shall cross the easement at an approximate right angle (90°).

7. Just compensation is estimated to be \$6,700.00 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of § 15.2-1903(A), Code of Virginia (1950), as amended, have been met.
9. In the event any of the property described in Paragraph 6 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.
10. That an emergency is declared to exist and this resolution shall be effect from the date of its passage.

I. BOARD CONSIDERATION

1. PDR Program – Offer to Sell a Conservation Easement – Tax Parcel No. 2230100026

Mr. Edward T. Overton, Jr., Administrator of the Purchase of Development Rights Program, stated that Bert E. Geddy, Jr., has accepted the conservation easement appraisal value and agreed upon terms of a conservation easement on approximately 167.50 acres of property identified as Tax Parcel No. 2230100026.

The Board thanked members of the Purchase of Development Rights Committee and Mr. Overton for their work.

Mr. Kennedy made a motion to adopt the resolution.

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

J. PUBLIC COMMENT - None

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that at the conclusion of the Board's agenda, the Board recess until 4 p.m. on June 10, 2003, for a Joint Meeting with the Planning Commission regarding the Comprehensive Plan.

Mr. Wanner recommended that if there was no objection from the Board, the Board address the Colonial Services Board reappointment during the Board's requests and directives.

L. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to reappoint Janis MacQueston to a three-year term on the Colonial Services Board, term to expire on June 30, 2006.

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

M. RECESS

At 8:30 p.m. Mr. Harrison recessed the Board until 4 p.m. on June 10, 2003, for a Joint Meeting with the Planning Commission regarding the Comprehensive Plan.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: June 10, 2003
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Department of Criminal Justice Services Grant - Records System Improvement

As a continuation to a grant for the Records Management System, the Department of Criminal Justice Services (DCJS) has awarded James City County with a second year of funding to support the purchase and installation of a Computer Aided Dispatching (CAD) System. The total amount of the award is \$169,616 with \$127,212 as the Federal share and match requirement of \$42,404. Both systems will greatly improve the accuracy, expediency of collection, analysis, and sharing of data. The new CAD system will also bring the Fire Department in compliance with Federal Wireless 911 standards.

Staff recommends adoption of the attached resolution.

Richard M. Miller

RMM/gb
justicegrant.mem

Attachment

RESOLUTION

CRIMINAL JUSTICE RECORDS SYSTEM IMPROVEMENT GRANT

WHEREAS, the Department of Criminal Justice Services (DCJS) has approved a grant in the amount of \$169,616, with a Federal share of \$127,212, for the purchase and installation of a Computer Aided Dispatching System; and

WHEREAS, the grant requires a cash local match of \$42,404, which is available in the Operating account; and

WHEREAS, the grant will be administered by DCJS, with a grant period of January 1, 2003, through December 31, 2003, thus allowing any unexpended funds as of June 30, 2003, to be carried forward to James City County's next fiscal year.

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

Revenues:

Department of Criminal Justice Services	<u>\$127,212</u>
---	------------------

Expenditures:

Computer Aided Dispatching	<u>\$127,212</u>
----------------------------	------------------

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

Improgrant.res

M E M O R A N D U M

DATE: June 10, 2003
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Streets in Stonehouse, Phase 1 - Sections 1, 2, and 3

Attached is a resolution requesting acceptance of certain streets in Stonehouse, Phase 1 - Sections 1, 2, and 3 into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

In addition to the extrinsic structure agreement between the County and the Virginia Department of Transportation referenced in the resolution, there is an executed agreement between the Tradition Golf Club at Stonehouse LLC, and the County that transfers any costs the County may have under the agreement to the Golf Club.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/gb
stonehouse.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN STONEHOUSE, PHASE 1 - SECTIONS 1, 2, AND 3

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on May 30, 2003, for the crossing of three extrinsic structures which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

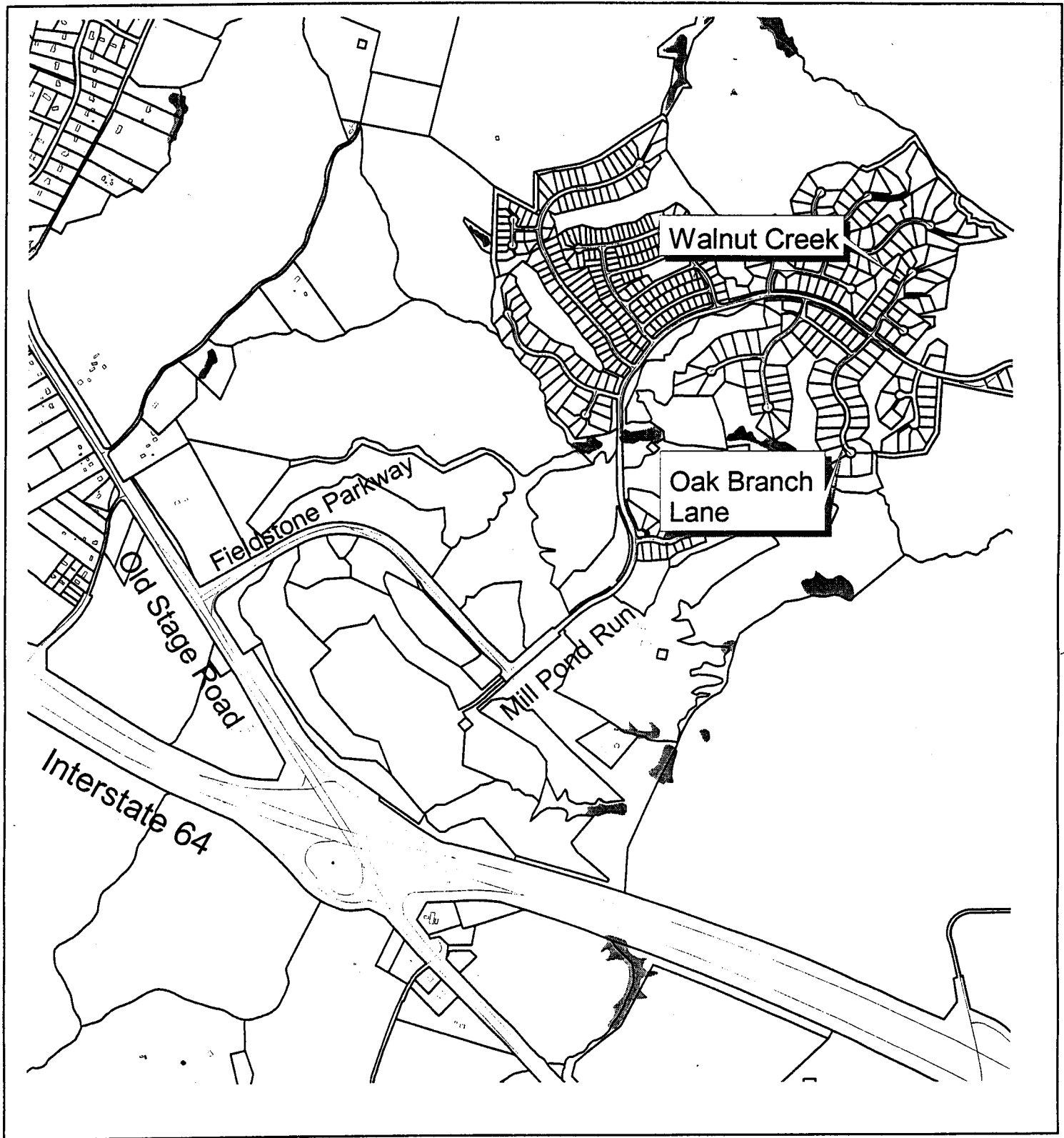
Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

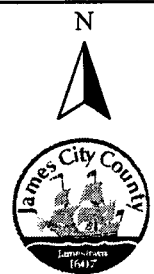
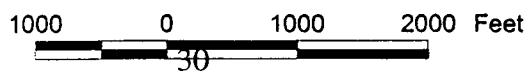
Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

stonehouse.res



DEDICATION OF STREETS IN STONEHOUSE, PHASE 1

 Streets Being Dedicated



In the County of James City

By resolution of the governing body adopted June 10, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Stonehouse, Phase 1, Sections 1, 2, 3

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Fieldstone Parkway, State Route Number 1220

Description: **From:** Rt 30, Barhamsville Road

To: Rt 1221, Mill Pond Run

A distance of: 0.78 miles.

Right of Way Record: Filed with the Land Records Office on 4/9/2003, Plat Book 90, Pg 9-11, with a width of 120'

Mill Pond Run, State Route Number 1221

Description: **From:** Rt 1220, Fieldstone Parkway

To: End Of 4-lane Roadway

A distance of: 0.19 miles.

Right of Way Record: Filed with the Land Records Office on 4/9/2003, Plat Book 90, Pg 12-15, with a width of 120'

Description: **From:** End Of 4-lane Roadway

To: Temporary Turn-around

A distance of: 1.11 miles.

Right of Way Record: Filed with the Land Records Office on 4/9/2003, Plat Book 90, Pg 12-15, with a width of 120'

MEMORANDUM

DATE: June 10, 2003
 TO: The Board of Supervisors
 FROM: Stuart M. Hale, Facilities Management Administrator
 SUBJECT: Award of Contract - James City/Williamsburg Community Center Pool Light Replacement and Ceiling Painting

Plans and specifications for replacement of light fixtures over the pool at the James City/Williamsburg Community Center and painting of the pool ceiling, were publicly advertised and competitively bid. The new lights will replace lights (which are sixteen years old, corroded, and difficult to service since they are located over the pool) with a system of track-mounted lights at the edge of the pool deck. Painting of the ceiling improves reflectivity of the new, upward-directed lights and reduces glare on the pool surface as well as renewing the corrosion protection of the metal ceiling and roof support structure. Three firms submitted bids ranging from \$125,545.50 to \$210,000. The results of the bids are as follows:

<u>Firm Name</u>	<u>Bid Amount</u>
Sun Bay Contracting, Inc.	\$125,545.50
Ritchie-Curbow	\$142,000.00
Top Painting	\$210,000.00

The low bid submitted by Sun Bay Contracting, Inc., is within funds available in the Capital Maintenance Budget. A review of references indicates that the firm is capable of performing the work required by the project.

Staff recommends approval of the attached resolution awarding a contract to Sun Bay Contracting, Inc., in the amount of \$125,545.50.

Stuart M. Hale

CONCUR:

William C. Porter, Jr.

SMH/gs
 reclight.mem

Attachment

RESOLUTION

AWARD OF CONTRACT - JAMES CITY/WILLIAMSBURG COMMUNITY CENTER

POOL LIGHT REPLACEMENT AND CEILING PAINTING

WHEREAS, the plans and specifications have been advertised and competitively bid for replacement of lights and painting of the ceiling at the James City/Williamsburg Community Center; and

WHEREAS, three firms submitted bids, with Sun Bay Contracting, Inc., submitting the lowest bid of 125,545.50; and

WHEREAS, the bid is within budget, funds are available, and Sun Bay Contracting, Inc., has been determined capable of performing the work associated with the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract to Sun Bay Contracting, Inc., in the amount of \$125,545.50.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

relight.res

M E M O R A N D U M

DATE: June 10, 2003
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Virginia Department of Emergency Management Awards

The Virginia Department of Emergency Management has provided additional FY 2003 funding in the amount of \$41,467 for the James City County Department of Emergency Management. These funds will be used for operations and improvements in the area of radiological preparedness, improvements in emergency plans, and the establishment of Community Emergency Response Teams and Citizen Corps.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/gb
VDEM.mem

Attachment

RESOLUTION

VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT AWARDS

WHEREAS, the Virginia Department of Emergency Management (VDEM) has approved monetary assistance to the James City County Division of Emergency Management, providing:

- \$22,000 improvement in radiological emergency response capability.
- \$13,967 for improvement of emergency plans.
- \$3,000 to assist with the establishment of Community Emergency Response Teams (CERT).
- \$2,500 to assist with the establishment of Citizen Corps.

WHEREAS, no local matching funds are 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:

Transfer from the Virginia Department of Emergency Management	<u>\$41,467</u>
--	-----------------

Expenditures:

James City County, Division of Emergency Management	<u>\$41,467</u>
---	-----------------

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

VDEM.res

MEMORANDUM

DATE: June 10, 2003

TO: The Board of Supervisors

FROM: Richard M. Miller, Fire Chief
David A. Daigneault, Chief of Police

SUBJECT: Award of Contract - Computer Aided Dispatch Software System

The Police Department applied for and received a \$169,616 grant from the Department of Criminal Justice Services (DCJS) for a replacement Computer Aided Dispatch (CAD) System this year. Last year the Department received a grant from DCJS for a new Records Management System. This grant is the second of a multiyear grant. The CAD System will provide Public Safety's critical need for a state-of-the-art dispatching solution that will expand its current capabilities. In addition, the System will add the compatibility required to add important record-related modules such as mobile data terminals.

The CAD System was advertised in conjunction with the Police Records Management System to identify one vendor capable of providing both Systems with a minimum of interoperability concerns. Nine firms submitted sealed, competitive proposals describing their interest, qualifications, product specifications, and experience in providing similar work. The following firms were interviewed and provided demonstrations of their Records Management and CAD Systems: Open Software Systems, Inc., Orbacom, and New World. A panel of staff members, including representatives from the Police Department, Fire Department, and Information Technology, selected Open Software Systems, Inc., as the most qualified firm. After selection, a price of \$439,645 was negotiated to complete the scope of services associated with the Records Management System.

Funds for the project are included in the FY 2003 Budget.

Staff recommends that the Board approve the attached resolution awarding a contract in the amount of \$439,645 for the CAD System.

Richard M. Miller

David A. Daigneault

CONCUR:

Sanford B. Wanner

RMM/DAD/gb
CADsoftware

Attachment

RESOLUTION

AWARD OF CONTRACT - COMPUTER AIDED DISPATCH SOFTWARE SYSTEM

WHEREAS, a request for proposals for the Computer Aided Dispatch Software System was advertised and nine interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals and selected Open Software Solutions, Inc., as the most qualified firm to provide the services associated with the project; and

WHEREAS, a fee of \$439,645 was negotiated with Open Software Solutions, Inc., for providing the services with funds available in the Fiscal Year 2003 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide the Computer Aided Dispatch Software System to Open Software Solutions, Inc., for \$439,645.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10 th day of June, 2003.

CADsoftware.res

M E M O R A N D U M

DATE: June 10, 2003
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Naming of District Park

The Parks and Recreation Advisory Commission asked citizens to suggest names for the District Park located at the intersection of Longhill and Centerville Roads.

A total of 26 different names were submitted. On February 19, 2003, the Parks and Recreation Advisory Commission unanimously selected "Freedom Park" as the qualifying name. Public notice of the recommended name occurred twice over a 60-day period in the *Virginia Gazette*, and citizens had an opportunity to forward comments to the Director of Parks and Recreation. On April 16, 2003, the Advisory Commission unanimously approved recommending the name "Freedom Park."

The name "Freedom Park" has great significance with the land the park sits on. The area is rich with history and has played a major role in the shaping of our Nation. The historical events that took place on this piece of land during different time periods in American history had a tremendous impact on the freedom of the country. During preliminary design, notable historical features were discovered including the discovery of a previously unknown homestead built between 1680 – 1730; the June 26, 1781 Revolutionary War battle, Spencer's Ordinary; and early records of the first Free Black Settlement in America (1834-1839).

Staff recommends approval of the attached resolution adopting the name "Freedom Park" for the park currently known as the District Park.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gs
freedompk.mem

Attachments

DISTRICT PARK NAME SELECTIONS

Centerville District Park
Central County Park
Columbia Memorial Park
Emancipation Park
Frederick Douglas Park
Freedom Park
Freedom Trails Park
Freeland Park
General Wayne Park
Governor's Park
Greenspring County Park
Hotwater Park
Lady Rebecca Rolfe Park
Liberty Park
Long Meadow Park
Longcenter Park
Longhill Trails Park
Longville Park
Ludwell Lee Park
Moody Park
New City Park
Royal's Park
Spencer's Ordinary Park
September Park
West Longhill County Park
Williamsburg/James City Centerville Park

RESOLUTION

NAMING OF DISTRICT PARK

WHEREAS, the Parks and Recreation Advisory Commission asked citizens to suggest names for the District Park located at the intersection of Longhill and Centerville Roads; and

WHEREAS, after reviewing 26 potential names, the Parks and Recreation Advisory Commission unanimously selected "Freedom Park" as the qualifying name with no adverse comments received during the 60-day public notice period; and

WHEREAS, the Parks and Recreation Advisory Commission unanimously approved recommending the name "Freedom Park" for the District Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the name "Freedom Park" for the District Park.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

freedompk.res

MEMORANDUM

DATE: June 10, 2003
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Resolution of Support for the American Passenger Rail Agreement

Attached for the Board's approval is a resolution of support for the American Passenger Rail Agreement relating to the future of intercity passenger rail service.

Congress is currently debating the reauthorization of both Amtrak and the Transportation Equity Act for the 21st Century (TEA-21) and over 30 organizations have developed a common set of principles designed to influence the current debate.

The Peninsula Friends of Rail have asked the County to lend its support to the Agreement and regional efforts to obtain Federal funding to complete the upgrade of rail infrastructure, service, and equipment for rail service between Washington, D. C., and Newport News, Virginia by 2007.

I recommend the Board adopt the attached resolution.

Sanford B. Wanner

SBW/adw
apragre.mem

Attachment

RESOLUTION OF SUPPORT

REGARDING THE AMERICAN PASSENGER RAIL AGREEMENT

WHEREAS, in order to ensure the safety, quality, reliability, and efficiency of our country's vital transportation network and to preserve our national defense, America needs a balanced, integrated transportation system and the American people need diverse transportation choices; and

WHEREAS, passenger rail is a critical component of a modern, multi-modal transportation system, and needs to have financial support, unified policy development, and oversight similar to that afforded to our air, highway, and mass transit modes; and

WHEREAS, Federal funding is being sought to complete the upgrade of the rail infrastructure, service, and equipment for rail service between Washington, D.C., and Newport News, VA by 2007.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that we urge Congress and the President of the United States to fully institute the following passenger rail components, which are critical to the future of passenger rail in the United States, within the upcoming reauthorization of the Transportation Equity Act for the 21st Century (TEA21) and/or Amtrak Reauthorization legislation:

1. Establish a dedicated, multi-year Federal capital-funding program for intercity passenger rail, patterned after the existing Federal highway, airport, and mass transit programs.
2. Establish, as Federal policy, a preserved and improved national passenger rail system - a nationwide, interconnected passenger rail system that stimulates higher levels of efficiency, innovation, and responsiveness. Direct the Federal Railroad Administration, or another agency within the U.S. Department of Transportation, to - with state input and local input - develop, fund, and oversee this Federal policy.
3. Provide full Federal funding of Amtrak during the period that the new Federal plans and policies are being developed. Then, fully fund implementation of the national passenger rail system - with its new efficiencies, innovation, and responsiveness - in subsequent years.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

amrail.res.

MEMORANDUM

DATE: June 10, 2003
TO: The Board of Supervisors
FROM: Keith A. Taylor, Secretary, Industrial Development Authority
SUBJECT: Resolution of Approval for Williamsburg Landing, Inc., Revenue and Refunding Bond Issue

At the May 15, 2003, regular meeting of the Industrial Development Authority (IDA) of the County of James City, Virginia, the IDA Directors passed a resolution authorizing the issuance of up to \$50 million worth of revenue and refunding bonds for Williamsburg Landing, Inc., a facility for the residence and care of the elderly located at 5700 Williamsburg Landing Drive, in James City County. A copy of that resolution, a fiscal impact statement, prepared by Williamsburg Landing, Inc., and executed by the IDA Chairman, and a summary of statements made at the IDA's duly advertised public hearing on this matter are attached. The bonds do not carry the full-faith and credit of James City County or its IDA and do not in any way impact the County's bond rating. The purpose of the bonds is: 1) to finance the costs of constructing and equipping ten new independent-living units at Williamsburg Landing; 2) to refund up to \$36,870,000 in outstanding principal of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Williamsburg Landing, Inc.) Series 1996A; 3) to prepay a \$2 million interim loan for the project; and, 4) to pay costs of issuance of the Bonds.

State and Federal statutes require that the governing body of the jurisdiction in which such financing activity is to occur adopt a resolution of approval in support of the IDA's action. Counsel has prepared such a resolution.

Staff recommends approval of the attached resolution.

Keith A. Taylor

CONCUR:

Sanford B. Wanner

KAT/gs
wlanding.mem

Attachments

RESOLUTION

APPROVAL FOR WILLIAMSBURG LANDING, INC.,

REVENUE AND REFUNDING BOND ISSUE

- WHEREAS, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, authorizes the creation of the Industrial Development Authority of the County of James City, Virginia (the Authority), and empowers the Authority to assist the Williamsburg Landing, Inc., a Virginia nonstock corporation (the Company), by the issuance of up to \$50 million of tax-exempt revenue bonds of the Authority (the Bonds) to: 1) finance the cost of constructing and equipping ten (10) new independent living units, including site preparation (the Project) at the Company's facility for the residence and care of the elderly known as Williamsburg Landing, located at 5700 Williamsburg Landing Drive, in James City County (the Facility); 2) refund up to \$36,870,000 in outstanding principal amount of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Williamsburg Landing, Inc.), Series 1996A (the 1996A Bonds); 3) prepay a \$2 million interim loan (the Interim Loan) with respect to the Project; and, 4) pay costs associated with the issuance of the Bonds; and
- WHEREAS, Williamsburg Landing, Inc., is, and the Project will be, owned by the Company; and
- WHEREAS, the Company has its principal place of business at 5700 Williamsburg Landing Drive, Williamsburg, Virginia 23185; and
- WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), requires approval by this Board of the issuance of any private activity bonds by the Authority after the Authority has held a public hearing to consider the issuance of such bonds as one of the acts required in order for the interest on such bonds to qualify for exemption from the imposition of Federal income tax; and
- WHEREAS, the Authority held a public hearing on May 15, 2003, in compliance with the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the Virginia Code), and after such public hearing adopted a resolution to issue the Bonds, subject to the adoption of this resolution; and
- WHEREAS, the Company has represented that it is a corporation described in Section 501(c)(3) of the Code, which is not organized and operated exclusively for religious purposes and which is exempt from Federal income taxation pursuant to Section 501(a) of the Code; and
- WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a record of the public hearing with respect to the Bonds, and a Fiscal Impact Statement in the form prescribed by Section 15.2-4907 of the Virginia Code has been filed with this Board.

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

Section 1: That the recitals in the first three preambles hereto are adopted as a part of this resolution as if fully written herein.

Section 2: That this Board approves the issuance of the Bonds by the Authority to the extent required by the Code and the Virginia Code.

Section 3: That the approval of the issuance of the Bonds, as requested by the Company and as required by Section 147(f) of the Code and the Virginia Code, is solely for Federal tax purposes, does not constitute an endorsement to a prospective purchaser of the Bonds of the proposed use of the proceeds of the Bonds or the creditworthiness of the Company, and, as required by Virginia law, the Bonds shall provide that neither the Commonwealth of Virginia, the County of James City, nor the Authority shall be obligated to pay the principal, or premium, if any, of the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County of James City or the Authority shall be pledged thereto.

Section 4: That this resolution shall be in effect from and after its adoption.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

wlanding.res

RESOLUTION OF
INDUSTRIAL DEVELOPMENT AUTHORITY OF THE
COUNTY OF JAMES CITY, VIRGINIA

WHEREAS, there has been described to the Industrial Development Authority of the County of James City, Virginia (the Authority), the plans of Williamsburg Landing, Inc. (the Company) to (a) finance the cost of constructing and equipping ten (10) new independent living units, including site preparation (the Project) at the Company's facility for the residence and care of the elderly known as Williamsburg Landing, located at 5700 Williamsburg Landing Drive, in James City County (the Facility), (b) refund up to \$36,870,000 in outstanding principal amount of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Williamsburg Landing, Inc.) Series 1996A (the 1996A Bonds), (c) prepay a \$2,000,000 interim loan (the Interim Loan) with respect to the Project, and (d) pay costs associated with the issuance of the Bonds;

WHEREAS, under the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the Act), the Authority has been given the power to issue its revenue bonds from time to time and to use the proceeds thereof for the purpose of paying all or part of the cost of certain projects, including the Project, and to issue refunding bonds;

WHEREAS, the Authority has agreed to assist in the issuance and sale of up to \$50,000,000 in aggregate principal amount of its Industrial Development Authority of the County of James City, Virginia, Residential Care Facility Revenue and Refunding Bonds (Williamsburg Landing, Inc.), Series 2003A, the proceeds of which will be used to finance the costs of the Project, to refund the 1996 A Bonds, to prepay the Interim Loan and to pay costs of issuance of the Bonds;

WHEREAS, a public hearing with respect to the Project, the Facility and the Bonds has been held by the Authority as required by Virginia law and Section 147(f) of the Internal Revenue Code of 1986, as amended, on the date hereof;

WHEREAS, the Company has elected to proceed immediately with implementing the plan of finance and issuing the Bonds in the aggregate principal amount not exceeding \$50,000,000 to be designated "Industrial Development Authority of the County of James City, Virginia, Residential Care Facility Revenue and Refunding Bonds (Williamsburg Landing, Inc.) Series 2003A" (the Bonds) pursuant to a Bond Purchase Agreement (the Bond Purchase Agreement) among the Authority, the Company and Banc of America Securities, LLC, as Underwriter (the Underwriter);

WHEREAS, the Company has requested that the Authority proceed with the plan of finance heretofore described by the execution and delivery and/or approval of the following documents, all of which have been presented at this meeting in substantially final form and shall be referred to collectively in this Resolution as the Bond Documents:

(i) A Trust Indenture (the Indenture) dated as of June 1, 2003, by and between the Authority and the Trustee named therein and herein and authorizing the issuance of the Bonds;

(ii) A Loan Agreement (the Loan Agreement) dated as of June 1, 2003, by and between the Authority and the Company, together with the Company's promissory note (the Note) executed and delivered pursuant to the Loan Agreement to evidence the loan made thereby and the form of assignment thereof from the Authority, without recourse, to the Trustee;

(iii) An Official Statement to be dated on or about the date of issuance of the Bonds (the Official Statement), pursuant to which the Underwriter will furnish certain information regarding the Bonds, the security therefor, the Company and the issuer or issuers of a letter of credit or letters of credit (the Credit Facility) securing payment of the Bonds;

(iv) The Bond Purchase Agreement; and

(v) A Remarketing and Interest Services Agreement (the Remarketing Agreement) dated as of June 1, 2003, among the Company, the Authority and the Underwriter, as Remarketing Agent (the Remarketing Agent).

BE IT RESOLVED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY, VIRGINIA:

1. It is hereby found and determined that the issuance of the Bonds will benefit the inhabitants of James City County, Virginia, increase their commerce, and promote their safety, health, welfare, convenience and prosperity.

2. The Bond Documents are hereby approved in substantially the form submitted to this meeting, with such changes, insertions or omissions as may be approved by the Chairman or Vice Chairman of the Authority, upon advice of counsel to the Authority, which approval shall be evidenced conclusively by the execution and delivery of the Indenture. The Chairman or Vice Chairman is hereby authorized to approve the original aggregate principal amount of the Bonds and the term thereof; provided, however, that such amount shall not exceed \$50,000,000 and such term shall not exceed thirty (30) years, which approval shall be evidenced conclusively by the execution and delivery of the Indenture. The execution and delivery of the Indenture by the Chairman or Vice Chairman of the Authority shall constitute conclusive evidence of the Authority's approval of the initial interest rate thereon. The Authority hereby acknowledges that the Bonds will initially bear interest at a variable Weekly Rate (as defined in and determined weekly in accordance with the Indenture) and that the interest rate on the Bonds will be subject to conversion to the Flexible Rate or the Fixed Rate, both as defined in the Indenture, in accordance with the provisions of the Indenture and that no Bond will at any time bear interest at a rate in excess of the lesser of ten percent (10%) per annum and the maximum rate permitted by applicable law. All other terms of the Bonds as described in and provided by the Indenture are hereby approved.

3. The execution and delivery of the Indenture, the Loan Agreement, the Bond Purchase Agreement, the Remarketing Agreement and the assignment form attached to the Note

and their delivery upon payment for the Bonds, and the execution and delivery of the Bonds and the use of the proceeds of the Bonds as set forth herein and in the Indenture, are all hereby approved.

4. Banc of America Securities, LLC is hereby appointed Remarketing Agent under the Indenture and the Remarketing Agreement. The Chairman or Vice Chairman of the Authority is hereby authorized to appoint the Trustee and Fiscal Agent under the Indenture.

5. The distribution and use by the Underwriter of the Official Statement prepared by counsel for the Underwriter and based upon information provided by the Company, the issuer of the Credit Facility and other parties to the transaction (including the Authority but only to the extent of the information set forth in the Section entitled "The Issuer" and in the first paragraph of the Section entitled "Litigation"), a substantially final draft of which has been presented at this meeting, is hereby approved. The Chairman or Vice Chairman of the Authority is hereby authorized to approve the final Official Statement to be dated on or about the date of issuance of the Bonds, with such changes from the draft Official Statement presented at this meeting as may be approved by the Chairman or Vice Chairman of the Authority, upon advice of counsel to the Authority, which approval shall be evidenced conclusively by the execution of the Indenture.

6. The Chairman or Vice Chairman of the Authority is hereby authorized and directed to complete, execute and submit to the Internal Revenue Service its Form 8038 with respect to the Bonds and to mail a copy thereof to the Board of Supervisors of James City County and the Virginia Department of Business Assistance in accordance with the Act.

7. The Chairman or Vice Chairman of the Authority is hereby authorized and directed, upon approval by counsel to the Authority, to execute and delivery a supplement to the Trust Agreement between the Authority and SunTrust Bank (formerly Crestar Bank) dated as of September 1, 1996, authorizing the issuance of the 1996 Bonds, in order to cure an omission contained therein relating to the definition of the Debt Service Reserve Fund established thereby.

8. Each officer of the Authority is authorized to execute and deliver on behalf of the Authority such instruments, documents or certificates and to do and perform such things and acts as they shall deem necessary or appropriate in carrying out the transactions authorized by this Resolution or contemplated by the Bond Documents, and all of such actions previously done or performed by the officers or directors of the Authority are in all respects approved, ratified and confirmed.

9. All costs and expenses in connection with the financing plan, including the fees and expenses of the Authority, and the fees and expenses of counsel for the Authority, shall be paid promptly from the proceeds of the Bonds to the extent permitted by law or from funds provided by the Company. If for any reason the Bonds are not issued, it is understood that all such fees and expenses (other than the Authority's annual fees and closing fees) shall be paid promptly by the Company upon presentation of an invoice and that the Authority shall have no responsibility therefor. The Company shall also pay the Authority's annual administrative fee as required by the Loan Agreement. The Company agrees to indemnify and save harmless the Authority's directors, employees, agents and counsel from and against all liabilities, obligations, claims, penalties, losses, costs and expenses in any way connected with the Project, the Facility,

the application submitted to the Authority by the Company, the issuance of the Bonds or the refunding of the 1996A Bonds.

10. The Authority hereby agrees to the recommendation of the Company that Kaufman & Canoles, P.C., Norfolk, Virginia, be appointed as bond counsel and hereby appoints such firm to supervise the proceedings and approve the issuance of the Bonds.

11. The Authority hereby recommends that the Board of Supervisors of James City County (the Board) approve the issuance of the Bonds and hereby directs the Chairman or Vice Chairman to provide to the Board, orally or in writing, a reasonably detailed summary of the comments expressed at the public hearing required by Section 15.2-4906 of the Act, a copy of this Resolution, the Fiscal Impact Statement required by Section 15.2-4907 of the Act, and any other information required by the Board or Virginia law.

12. All other acts of the officers of the Authority which are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance of the Bonds and the refunding of the 1996A Bonds are hereby approved and confirmed.

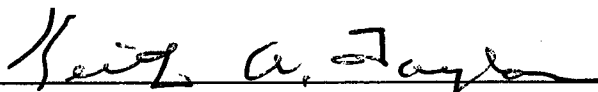
13. This Resolution shall take effect immediately upon its adoption but the Bonds shall not be issued until the Board of Supervisors of James City County approves the issuance of the Bonds and a Credit Facility securing the Bonds is issued in accordance with the terms and conditions of the Indenture.

14. This Resolution shall expire if the Bonds have not been sold or this Resolution extended on or before the first anniversary date of the adoption of this Resolution.

15. The Authority acknowledges that the Bonds may be issued in one or more series of Bonds issued pursuant to the Indenture in the event the Company elects to defer the refunding of the 1996A Bonds to achieve greater debt service savings, in which event, the Bond Documents approved hereby will be amended, or new documents, including an Official Statement, will be executed and delivered, all subject to approval by the Authority and its counsel, to provide for the issuance of such subsequent series of Bonds.

The undersigned hereby certifies that the above resolution was duly adopted by an affirmative roll call vote of a majority of the directors of the Industrial Development Authority of the County of James City, Virginia, at a meeting duly called and held on May 15, 2003, and that such resolution is in full force and effect on the date hereof.

Dated: May 15, 2003


Secretary, Industrial Development Authority of the
County of James City, Virginia

FISCAL IMPACT STATEMENT
SUBMITTED TO THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF
JAMES CITY COUNTY

The undersigned applicant, in order to permit it to submit the following information in compliance with Section 15.2-4907 of the Code of Virginia, 1950, as amended, states:

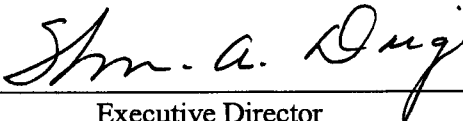
Name of applicant: WILLIAMSBURG LANDING, INC.

Facility: WILLIAMSBURG LANDING CONTINUING CARE RETIREMENT COMMUNITY
(Construction of portion of addition (10 units) and site work only)

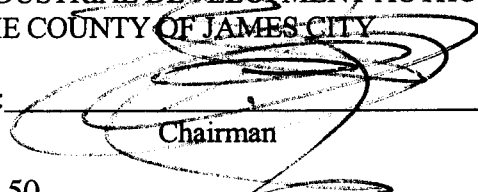
1.	Maximum amount of financing sought	<u>\$47,000,000</u>
2.	Estimated taxable value of facility's real property to be constructed in the locality (construction costs)	<u>\$ 3,460,599</u>
3.	Estimated real property tax per year using present tax rates	<u>\$ 30,107</u>
4.	Estimated personal property tax per year using present tax rates	<u>\$ _____</u>
5.	Estimated merchant's capital tax per year using present tax rates	<u>\$ _____ 0</u>
6.	a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality	<u>\$ 31,904</u>
	b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality	<u>\$ _____ 0</u>
	c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality	<u>\$ 29,117</u>
	d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality	<u>\$ _____ 0</u>
7.	Estimated number of regular employees on year round basis	<u>2.4 FTE</u>
8.	Average annual salary per employee	<u>\$ 31,295</u>

Dated: April 4, 2003

WILLIAMSBURG LANDING, INC.

By: 
Executive Director

INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE COUNTY OF JAMES CITY

By: 
Chairman

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE
COUNTY OF JAMES CITY, VIRGINIA
RECORD OF PUBLIC HEARING
WILLIAMSBURG LANDING, INC.

At 3:00 p.m. on May 15, 2003, the Chairman of the Industrial Development Authority of the County of James City, Virginia (the "Authority"), announced the commencement of a public hearing on the request of Williamsburg Landing, Inc., a Virginia non-stock corporation (the "Borrower"), in connection with the issuance of up to \$50,000,000 of revenue bonds (the "Bonds") for the benefit of the Borrower to (1) finance the cost of constructing and equipping an expansion (the "Project") of the Borrower's facility for the residence and care of the elderly known as Williamsburg Landing, located at 5700 Williamsburg Landing Drive, Williamsburg, Virginia, in James City County, including site improvements, (2) refund up to \$36,870,000 in outstanding principal amount of the Authority's Residential Care Facility First Mortgage Revenue Bonds (Williamsburg Landing, Inc.) Series 1996A (the "1996A Bonds"), (3) prepay a \$2,000,000 interim loan from SunTrust Bank with respect to the Project, and (4) pay costs associated with the issuance of the Bonds, and that a notice of public hearing was published once a week for two consecutive weeks in The Virginia Gazette, the second publication being not less than six (6) days nor more than twenty-one (21) days prior to the hearing.

No persons appeared to address the Authority and the Chairman closed the public hearing.

The Authority then adopted a resolution (a) recommending that the Board of Supervisors of the County of James City, Virginia, approve the issuance of the Bonds in an amount up to \$50,000,000, (b) directing the transmission of a Fiscal Impact Statement with respect to the Bonds to the Board of Supervisors of the County of James City, Virginia, and (c) requesting that its recommendation be received at the next regular or special meeting during calendar year 2003 at which this matter can be properly placed on the Board's agenda for hearing.

MEMORANDUM

DATE: June 10, 2003
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: The Issuance and Sale of General Obligation Public Improvement Refunding Bonds

On the advice of our financial advisors, Davenport and Company, we are recommending that the Board approve an initiative to refund up to \$23.5 million in existing County General Obligation debt. The expectations are that under current interest rates, the County could reduce its annual debt service costs by and between \$40,000 and \$60,000 through the year 2014. Total savings, over the next 11 years, could exceed \$500,000.

The attached resolution allows the Chairman and County Administrator to officially close on the refinancing later this month. If interest rates spike up and the potential savings are not realized, the bonds will not be refinanced. The County will be liable for some costs incurred by bond counsel, the rating agencies, printing the offering statements, etc. These costs are expected not to exceed \$20,000.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/gs
obligbonds.mem

Attachments

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS,
SERIES 2003, OF THE COUNTY OF JAMES CITY, VIRGINIA, AND PROVIDING
FOR THE FORM, DETAILS, AND PAYMENT THEREOF

WHEREAS, the issuance of general obligation bonds by the County of James City, Virginia (the "County"), in the maximum principal amount of \$52,100,000 was approved by the qualified voters of the County in three referenda at a special election held on March 1, 1994, to finance a school construction program, library improvements, and park and recreation improvements (together, the "Improvements"). On August 3, 1994, the County issued its \$9,500,000 General Obligation Public Improvement Bonds, Series of 1994 (the "1994 Bonds") to finance a portion of the costs of the Improvements. On December 5, 1995, the County issued its \$35,000,000 General Obligation Public Improvement Bonds, Series 1995 (the "1995 Bonds") to finance a portion of the costs of the Improvements; and

WHEREAS, to take advantage of lower interest rates, the County issued its \$4,280,000 General Obligation Public Improvement Refunding Bond, Series 2002, on November 20, 2002, to refund the 1994 Bonds maturing on and after December 15, 2007, and then issued its \$3,180,200 General Obligation Public Improvement Refunding Bond, Series 2002B, on December 17, 2002, to refund the 1995 Bonds maturing on December 15, 2015; and

WHEREAS, the County's Board of Supervisors (the "Board") determines that it may now be in the best interests of the County to take advantage of lower interest rates now prevalent in the capital markets and to issue and sell general obligation public improvement refunding bonds to refinance some or all of the 1994 Bonds maturing on December 15, 2005, and 2006, and some or all of the 1995 Bonds maturing on December 15, 2006, through 2014. The Board determines that it would be advantageous to the County to sell such refunding bonds in a negotiated sale to a group of underwriters with Morgan Keegan & Company, Inc., serving as senior manager and SunTrust Capital Markets, Inc., serving as co-manager (the "Underwriters").

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

Section 1. Authorization, Issuance and Sale. There is hereby authorized to be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), general obligation public improvement refunding bonds of the County in the principal amount not to exceed \$23,500,000 to refund some or all of the 1994 Bonds maturing on December 15, 2005, and 2006 (the "1994 Refunded Bonds"), to refund some or all of the 1995 Bonds maturing on December 15, 2006, through

2014 (the "1995 Refunded Bonds") and to pay the costs incurred in connection with issuing such refunding bonds. The Board hereby elects to issue such refunding bonds under the provisions of the Act.

Section 2. Bond Details. Such refunding bonds shall be designated "General Obligation Public Improvement Refunding Bonds, Series 2003" (the "Bonds"), shall be dated June 15, 2003, shall be issued no later than December 31, 2003, shall be in registered form, in denominations of \$5,000 and multiples thereof, and shall be numbered R-1 upward. Subject to Section 4, the Bonds shall mature in installments, or have mandatory sinking fund installments, on each December 15 ending no later than the year 2014. Interest on the Bonds shall be payable on December 15, 2003, and semiannually thereafter on each June 15 and December 15 (each, an "Interest Payment Date"), and shall be calculated on the basis of a year of 360 days with twelve 30-day months. The Board authorizes the issuance and sale of the Bonds to the Underwriters on terms as shall be satisfactory to the County Administrator or the Chairman of the Board; *provided*, that the Bonds: (a) shall have a true or "Canadian" interest cost not to exceed 4.50% per year, taking into account any original issue discount or premium; (b) shall be sold to the Underwriters at a price not less than 99% of the original aggregate principal amount thereof; and (c) shall have a weighted average maturity of no more than nine (9) years.

Principal and premium, if any, on the Bonds shall be payable to the registered owners upon surrender of the Bonds as they become due at the designated corporate trust office of the Registrar, as defined in Section 8 below. Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar as of the close of business on the first day of the month of each Interest Payment Date. In case the date of maturity or redemption of the principal of any Bond or an Interest Payment Date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date, which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date, no additional interest shall accrue for the period after such date of maturity or redemption or Interest Payment Date. Principal, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

Each Bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated, unless such Bond is: (a) authenticated before December 15, 2003, in which case it will bear interest from June 15, 2003, or (b) authenticated upon an Interest Payment Date or after the record date with respect thereto, in which case it will bear interest from such Interest Payment Date (unless payment of interest thereon is in default, in which case interest on such Bond shall be payable from the date to which interest has been paid).

Section 3. Book-Entry System. Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The County has entered into or will enter into a Blanket Issuer Letter of Representations relating to a book-entry system to be maintained by DTC with respect to certain securities issued by the County, including the Bonds. As used herein, the term “Securities Depository” shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 3.

In the event that: (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar or the County; or (b) the County in its sole discretion determines: (i) to select a new Securities Depository, or (ii) that beneficial owners of Bonds shall be able to obtain certificated Bonds, then the County Administrator shall, at the direction of the County, attempt to locate another qualified securities depository to serve as Securities Depository or arrange for the authentication and delivery of certificated Bonds to the beneficial owners or to the Securities Depository’s participants on behalf of beneficial owners, substantially in the form provided for in Exhibit A. In delivering certificated Bonds, the County Administrator shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository’s participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable, and exchangeable as set forth in Section 8.

So long as there is a Securities Depository for the Bonds: (1) it or its nominee shall be the registered owner of the Bonds; (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository; (3) the Registrar and the County shall not be responsible or liable for maintaining, supervising, or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants; (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds; and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations, such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

Section 4. Redemption Provisions.

- (a) Optional Redemption. Subject to the provisions of subsection (e) below, the Bonds maturing on or before December 15, 2012, are not subject to optional redemption prior to their respective stated dates of maturity. The Bonds maturing on or after December 15, 2013, shall be subject to redemption prior to their stated dates of maturity at the option of the County, on and after December 15, 2012, in whole or in part (in any integral multiple of \$5,000) at any time, upon payment of the following redemption prices (expressed as a percentage of the principal amount of the Bonds to be redeemed) plus interest accrued and unpaid to the redemption date as set forth below:

<u>Redemption Period (Inclusive)</u>	<u>Redemption Price</u>
December 15, 2012, through December 14, 2013	101%
December 15, 2013, and thereafter	100%

- (b) Mandatory Sinking Fund Redemption. Any term bonds specified in the Bond Purchase Agreement, as defined in Section 5 below, may be subject to mandatory sinking fund redemption as determined by the County Administrator or the Chairman of the Board. If there are any term bonds, on or before the 70th day next preceding any mandatory sinking fund redemption date, the County may apply as a credit against the County's mandatory sinking fund redemption obligation for any Bonds maturing on such date, Bonds that previously have been optionally redeemed or purchased and canceled or surrendered for cancellation by the County and not previously applied as a credit against any mandatory sinking fund redemption obligation for such Bonds. Each such Bond so purchased, delivered or previously redeemed shall be credited at 100% of the principal amount thereof against the principal amount of the Bonds required to be redeemed on such mandatory sinking fund redemption date. Any principal amount of Bonds so purchased, delivered or previously redeemed in excess of the principal amount required to be redeemed on such mandatory sinking fund redemption date shall similarly reduce the principal amount of the Bonds to be redeemed on future mandatory sinking fund redemption dates, as selected by the County Administrator.
- (c) Bonds Selected for Redemption. If less than all of the Bonds are called for optional redemption, the maturities of the Bonds to be redeemed shall be selected by the County Administrator in such manner as he may determine to be in the best interest of the County. If less than all the Bonds of any maturity are called for redemption, the Bonds to be redeemed shall be selected by DTC or any successor Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in

the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

- (d) Notice of Redemption. The County shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date to the Securities Depository as the registered owner of the Bonds or, if the book-entry system is discontinued, by registered or certified mail to the registered owners of the Bonds to be redeemed.
- (e) Determination of Final Redemption Provisions. The Board authorizes the County Administrator or the Chairman of the Board, in collaboration with Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor") and the Underwriters; 1) to determine whether any of the Bonds will be subject to optional redemption and, if they will be subject to optional redemption, on which dates and at which redemption prices such Bonds may be optionally redeemed; and 2) to determine whether the issuance of any term bonds would be beneficial to the County. Such final terms shall be set forth in the Bond Purchase Agreement.

Section 5. Sale of the Bonds; Execution and Authentication. The Bonds shall be sold by the County to the Underwriters pursuant to the terms and conditions to be set forth in the Bond Purchase Agreement to be dated the date of the sale of the Bonds (the "Bond Purchase Agreement") between the County and the Underwriters. The substantially final form of the Bond Purchase Agreement has been made available to the Board prior to the adoption of this Resolution. The Bond Purchase Agreement is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions or omissions to the form of the Bond Purchase Agreement to reflect the final terms of the Bonds or other commercially reasonable provisions. All of such changes, insertions, completions, or omissions will be in accordance with the parameters set forth in this Resolution and shall be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Bond Purchase Agreement on behalf of the County.

The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice Chairman of the Board and the Board's seal shall be

affixed thereto or a facsimile thereof printed thereon and attested to by the manual or facsimile signature of the Clerk or Deputy Clerk of the Board, ***provided***, that no Bond shall be valid until it has been authenticated by the manual signature of an authorized representative of the Registrar and the date of authentication noted thereon. Upon execution and authentication, the Bonds shall be delivered to or on behalf of the Underwriters in accordance with the terms of the Bond Purchase Agreement.

Section 6. Bond Form. The Bonds shall be in substantially the form set forth in Exhibit A attached hereto, with such changes, insertions, completions, or omissions to reflect the final terms of the Bonds.

Section 7. Pledge of Full Faith and Credit. The full faith and credit of the County are irrevocably pledged for the payment of principal of, premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the County shall levy and collect an annual *ad valorem* tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of, premium, if any, and interest on the Bonds, as the same become due.

Section 8. Registration, Transfer and Owners of Bonds. SunTrust Bank, Richmond, Virginia, is appointed paying agent and registrar for the Bonds (the "Registrar"). The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any Bonds at the designated corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the first day of the month of each Interest Payment Date.

Section 9. Refunding; Escrow Agreement. The Board hereby authorizes the optional redemption of some or all of the 1994 Refunded Bonds on December 15, 2004 (the "1994 Redemption Date"), at a redemption price equal to 102% of the principal amount of the 1994 Refunded Bonds to be

refunded plus accrued interest to the Redemption Date. The Board hereby authorizes the optional redemption of some or all of the 1995 Refunded Bonds on December 15, 2005 (the "1995 Redemption Date") at a redemption price equal to 102% of the principal amount of the 1995 Refunded Bonds to be refunded plus accrued interest to the Redemption Date. The County Administrator is authorized to work with the Financial Advisor and the Underwriters to determine which 1994 Refunded Bonds and 1995 Refunded Bonds will be redeemed. They may base such decisions on such factors as they shall determine to be in the best interest of the County, but the Bonds shall not be issued unless the combined net present value savings to the County from the issuance of the Bonds and the refunding of the 1994 Refunded Bonds and the 1995 Refunded Bonds will be at least 2.50%.

To facilitate the defeasance of the 1994 Refunded Bonds and the 1995 Refunded Bonds and the payment of the principal of, premium and interest on the 1994 Refunded Bonds and the 1995 Refunded Bonds from the date of issuance of the Bonds through the 1994 Redemption Date and the 1995 Redemption Date, respectively, the Board hereby authorizes the use of the Escrow Agreement dated the date of the issuance of the Bonds (the "Escrow Agreement") between the County and SunTrust Bank, as escrow agent (the "Escrow Agent"). The substantially final form of the Escrow Agreement has been made available to the Board prior to the adoption of this Resolution. The Escrow Agreement is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions, or omissions to the form of the Escrow Agreement to reflect the final terms of the Bonds or other commercially reasonable provisions. All of such changes, insertions, completions, or omissions will be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Escrow Agreement. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Escrow Agreement on behalf of the County.

Section 10. Official Statement. The form of the Preliminary Official Statement of the County, tentatively to be dated June 11, 2003 (the "Preliminary Official Statement"), has been made available to the Board prior to the adoption of this Resolution. The use and distribution by the Underwriters of the Preliminary Official Statement, in substantially the form made available to the Board, including the use and distribution of an Appendix to the Preliminary Official Statement describing the County, are hereby authorized and approved. The Preliminary Official Statement, including such Appendix, may be completed and "deemed final" by the County Administrator or the Chairman of the Board as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), except for the omission from the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule. The delivery of the Preliminary Official Statement to the Underwriters shall be conclusive evidence that it has been deemed final as of its date by the County Administrator or the Chairman of the Board,

except for the omission of such pricing and other information.

The County Administrator or the Chairman of the Board shall make such completions, omissions, insertions, and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement (the "Official Statement"). The use and distribution by the Underwriters of the Official Statement are hereby authorized and approved. The County Administrator or the Chairman of the Board shall arrange for the delivery to the Underwriters of a reasonable number of copies of the Official Statement, within seven (7) business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the Underwriters initially sell Bonds.

The County Administrator or the Chairman of the Board is authorized, on behalf of the County, to deem the Official Statement to be final as of its date within the meaning of the Rule. The County Administrator or the Chairman of the Board is authorized and directed to execute the Official Statement, which execution shall be conclusive evidence that the Official Statement has been deemed final.

Section 11. Continuing Disclosure. A substantially final form of the Continuing Disclosure Agreement to be given by the County (the "Continuing Disclosure Agreement"), evidencing conformity with certain provisions of the Rule, has been made available to the Board prior to the adoption of this Resolution. The Continuing Disclosure Agreement is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions, or omissions to the form of the Continuing Disclosure Agreement to reflect the final terms of the Bonds, the completion of the Official Statement or other commercially reasonable provisions. All of such changes, insertions, completions or omissions will be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Continuing Disclosure Agreement. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Continuing Disclosure Agreement on behalf of the County.

The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Resolution, failure of the County to comply with the Continuing Disclosure Agreement shall not be considered a default under this Resolution or the Bonds; *provided*, that any holder of the Bonds, including owners of beneficial interests in the Bonds, may take such actions as may be necessary and appropriate, including seeking a mandamus or specific performance by court order, to cause the County to comply with its obligations under this Section 11 and the Continuing Disclosure Agreement.

Section 12. Arbitrage Covenants.

- (a) No Composite Issue. The County represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bonds within the meaning of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”).
- (b) No Arbitrage Bonds. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds to be includable in the gross income for Federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

Section 13. Non-Arbitrage Certificate and Elections. Such officers of the County as may be requested, are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County. The County shall comply with any covenants set forth in such certificate regarding the use and investment of the proceeds of the Bonds.

Section 14. Limitation on Private Use; No Federal Guaranty. The County covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in: (a) ten percent (10%) or more of such proceeds being used in a trade or business carried on by any person other than a state or local governmental unit, as provided in Section 141; b) of the Code; (b) five percent (5%) or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code; or (c) five percent (5%) or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a state or local governmental unit, as provided in Section 141(c) of the Code; *provided*, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable

in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

The County represents and agrees that the Bonds are not and will not be “federally guaranteed,” as such term is used in Section 149(b) of the Code. No portion of the payment of principal of, or interest on the Bonds is, or will be guaranteed, directly or indirectly, in whole or in part by the United States or an agency or instrumentality thereof.

Section 15. Discharge upon Payment of Bonds. The Bonds may be defeased, as permitted by the Act. Any defeasance of the Bonds, as permitted by the Act, shall not release the County or the Registrar from its obligations hereunder to register and transfer the Bonds or release the County from its obligations to pay the principal of, premium, if any, and interest on the Bonds as contemplated herein until the date the Bonds are paid in full, unless otherwise provided in the Act. In addition, such defeasance shall not terminate the obligations of the County under Sections 12 and 14 until the date the Bonds are paid in full.

Section 16. Other Actions. All other actions of the members of the Board, officers, staff, and agents of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds and the refunding of the 1994 Refunded Bonds and the 1995 Refunded Bonds are approved and confirmed. The officers and staff of the County are authorized and directed to execute and deliver all certificates and instruments, including Internal Revenue Service Form 8038-G and a Blanket Issuer Letter of Representations to the Securities Depository, and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

Section 17. Limitation of Liability of Officials of the County. No covenant, condition, agreement, or obligation contained herein shall be deemed to be a covenant, condition, agreement, or obligation of a member of the Board, officer, employee, or agent of the County in his or her individual capacity, and no officer of the County executing any Bond shall be liable personally on such Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No member of the Board, officer, employee, or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.

Section 18. Contract with Registered Owner. The provisions of this Resolution shall constitute a contract between the County and the registered owner of the Bonds for so long as the Bonds are outstanding. Notwithstanding the foregoing, this Resolution may be amended by the County in any manner that does not, in the opinion of the County, materially adversely affect the registered owner of the Bonds.

Section 19. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

Section 20. Effective Date. This Resolution shall take effect immediately upon its adoption. The Clerk and any Deputy Clerk of the Board are hereby authorized and directed to see to the immediate filing of a certified copy of this Resolution with the Circuit Court of the County of James City, Virginia.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

obligbonds.res

EXHIBIT A

**REGISTERED
No. R-1**

**REGISTERED
\$ _____**

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY**

General Obligation Public Improvement Refunding Bond, Series 2003

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____ %	December 15, 20__	June 15, 2003	470293 ____

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ **DOLLARS**

The County of James City, Virginia (the "County"), for value received, promises to pay, upon surrender hereof, to the Registered Owner stated above, or registered assigns or legal representative, the Principal Amount stated above on the Maturity Date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon at the Interest Rate per year stated above from the Dated Date stated above on December 15, 2003, and semiannually thereafter on each June 15 and December 15 (each, an "Interest Payment Date"). Principal, premium, if any, and interest are payable in lawful money of the United States of America through SunTrust Bank, Richmond, Virginia, as registrar and paying agent (the "Registrar").

Interest shall be payable by check or draft mailed to the Registered Owner, determined as of the close of business on the first day of the month of the Interest Payment Date, at its address as it appears on the registration books kept for that purpose at the designated corporate trust office of the Registrar. Principal shall be payable upon presentation and surrender of this bond to the Registrar. If this bond is held by or for The Depository Trust Company or other entity acting as a securities depository (the "Securities Depository"), all payments of principal, redemption premium, if any, and interest shall be paid by wire transfer pursuant to the most recent wire instructions received by the Registrar from such Securities Depository and all redemptions or prepayments of principal may be made without presentation of this bond to the Registrar if such Securities Depository makes a notation on its records.

This bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated, unless this bond is: (a) authenticated before December 15, 2003, in which case it shall bear interest from the Dated Date stated above or (b) authenticated upon an Interest Payment Date or after the record date with respect thereto, in which case it shall bear interest from such Interest Payment Date; *provided*, that if at the time of authentication of this bond interest is in default, this bond shall bear interest from the date to which interest has been paid. Interest shall be calculated on the basis of a 360-day year with twelve 30-day months.

In case the date of maturity or redemption of the principal of this bond or an Interest Payment Date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal

and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or redemption or Interest Payment Date.

This bond is one of an issue of \$_____ General Obligation Public Improvement Refunding Bonds, Series 2003 (the "Bonds"), of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption, and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, as amended. The Bonds were authorized by a resolution adopted by the Board of Supervisors of the County (the "Board") on June 10, 2003 (the "Resolution"). The County shall use the proceeds of the Bonds to refund certain maturities of the County's General Obligation Public Improvement Bonds, Series of 1994, and General Obligation Public Improvement Bonds, Series 1995, and to pay the costs incurred in connection with issuing the Bonds.

Bonds maturing on or before December 15, 20__, are not subject to optional redemption prior to maturity. Bonds maturing on or after December 15, 20__, are subject to redemption prior to maturity at the option of the County on or after December 15, 20__, in whole or in part (in integral multiples of \$5,000) at any time upon payment of the following redemption prices (expressed as a percentage of the principal amount of the Bonds to be redeemed) plus interest accrued and unpaid to the redemption date:

<u>Period During Which Redeemed (Both Dates Inclusive)</u>	<u>Redemption Price</u>
December 15, 20__ through December 14, 20__	____%
December 15, 20__ through December 14, 20__	____
December 15, 20__ and thereafter	100

The Bonds maturing on December 15, 20__, are subject to mandatory sinking fund redemption by the County, upon payment of a redemption price of 100% of the principal amount of the Bonds to be redeemed, plus accrued interest to the redemption date, on December 15 in the years and amounts set forth below:

<u>Year</u>	<u>Amount</u>
-------------	---------------

-- final maturity

The Resolution provides for a credit against the mandatory sinking fund redemption of such Bonds in the amount of Bonds of the same maturity that have been previously redeemed or purchased and canceled or surrendered for cancellation and have not been applied previously as such a credit.

If less than all of the Bonds are called for optional redemption, the maturities of the Bonds to be redeemed shall be selected by the County Administrator in such manner as he may determine to be in the best interest of the County. If less than all the Bonds of a particular maturity are called for redemption, the Bonds to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case: (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The County shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, to the Securities Depository or its nominee as the Registered Owner of the Bonds or, if the book-entry system is discontinued, by registered or certified mail to the Registered Owners of the Bonds to be redeemed.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of, premium, if any, and interest on this bond.

All acts, conditions, and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist, or be performed precedent to and in the issuance of the Bonds have happened, exist, and have been performed, and the issuance of the Bonds, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Board of Supervisors of the County of James City, Virginia, has caused this bond to be issued in the name of the County of James City, Virginia, to be signed by its Chairman or Vice Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or Deputy Clerk and this Bond to be dated the Dated Date stated above.

(SEAL)

ATTEST:

Clerk, Board of Supervisors
of the County of James City, Virginia

Chairman, Board of Supervisors
of the County of James City, Virginia

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the within mentioned Resolution.

AUTHENTICATION DATE: _____

SUNTRUST BANK, as Registrar

By _____
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s), and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF TRANSFEREE:

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____

_____ Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent's Medallion Program ("STAMP") or similar program.

(Signature of Registered Owner)

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

**CERTIFICATE OF THE CLERK OF
THE BOARD OF SUPERVISORS OF
THE COUNTY OF JAMES CITY, VIRGINIA**

The undersigned Clerk of the Board of Supervisors of the County of James City, Virginia, certifies that:

1. A regular meeting of the Board of Supervisors of the County of James City, Virginia, was held on June 10, 2003, at the time and place established by the Board for such meetings, at which the following members were present and absent:

PRESENT/ABSENT:

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

2. A resolution entitled "Resolution Authorizing the Issuance and Sale of General Obligation Public Improvement Refunding Bonds, Series 2003, of the County of James City, Virginia, and Providing for the Form, Details and Payment Thereof" was adopted by a majority of all members of the Board by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

MEMBER

VOTE

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

3. Attached hereto is a true and correct copy of the foregoing Resolution as adopted on June 10, 2003. This Resolution has not been repealed, revoked, rescinded, or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the Board of Supervisors of the County of James City, Virginia, this ____ day of June, 2003.

Clerk, Board of Supervisors
of the County of James City, Virginia

(SEAL)

**SPECIAL USE PERMIT-10-03. Leighton-Herrmann Family Subdivision
Staff Report for June 10, 2003, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Board of Supervisors to assist it in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: N/A
Board of Supervisors: April 8, 2003, 7:00 p.m. (Continued)
May 13, 2003, 7:00 p.m. (Continued)
June 10, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Michael Leighton-Herrmann
Land Owner: Michael Leighton-Herrmann
Proposed Use: Family Subdivision (4 lots)
Location: 217 Skillman Drive, Stonehouse District
Tax Map and Parcel No.: (4-3)(4-11)
Primary Service Area: Outside
Parcel Size: Proposed Parcel B: Approximately 1.6 acres
Proposed Parcel C: Approximately 1.08 acres
Proposed Parcel D: Approximately 1.06 acres
Proposed Parcel E: Approximately 1.9 acres
Remaining Parent Lot: Approximately 5.16 acres
Existing Zoning: A-1, General Agricultural
Comprehensive Plan: Rural Lands
Surrounding Zoning: The site is completely surrounded by land zoned A-1, General Agricultural
Staff Contact: Matthew D. Arcieri - Phone: 253-6685

STAFF RECOMMENDATION:

This case was continued at the Board of Supervisors May 13, 2003, meeting in order for the applicant and adjacent property owners to meet with Board members. In addition, staff has reviewed family subdivision cases over the last five years and found that none of the nine approved cases were similar to this case in regard to creating a family subdivision internal to another subdivision. A chart detailing the nine cases is attached. Staff continues to recommend approval.

A copy of the previous staff report to the Board of Supervisors is also attached.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/gb
sup-10-03_61003.wpd

Attachments:

1. Location Map
2. Family Subdivisions Over the Last Five Years
3. Site Sketch
4. Four Signed Affidavits
5. April 8, 2003, Board of Supervisors Staff Report
6. Resolution

RESOLUTION

CASE NO. SUP-10-03. LEIGHTON-HERRMANN FAMILY SUBDIVISION

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, the applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District of four parcels, generally one acre or more, located at 217 Skillman Drive, further identified as a portion of Parcel No. (4-11) on James City County Real Estate Tax Map No. (4-3).

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-10-03 as described herein with the following conditions:

1. This special use permit is valid for a family subdivision for the creation of four (4) new lots of one acre or more with one parent lot remaining generally as shown on the sketch submitted with this application.
2. Only one entrance shall be allowed onto Skillman Drive.
3. Final subdivision approval must be received from the County within twelve months from the issuance of this special use permit or the permit shall become void.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

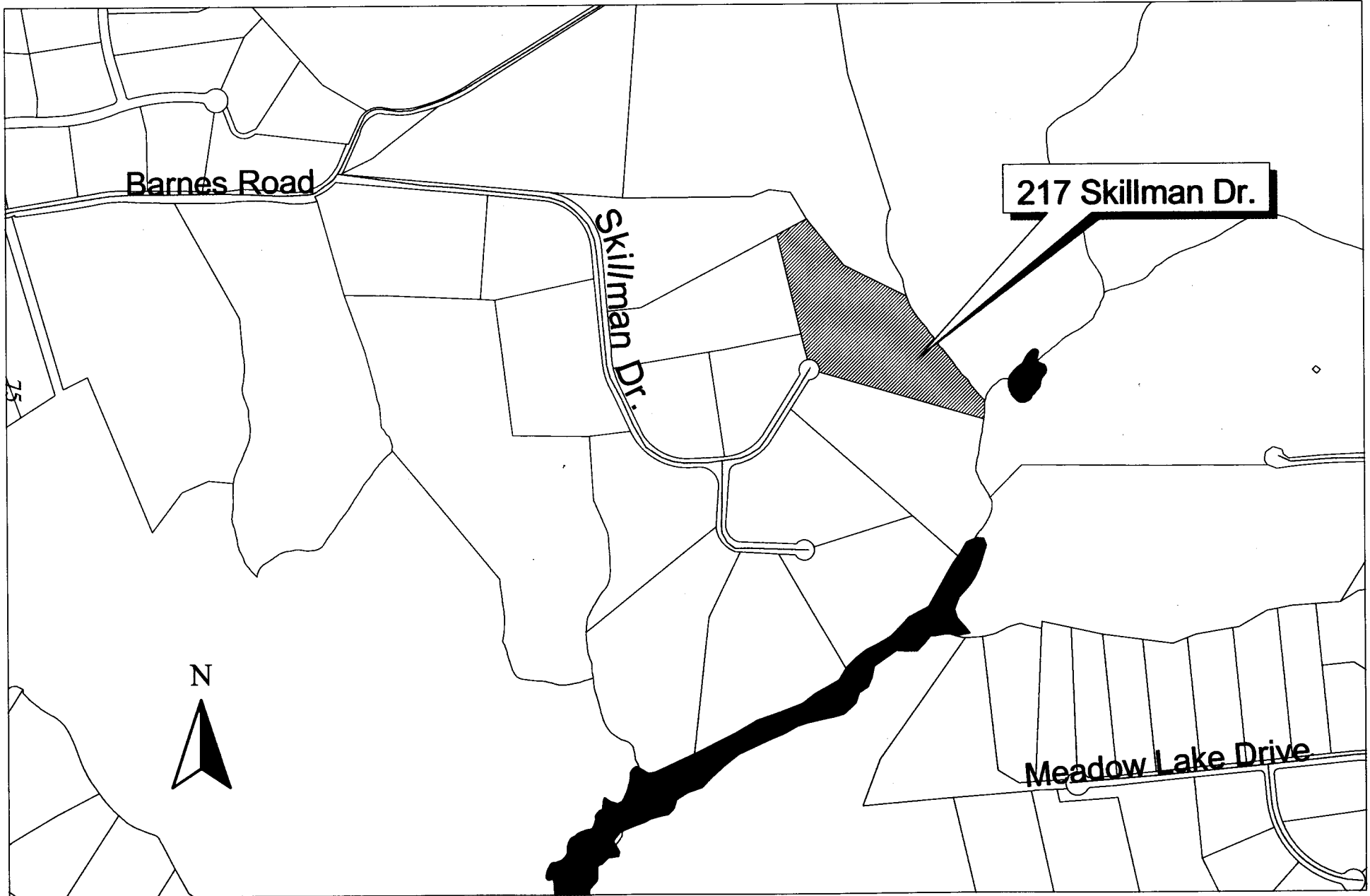
Sanford B. Wanner
Clerk to the Board

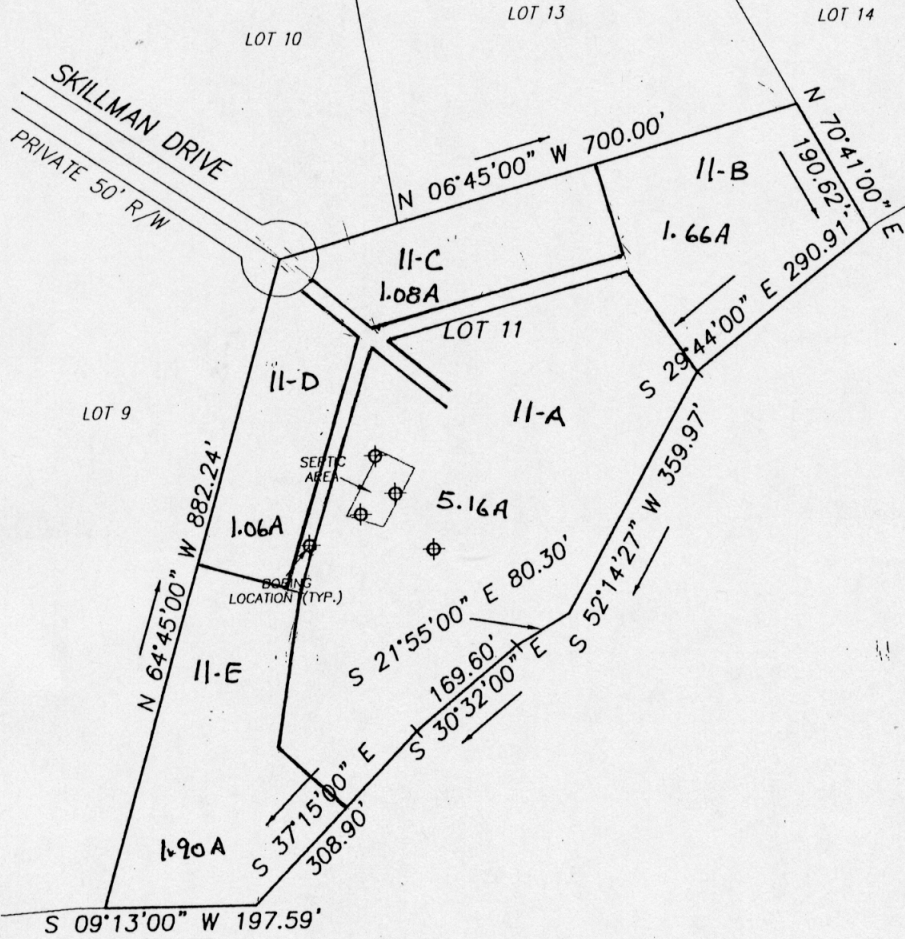
Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

sup-10-03.res

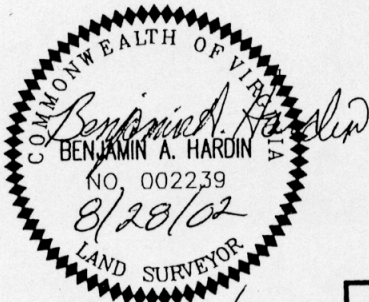
SUP-10-03

Leighton-Herrmann Family Subdivision





REFERENCES:
 P.B. 31, PG. 45
 D.B. 155, PG. 237
 D.B. 271, PG. 39
 D.B. 678, PG. 715
 INSTRUMENT 990228



Benjamin A. Hardin
 I, *Benjamin A. Hardin*
 HEREBY CERTIFY THAT THE SURVEY
 REPRESENTED BY THIS PLAT WAS
 MADE ON THIS DATE AND IS
 CORRECT TO THE BEST OF MY
 KNOWLEDGE AND BELIEF. THERE
 ARE NO ENCROACHMENTS OF OTHER
 BUILDINGS UNLESS SHOWN HEREON.

THOMAS LAND SURVEYING, P.C.
 11830-A CANON BOULEVARD
 NEWPORT NEWS, VIRGINIA 23606
 TEL. (757) 873-2770 / FAX (757) 873-2772

PRELIMINARY BOUNDARY SURVEY OF:

LOT 11
 PROPOSED SUBDIVISION OF
 THE SKILLMAN ESTATES
 POWHATAN DISTRICT
 JAMES CITY COUNTY, VIRGINIA

JCC	F.B. 570 PG. 57	JOB #: 02-416	45 SCALE: 1" = 200'	TO: LEIGHTON	DATE: 8/27/02
-----	--------------------	------------------	---------------------------	-----------------	------------------

Family Subdivisons Over the Last Five Years*

Case No.	Location	Acreage** of New Lot	Remaining Parent Parcel Acreage	Inside PSA?	Zoning
SUP-9-98	Fenton Mill Road	1.9	3.90	N	A-1
SUP-11-98	Jolly Pond Road	1.16	32.00	N	A-1
SUP-19-98	Rochabeau Drive	1	2.58	Y	A-1
SUP-23-98	Hicks Island Road	1.5	3.00	N	A-1
SUP-1-99	Old Stage Road	1	3.00	Y	A-1
SUP-2-00	Jolly Pond Road	1.28	19.00	N	A-1
SUP-23-00	Barnes Road	1.7	9.70	N	A-1
SUP-1-01	Fenton Mill Road	1	3.00	N	A-1
SUP-6-01	Barnes Road	1	29.20	N	A-1

*None of the cases above were part of another subdivision
The Board of Supervisors approved all nine cases

** Only one lot was created in each of these family subdivisions

2/27/03

(Date)

State of Virginia

County of James City

I, Michael Leighton Hevmann, am requesting James City County, Virginia, to approve a family subdivision of 1 parcel(s), consisting of 1.90 acres as set forth and designated on a plat entitled "LOT 11-E THE SKILLMAN ESTATES", made by THOMAS LAD SURVEYING, dated 8/27/02.

This subdivision is being made for the purpose of transferring a lot by sale or gift to:

Ellyn E. Leighton-Hevmann, (an) immediate family member(s), and specifically my daughter, and is not made for the purpose of circumventing Section 19-17 of the Code of the County of James City, Virginia.

It is my intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the plat submitted herewith.

Subscribed and sworn before me this 28th day of February 2003.

Scarlett Cadena
Notary Public

[Signature]
Owner

My commission Expires 4/30/05.

approval frm

2/27/03
(Date)

State of Virginia

County of James City

I, Michael Leighton Hermann, am requesting James City County, Virginia, to approve a family subdivision of 1 parcel(s), consisting of 1.66 acres as set forth and designated on a plat entitled "LOT 11-B THE SKILLMAN ESTATES", made by THOMAS LAND SURVEYING, dated 01/27/02.

This subdivision is being made for the purpose of transferring a lot by sale or gift to:

Adam J. Leighton-Hermann, (an) immediate family member(s), and specifically my Son, and is not made for the purpose of circumventing Section 19-17 of the Code of the County of James City, Virginia.

It is my intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the plat submitted herewith.

Subscribed and sworn before me this 28th day of February 2003.

Charlett Cadena
Notary Public

[Signature]

My commission Expires 4/30/05.

approval frm

2/27/03
(Date)

State of Virginia

County of James City

I, Michael Leighton-Herzmann, am requesting James City County, Virginia, to approve a family subdivision of 1 parcel(s), consisting of 1.08 acres as set forth and designated on a plat entitled "LOT 11-C THE SKILLMAN ESTATES", made by THOMAS LAND SURVEYING, dated 8/27/02.

This subdivision is being made for the purpose of transferring a lot by sale or gift to:

Amanda C. Leighton-Herzmann, (an) immediate family member(s), and specifically my daughter, and is not made for the purpose of circumventing Section 19-17 of the Code of the County of James City, Virginia.

It is my intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the plat submitted herewith.

Subscribed and sworn before me this 28th day of February, 2003.

Charlett Cadena
Notary Public

[Signature]
Owner

My commission Expires 4/30/05.

approval.fm

2/27/03
(Date)

State of Virginia

County of James City

I, Michael Leighton-Herrmann, am requesting James City County, Virginia, to approve a family subdivision of 1 parcel(s), consisting of 1.06 acres as set forth and designated on a plat entitled "LOT 11-D. THE SKILLMAN ESTATES", made by THOMAS LAND SURVEYING, dated 8/27/02.

This subdivision is being made for the purpose of transferring a lot by sale or gift to:

Deborah M. Gill, (an) immediate family member(s), and specifically my daughter, and is not made for the purpose of circumventing Section 19-17 of the Code of the County of James City, Virginia.

It is my intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the plat submitted herewith.

Subscribed and sworn before me this 28th day of February 2003.

Scarlett Cadena
Notary Public

[Signature]
Owner

My commission Expires 4/30/05

approval.frm

**SPECIAL USE PERMIT-10-03. Leighton-Herrmann Family Subdivision
Staff Report for April 8, 2003, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: N/A
Board of Supervisors: April 8, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Michael Leighton-Herrmann
Land Owner: Michael Leighton-Herrmann
Proposed Use: Family Subdivision (4 lots)
Location: 217 Skillman Drive, Stonehouse District
Tax Map and Parcel No.: (4-3)(4-11)
Primary Service Area: Outside
Parcel Size: Proposed Parcel B: Approximately 1.6 acres
Proposed Parcel C: Approximately 1.08 acres
Proposed Parcel D: Approximately 1.06 acres
Proposed Parcel E: Approximately 1.9 acres
Remaining Parent Lot: Approximately 5.16 acres
Existing Zoning: A-1, General Agricultural
Comprehensive Plan: Rural Lands
Surrounding Zoning: The site is completely surrounded by land zoned A-1, General Agricultural
Staff Contact: Matthew D. Arcieri - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal to be consistent with the surrounding zoning and development, and recommends approval of this application with the attached conditions.

Project Description

Michael Leighton-Herrmann has requested that the Board approve a family subdivision on land zoned A-1, General Agricultural, for each of his four children. The existing parcel is 10.8 acres and approval of the proposed family subdivision would create five lots. For A-1 zoned property, although the minimum lot size for residential dwelling units is three acres, lots of less than three acres are allowed for immediate family members (children 18 years of age or older) with an approved special use permit (SUP). The Zoning Ordinance requires the Board of Supervisors to review and approve this type of SUP. Each of the four new parcels created would be between one to two acres in size. The property is located at 217 Skillman Drive.

Utilities

Public water and sewer are not currently available to this site; therefore, each lot will have to be served by a septic system and well. The Subdivision Ordinance states that locations for both wells and septic tank drainfields must be approved by the Health Department prior to final subdivision approval.

Access

The site is located on the cul-de-sac at the end of Skillman Drive. Each of the four new lots, as well as the parent lot will be served by a minimum 10-foot gravel drive located in a 20-foot right-of-way. This drive will meet the criteria for access as stated in Section 19-17 of the James City County Subdivision Ordinance, Special Provisions for Family Subdivisions. In addition, Condition No. 2 allows for only one entrance onto Skillman Drive and prohibits the new lots from having individual driveways onto Skillman Drive.

Comprehensive Plan and Surrounding Uses

The site is located outside the Primary Service Area (PSA) and the Land Use Map designates the property as Rural Lands. The surrounding property is zoned A-1 and is largely undeveloped with scattered residential homes. Staff finds this proposal to be generally consistent with surrounding development.

Recommendation:

Staff finds the proposal to be consistent with the surrounding zoning and development, and recommends approval of this application with the following conditions:

1. This special use permit is valid for a family subdivision for the creation of four new lots of one acre or more with one parent lot remaining generally as shown on the sketch submitted with this application.
2. Only one entrance shall be allowed onto Skillman Drive.
3. Final subdivision approval must be received from the County within twelve months from the issuance of this special use permit or the permit shall become void.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/gs
sup-10-03.wpd

Attachments:

1. Location Map
2. Site Sketch
3. Four Signed Affidavits
4. Resolution

SPECIAL USE PERMIT- 2-03. Hankins Industrial Park Ready Mixed Concrete Plant Staff Report for June 10, 2003, Board of Supervisors Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: April 7, 2003, 7:00 p.m.
Board of Supervisors: May 13, 2003, 7:00 p.m. (Continued)
June 10, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III, on behalf of Larry Spence, Southern Equipment Company, Inc.

Land Owner: Sharon Dunn, George M. Hankins, Jr., George S. Hankins, Jr., Howard Hankins, Mary Thompson and the Virginia Tech Foundation

Proposed Use: Ready Mixed Concrete Plant

Location: 190 Industrial Boulevard, Hankins Industrial Park, Toano, VA
Stonehouse District

Tax Map and Parcel No.: (12-4)(1-13)

Primary Service Area: Inside

Parcel Size: 145.34± acres with the SUP applying to 16.221± acres as shown on the conceptual site plan

Existing Zoning: M-2, General Industrial

Comprehensive Plan: General Industry

Surrounding Zoning: The site is within the Hankins Industrial Park zoned M-2, General Industrial. To the north and south, the property is zoned A-1, General Agricultural, and to the east, property is zoned R-1, Limited Residential

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposed Ready Mixed Concrete plant in the Hankins Industrial Park consistent with the surrounding zoning, development, and the 1997 Comprehensive Plan. Given the applicants stated intent to subdivide and create the 16.22± acre site, the project will be buffered on all but one side by land within the Hankins Industrial Park. The Planning Commission, at its April 7, 2003, meeting, voted 6-1, recommending approval of this special use permit application. On April 21, 2003, the

applicant and plant owners met with local citizens. As a result of that meeting, staff and the applicant have discussed additional conditions that help mitigate any negative impacts of the proposed Ready Mixed Concrete Plant. New or revised conditions added since the Planning Commission meeting are listed in italics. Staff recommends the Board of Supervisors approve this special use permit application with conditions listed in the staff report.

Project Description

Mr. Vernon Geddy has applied on behalf of the Southern Equipment Company, Inc., for a Special Use Permit (SUP) to allow the construction and operation of a Ready Mixed Concrete plant at 190 Industrial Boulevard in the Hankins Industrial Park, Toano, VA. The property is zoned M-2, General Industrial, with the manufacture of cement, bricks and stone products, a specially permitted use in the M-2 Zoning District. Currently, the property is 145.34± acres in size and the proposed SUP would apply to only 16.22± acres that would be subdivided upon approval of this SUP. The property can be further identified as Parcel No. (1-13) on James City County Real Estate Tax Map No. (12-4).

Proposed operational details of the Ready Mixed Concrete plant are as follows:

- The facility will start with five employees: four drivers, and one plant manager.
- Normal working hours will be 7:00 a.m. until 5:00 p.m.
- Equipment on-site will include a concrete batch plant, four concrete mixer trucks, and one wheel loader.
- Buildings on-site include one metal building serving as an office, driver's room, and a small warehouse for storage.
- Facility estimates for the first year are 12,000 to 15,000 cubic yards (eight to nine truck trips per day).

Surrounding Zoning and Development

The property is located at the end of Industrial Boulevard which would be extended eastward to provide access to the site. To the west and southwest is the GTE Cellular Communications Tower, James City Service Authority (JCSA) well facility, and the Owens-Brockway Glass Company, all part of the Hankins Industrial Park and zoned M-2. Once the 16.22± acres are subdivided for the proposed Ready Mixed Concrete plant, the 16.22± acres would be bordered to the east and southeast by the remaining property in the Hankins Industrial Park to be developed, zoned M-2.

As the property exists today, the 145.34± acre parcel is adjacent to the east and southeast by the Wellington and Mirror Lakes subdivisions both zoned R-1, Limited Residential. To the south is the Massie Corporation properties zoned A-1, General Agricultural, M-1, Limited Business and Industrial, and M-2, General Industrial. To the north, the property is adjacent to the Hankins Farm, zoned A-1, General Agricultural.

Physical Features and Environmental Considerations

The proposed 16.22± acre site is relatively flat near the proposed Industrial Boulevard and slopes downward to a ravine and stream that forms the northern property line. The ravine and stream will serve as a natural buffer between the Ready Mixed Concrete plant and the Hankins Farm to the north.

It should be noted that the proposed Ready Mixed Concrete plant must apply for and receive from the Virginia Department of Environmental Quality General Virginia Pollutant Discharge Elimination System Permits for construction activities and industrial activity. These permits would be applied for during the review of development plans.

To help mitigate environmental impacts from the Plant, the applicant has proposed installing a central dust collector, vented silos, and concrete line washdown pits for the mixer trucks and a concrete line pit for process water that will be put through a sand filter and recycled back into the concrete.

Traffic/Access

Located off Richmond Road, Industrial Boulevard is a public road (Route 754) that provides access into the Hankins Industrial Park. To provide access to the proposed concrete plant, Industrial Park would be extended beyond the GTE tower and the Owens Brockway plant. VDOT has commented that when development plans are submitted, vehicle trip information should be provided to include heavy vehicles and pavement calculations showing Route 754 is adequately designed to handle the proposed future traffic. Staff concurs with this requirement.

Preliminary trip estimates provided by the applicant predict 8.65-truck trips per day. A traffic impact study was not required with the SUP application as only approximately 36-weekday peak-hour trips to and from the site will be generated according to International Traffic Estimate rates. Staff does not believe that the number of trips generated by this operation significantly adds to the existing traffic already on Industrial Boulevard or Route 60 and the proposed expansion will not negatively impact either road.

Public Utilities

The site is inside the Primary Service Area (PSA), and public water and sewer are available to the site. It should be noted that water from the adjacent JCSA well facility is raw water that has not yet been treated. The concrete plant will have to tap into an existing waterline within the industrial park that contains treated water.

Comprehensive Plan

The Comprehensive Plan designates this property and the Hankins Industrial Park as General Industry. A General Industry designation is intended to designate areas inside the PSA that are suitable for industrial uses which, because of their potential to create noise, dust, odor, and other environmental impacts, require buffering from adjoining uses. To the north, east, and southeast, the Hankins Farm, Wellington and Mirror Lake subdivision are designated low- density residential on the Comprehensive Plan Land Use Map. Staff believes that the proposed Ready Mixed Concrete plant is consistent with the Comprehensive Plan because it is located in an area intended for industrial and manufacturing uses and upon recordation of the 16.22± subdivision, the property will be buffered on all but one side by land within the Hankins Industrial Park.

Recommendation

Staff finds the proposed Ready Mixed Concrete plant in the Hankins Industrial Park consistent with the surrounding zoning, development, and the 1997 Comprehensive Plan. Given the applicants stated intent to subdivide and create the 16.22± acre site, the project will be buffered on all but one side by land within the Hankins Industrial Park. The Planning Commission, at its April 7, 2003, meeting, voted 6-1, recommending approval of this special use permit application. On April 21, 2003, the applicant and plant owners met with local citizens. As a result of that meeting, staff and the applicant have discussed additional conditions that help mitigate any negative impacts of the proposed Ready Mixed Concrete Plant. New or revised conditions added since the Planning Commission meeting are listed below in italics. Staff recommends the Board of Supervisors approve this special use permit application with the following conditions:

1. If construction has not commenced on the project within thirty-six months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. Prior to the issuance of preliminary approval for the site plan, the applicant shall record an approved subdivision plat showing the subdivision of the 16.22± acre parcel from the currently existing Parcel

No. (1-13) on James City County Real Estate Tax Map (12-4), generally in accordance with Parcel No. 2 as shown on the conceptual site plan titled "Ready Mixed Concrete Hankins Industrial Park," dated January 15, 2003.

3. *The Ready Mixed Concrete facility shall be constructed generally as shown on the conceptual site plan titled "Ready Mixed Concrete Hankins Industrial Park" as drawn by AES Consulting Engineers on January 15, 2003. The proposed Ready Mixed Concrete facility to be constructed can be further identified as the Rustler II model or shall be an equivalent model as approved by the Planning Director, which can yield a batch size up to 12 yd³, up to four aggregate storage compartments with a capacity of up to 170 yd³ or 220 tons, and has up to two cement storage compartments with a capacity up to 2,484 ft³ or 621 barrels.*
4. A Spill Prevention and Control Measure Plan shall be approved by the Director of the Environmental Division prior to final site plan approval for the Ready Mixed Concrete plant. The Spill Prevention and Control Measure plan shall be constructed and implemented prior to issuance of the certificate of occupancy.
5. A dust collection system, such as, but not limited to the Reverse Air Duct Collector RA140, shall be utilized on the Ready Mixed Concrete plant. The manufacturer's specifications for the system shall be submitted with the site plan and shall be approved by the Director of Planning prior to final site plan approval.
6. Rock, gravel, sand, cement, and/or similar materials shall be stored in bins to control runoff and scattering of such materials onto adjacent property. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
7. No flags or signage on any silo, hopper, or any other piece of permanent external equipment shall be permitted.
8. All exterior light fixtures on the property shall be recessed fixture with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall occur outside the property lines.
9. The "reverse warning beepers" on all equipment, which serves the Ready Mixed Concrete plant, shall be turned down to their lowest volumes *as permitted by Federal or State law or regulations.*
10. *The Development Review Committee shall review and approve the site plan for this project.*
11. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. *Enhanced landscaping, defined as at least 133 percent of the County's Landscaping Ordinance requirements, shall be planted and maintained along the eastern property line landscape buffer from the public right-of-way to the stormwater management plan to help screen and filter any noise and dust from the concrete plant.*
12. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include

nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

13. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA). The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
14. *A minimum 200-foot wide undisturbed wooded buffer shall be maintained along the northern property line adjacent to property outside of the Hankins Industrial. This buffer shall remain in its natural state with any activity in the buffer to be reviewed and approved prior to occurrence by the Director of Environmental Services and the Director of Planning.*
15. *A solid fence at least eight feet in height if constructed with wood or at least six feet in height if constructed of concrete or of an equivalent height and construction material for sound attenuation as approved by the Planning Director, shall be constructed and maintained along the eastern property line from the public right-of-way to the stormwater management pond to help filter noise and dust of the concrete plant from adjacent property. The Planning Director shall review and approve the location of the fence and the proposed fence construction prior to final site plan approval.*
16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/gs
sup-2-03_2.wpd

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Conceptual Plan
4. Resolution

RESOLUTION

CASE NO. SUP-2-03. HANKINS INDUSTRIAL PARK READY MIXED CONCRETE PLANT

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, the production of ready-mix concrete is a specially permitted use in the M-2, General Industrial, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 7, 2003, recommended approval of Case No. SUP-2-03 by a 6-1 vote to permit the construction and operation of a Ready Mixed Concrete facility on 16.22± acres at 190 Industrial Boulevard in the Hankins Industrial Park and further identified as Parcel No. (12-4) on James City County Real Estate Tax Map No. (1-13).

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-2-03 as described herein with the following conditions:

1. If construction has not commenced on the project within thirty-six months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grating, and the pouring of footings.
2. Prior to the issuance of preliminary approval for the site plan, the applicant shall record an approved subdivision plat showing the subdivision of the 16.22± acre parcel from the currently existing Parcel No. (1-13) on James City County Real Estate Tax Map (12-4), generally in accordance with Parcel No. 2 as shown on the conceptual site plan titled "Ready Mixed Concrete Hankins Industrial Park," dated January 15, 2003.
3. The Ready Mixed Concrete facility shall be constructed generally as shown on the conceptual site plan titled "Ready Mixed Concrete Hankins Industrial Park" as drawn by AES Consulting Engineers on January 15, 2003. The proposed Ready Mixed Concrete facility to be constructed can be further identified as the Rustler II model or shall be an equivalent model as approved by the Planning Director, which can yield a batch size up to 12 yd³, up to four aggregate storage compartments with a capacity of up to 170 yd³ or 220 tons, and has up to two cement storage compartments with a capacity up to 2,484 ft³ or 621 barrels.
4. A Spill Prevention and Control Measure Plan shall be approved by the Director of the Environmental Division prior to final site plan approval for the Ready Mixed Concrete plant. The Spill Prevention and Control Measure plan shall be constructed and implemented prior to issuance of the certificate of occupancy.
5. A dust collection system, such as, but not limited to the Reverse Air Duct Collector RA140, shall be utilized on the Ready Mixed Concrete plant. The manufacturer's specifications for the system shall be submitted with the site plan and shall be approved by the Director of Planning prior to final site plan approval.

6. Rock, gravel, sand, cement, and/or similar materials shall be stored in bins to control runoff and scattering of such materials onto adjacent property. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval
7. No flags or signage on any silo, hopper, or any other piece of permanent external equipment shall be permitted.
8. All exterior light fixtures on the property shall be a recessed fixture with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall occur outside the property lines.
9. The “reverse warning beepers” on all equipment, which serves the Ready Mixed Concrete plant, shall be turned down to their lowest volumes as permitted by Federal or State law or regulations.
10. The Development Review Committee shall review and approve the site plan for this project.
11. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. Enhanced landscaping, defined as at least 133 percent of the County’s Landscaping Ordinance requirements, shall be planted and maintained along the eastern property line landscape buffer from the public right-of-way to the stormwater management plan to help screen and filter any noise and dust from the concrete plant.
12. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources’ *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior’s *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior’s *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
13. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority

(JCSA). The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

14. A minimum 200-foot wide undisturbed wooded buffer shall be maintained along the northern property line adjacent to property outside of the Hankins Industrial. This buffer shall remain in its natural state with any activity in the buffer to be reviewed and approved prior to occurrence by the Director of Environmental Services and the Director of Planning.
15. A solid fence at least eight feet in height if constructed with wood or at least six feet in height if constructed of concrete or of an equivalent height and construction material for sound attenuation as approved by the Planning Director, shall be constructed and maintained along the eastern property line from the public right-of-way to the stormwater management pond to help filter noise and dust of the concrete plant from adjacent property. The Planning Director shall review and approve the location of the fence and the proposed fence construction prior to final site plan approval.
16. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

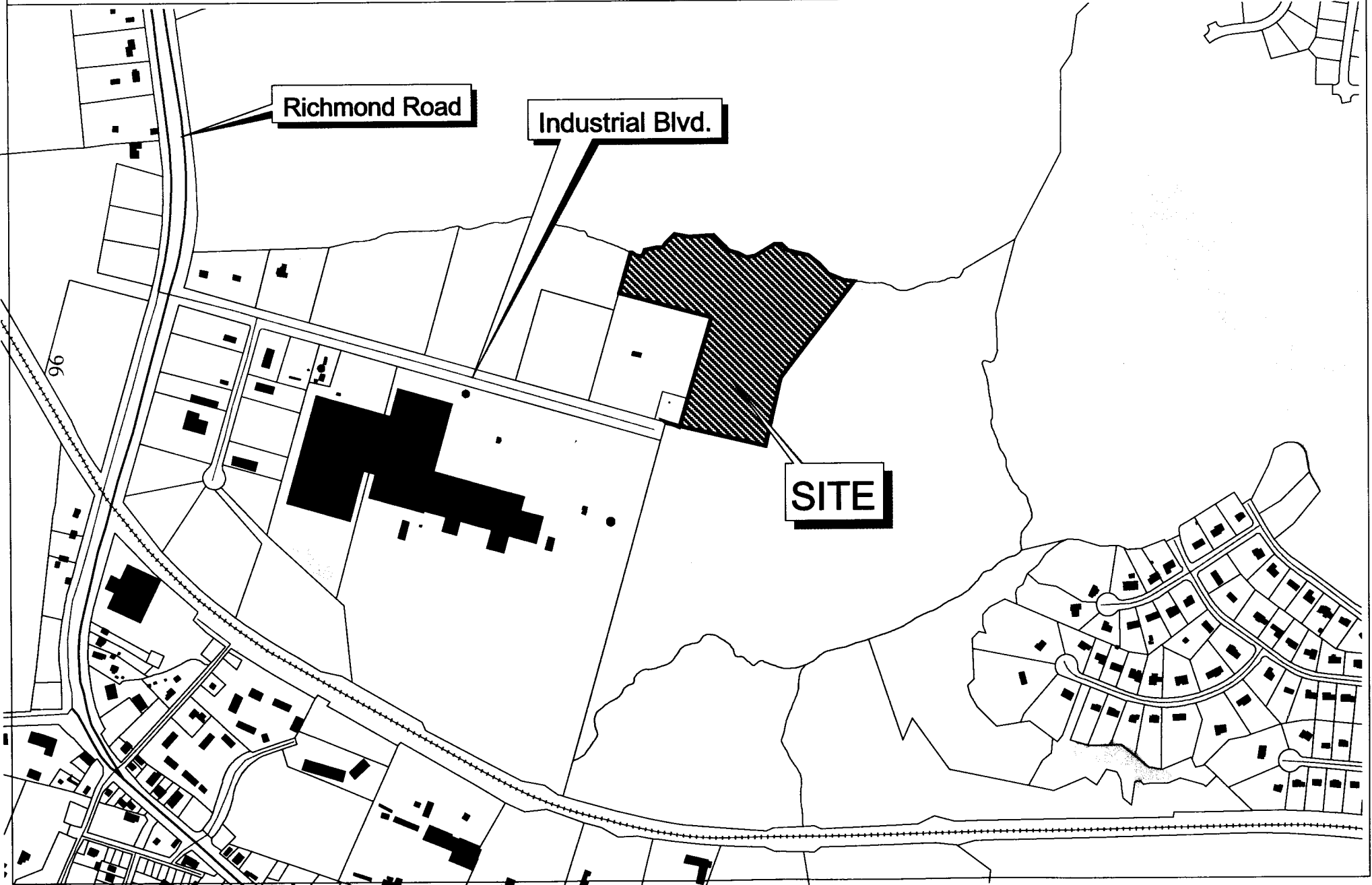
ATTEST:

Sanford B. Wanner
Clerk to the Board

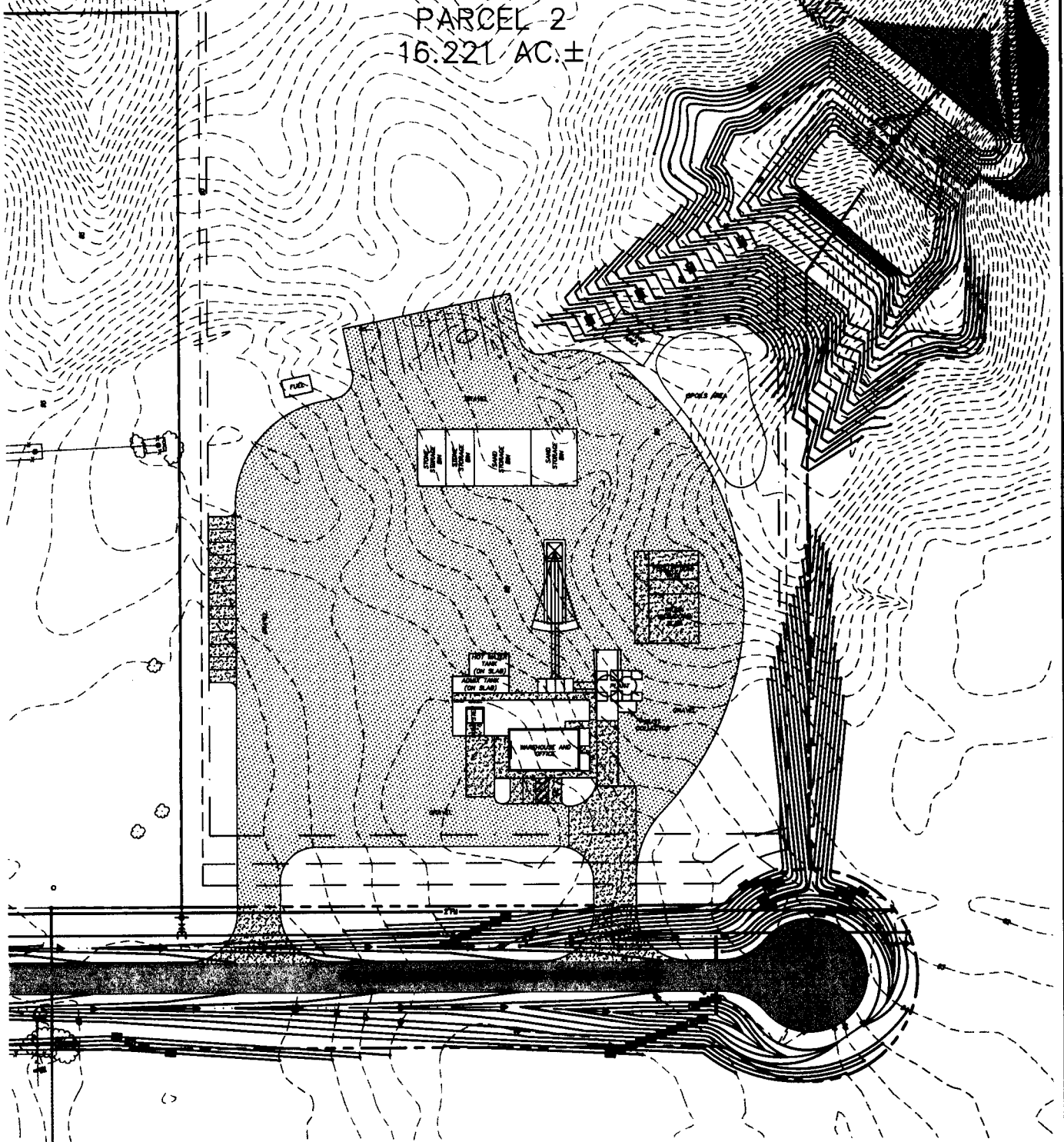
Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 2003.

sup-2-03_2

SUP-02-03. Hankins Industrial Park Ready Mixed Concrete Plant



PARCEL 2
16.221 AC. ±



92400-8X11 concept.dwg

EAW 03.26.03-09:13



Consulting Engineers

Engineers, Surveyors, Planners

Williamsburg, Virginia

CONCEPTUAL PLAN
READY MIXED CONCRETE
HANKINS INDUSTRIAL PARK

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF APRIL, TWO-THOUSAND AND THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

- | | | |
|----|-------------------|---|
| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u> |
| | A. Joe Poole, III | Leo Rogers, Deputy County Attorney |
| | John Hagee | Michael Drewry, Assistant County Attorney |
| | Donald Hunt | O. Marvin Sowers, Jr., Planning Director |
| | Peggy Wildman | Cynthia Grom, Administrative Services Coordinator |
| | Joseph McCleary | Karen Drake, Senior Planner |
| | George Billups | Matthew Arcieri, Planner |
| | Wilford Kale | |

2. MINUTES

The Commission approved the minutes of the March 3, 2003 meeting with a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. John Hagee presented the DRC report stating there were two cases that were heard at the last meeting, one for Wexford Hills subdivision for alternative septic systems for four lots and one for the Tewning Road office building for two entrances. Both were recommended for approval by the DRC.

In a unanimous voice vote the Commission approved the DRC report.

B. OTHER COMMITTEES

Mr. Joe McCleary presented to the Planning Commission a brief summary on where the Comprehensive Plan Steering Committee (SC) was in their review process. He commented that the April Planning Commission reading file included the latest minutes of the March SC meetings. He explained the format that was going to be used for the next section of Land Use. He gave a run down on the itinerary of the next four SC meetings, the tour of the Land Use change properties, possible joint work sessions with the Board of Supervisors in June, and final Planning Commission consideration occurring during the July 14th Planning Commission meeting. If completed at that meeting, the Plan would then be forwarded to the Board of Supervisors. He also mentioned the Virginia Gazette had included a pull out Land Use Map in Saturday's paper (April 5th). He asked his fellow Planning Commission members if they are amicable to the two work sessions with the Board of Supervisors members.

Mr. Joe Poole expressed his appreciation for the itinerary, and endorsed the proposal for the work sessions, and asked the other Planning Commission members if they concurred.

All members of the Planning Commission concurred.

4. PUBLIC HEARINGS

A. CASE NO. Z-2-03/MP-1-03 Hiden Property Proffers Amendment.

Mr. Matthew Arcieri presented the staff report. The applicant requested deferral until the next Planning Commission meeting in May.

Mr. Joe Poole, III, opened up the public hearing and continued it until May 5th.

B. CASE NO. SUP- 2-03 Hankins Industrial Park Ready Mixed Concrete Plant.

Ms. Karen Drake presented the staff report. She stated that Mr. Vernon Geddy has applied on behalf of the Southern Equipment Company, Inc. for a Special Use Permit (SUP) to allow the construction and operation of a Ready Mixed Concrete plant at 190 Industrial Boulevard in the Hankins Industrial Park, Toano, VA. The property is zoned M-2, General Industrial with the manufacture of cement, bricks and stone products, a specially permitted use in the M-2 Zoning District. Currently, the property is ±145.34 acres in size and the proposed SUP would apply to only ±16.22 acres that would be subdivided upon approval of this SUP. The property can be further identified as Parcel No. (1-13) on James City County Real Estate Tax Map No. (12-4). Proposed operational details of the Ready Mixed Concrete Plant are as follows: The facility will start with 5 employees, 4 drivers and 1 plant manager; Normal working hours will be 7:00am until 5:00pm; Equipment on site will include a concrete batch plant, 4 concrete mixer trucks and one wheel loader; Buildings on site include one metal building serving as an office, driver's room and a small warehouse for storage; Facility estimates for the first year are 12,000 to 15,000 cubic yards, (8 to 9 truck trips per day). The proposed Ready Mixed Concrete plant in the Hankins Industrial Park is consistent with the surrounding zoning, development and the 1997 Comprehensive Plan. Given the applicants stated intent to subdivide and create the ±16.22 acre site, the project will be buffered on all but one side by land within the Hankins Industrial Park. Staff recommended the Planning Commission approve this Special Use Permit application with conditions.

Mr. Wilford Kale asked for clarification on the two driveways.

Mr. Joe Poole, III invited the applicant, Mr. Vernon Geddy, Esq., to approach the podium.

Mr. Vernon Geddy, representing Southern Equipment, discussed their application for a special use permit. He stated the property the plant would be on is a well buffered site and would be a small operation with only 5 employees and 4 concrete trucks. He explained the dust collection equipment to be used is 99.8% effective and is regulated by the VA Dept. of Environmental Quality, and an erosion and settlement plan as well as a spill and prevention plan that would be in place. He also described the truck wash down area where the water would be collected, recycled and reused.

Mr. Joe McCleary asked for clarification on the size of the operation, wondering if it would be equal to the Jack Massie, Inc., operation.

Mr. Vernon Geddy replied it would be smaller.

Mr. Joe Poole, III, asked if the 15 conditions attached to the special use permit were acceptable.

Mr. Vernon Geddy replied yes, they were.

Mr. Joe Poole, III, opened the public hearing.

Mr. Tony Dion, resident of 102 Fairmont Drive, in the Mirror Lakes subdivision, stated his reasons for opposition to the special use permit and strongly recommended the Planning Commission not approve the permit.

Ms. Teresa Hudgins of 111 Knollwood Drive, representing the Stonehouse District Citizen's Association, also stated her concerns regarding the special use permit and recommended the Planning Commission not approve the permit.

Hearing no other request to speak, Mr. Joe Poole, III, closed the public hearing. He questioned Mr. Geddy regarding the distance the plant would be from the Mirror Lakes subdivision, truck traffic and environmental issues.

Mr. Vernon Geddy replied the shortest distance the plant would be to the subdivision would be 1500 feet, that the truck traffic was based on the capacity of the plant and average loads the trucks could carry, and the environmental issues were highly regulated by the DEQ and James City County. He mentioned that the sand and gravel would be stored in outdoor storage bins, and that all aggregates would arrive via trailer trucks.

Mr. Wilford Kale asked if the James City Service Authority was concerned about contamination to the well facilities that would be next door.

Ms. Karen Drake explained that the well facilities were raw water and were sent to a treatment plant from that location. Also, she didn't receive any comments from JCSA expressing such concerns.

Mr. Vernon Geddy was asked if the VEDQ permit had been applied for, and he stated it has not.

Mr. Wilford Kale asked if there would be a chance of surface or ground water contamination.

Mr. Vernon Geddy stated it would be surface water but there would be a containment system.

Mr. John Hagee made a motion to approve.

Mr. Joe McCleary seconded the motion.

Mr. John Hagee, Mr. Joe McCleary, Mrs. Peggy Wildman and Mr. Joe Poole, III, all stated their support for the special use permit. They felt it was an appropriate use for the property, located in a heavy industrial area and supported by the Comprehensive Plan.

In a roll call vote, motion passed (6-1). AYE: Wildman, McCleary, Hagee, Hunt, Billups, Poole (6); NAY: Kale (1).

C. CASE NO. ZO-2-03/SO-1-03 Zoning and Subdivision Ordinance Fee Changes.

Mr. Matthew Arcieri presented the staff report. He stated that on March 11, 2003, the Board of Supervisors adopted an initiating resolution to consider making fee changes to the zoning and subdivision ordinances. Fees were last reviewed in 1998. At that time, a detailed study of actual costs was prepared. While most fees were increased, they still fell short of recovering all actual costs. Since then there has been a steady increase in costs and staff time associated with review of all case types. In addition, fees have not kept pace with inflation, the costs of advertising public hearing cases through the newspapers, and direct mailings to adjacent property owners. In preparing this proposal staff surveyed eleven local governments: Albemarle, Chesterfield, Fauquier, Hampton, Hanover, Henrico, Newport News, Richmond, Stafford, Williamsburg & York. Staff's recommended increases are based on a general comparison with these jurisdictions and will bring fees in line with some of the high-growth communities in the Commonwealth. Even with these proposed increases, the Division will still recoup less than 50% of the County's actual costs.

Mr. Donald Hunt asked when the fee schedule was last reviewed.

Mr. Matthew Arcieri replied in 1998.

Mr. Donald Hunt asked if the fees go into the general fund for the County.

Mr. O. Marvin Sowers, Jr. replied yes, they did. He explained that staff was asked to bring this forward by the Board of Supervisors as part of the budget process.

Mr. Joe Poole, III, opened the public hearing. Hearing no other requests to speak, he closed the public hearing.

Mr. Joe Poole, III, and Mr. John Hagee voiced their support for the fee changes.

Mr. John Hagee made a motion to approve.

Mr. Joe McCleary seconded the motion.

Mr. George Billups and Mrs. Peggy Wildman also stated their support for the ordinance changes.

In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

5. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers discussed the upcoming Steering Committee meetings on Land Use starting Monday, April 14th. He encouraged everyone to attend the meetings or watch on TV. He also mentioned the Comprehensive Plan section of the website that included all land use applications and links to leave comments.

6. ADJOURNMENT

There being no further business, the April 7, 2003, meeting of the Planning Commission was adjourned at 7:58 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary