

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

October 28, 2003

7:00 P.M.

-
- A. ROLL CALL**
- B. MOMENT OF SILENCE**
- C. PLEDGE OF ALLEGIANCE** - Aurielle Green , seventh-grade student at James Blair Middle School.
- D. PRESENTATIONS**
1. Recognizing The Williamsburg Youth League 10-Year-Old World Series All-Star Team
 2. Recognizing The Host Committee Members of the Cal Ripken 2003 10-Year-Old World Series
 3. Weatherization Day - October 30, 2003
 4. FY 03 Strategic Management Plan Year-End Report – Rona Vrooman
- E. HIGHWAY MATTERS**
- F. PUBLIC COMMENT**
- G. CONSENT CALENDAR**
1. Minutes - October 28, 2003 Regular Session
 2. Recognizing The Williamsburg Youth League 10-Year-Old World Series All-Star Team
 3. Recognizing The Host Committee Members of the Cal Ripken 2003 10-Year-Old World Series
 4. Weatherization Day - October 30, 2003
 5. Dedication of a Street Known as Warhill Trail
 6. Installation of “Watch for Children” Sign - Warhill Trail
 7. Award of Bid - New Fire Station
 - 8.
- H. PUBLIC HEARINGS**
1. Case No. HW-1-03. Owens Brockway Glass Container, Inc., Electrostatic Precipitator and Exhaust Stack
 2. Return of Drainage Easement
 3. Lease of 2,773 Square Feet of County Property to Alltel Communications, Inc.
 4. Road Abandonments, Additions and Renumbering Due to Route 199 and Monticello Avenue
- I. PUBLIC COMMENT**
- K. REPORTS OF THE COUNTY ADMINISTRATOR**
- L. BOARD REQUESTS AND DIRECTIVES**
- M. ADJOURNMENT**

MEMORANDUM

DATE: October 28, 2003
TO: The Board of Supervisors
FROM: Rona J. Vrooman, Training and Quality Performance Coordinator
SUBJECT: FY 03 Strategic Management Plan Year-End Report

On May 14, 2002, the Board approved the FY 03 Strategic Management Plan. A copy of the FY 03 Strategic Management Plan Year-End Report is provided in the Board's Reading File.

The purpose of the staff presentation is to update the Board concerning the status of the plan's objectives and to provide the Board an overview of accomplishments.

No action is requested on this presentation.

Rona J. Vrooman

RJV/gb
endrpt03.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF OCTOBER, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jay T. Harrison, Sr., Chairman, Berkeley District
Bruce C. Goodson, Vice Chairman, Roberts District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
James G. Kennedy, Stonehouse District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

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

D. HIGHWAY MATTERS

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

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

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

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

E. PUBLIC COMMENT

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

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

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

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

F. PRESENTATION

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

1. Planning Commission Annual Report FY 2002-2003

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

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

G. CONSENT CALENDAR

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

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

1. Minutes –

- a. September 9, 2003, Regular Meeting
- b. September 20, 2003, Special Meeting
- c. September 23, 2003, Work Session

2. Strengthening Families Program - Grant

RESOLUTION

STRENGTHENING FAMILIES PROGRAM - GRANT

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

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

Revenue:

Historic Triangle Substance Abuse Coalition \$4,025

Expenditure:

Office of Community Services \$4,025

3. Carry Forward funds – Records Management System

RESOLUTION

CARRY FORWARD FUNDS – RECORDS MANAGEMENT SYSTEM

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

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

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

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

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

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

RESOLUTION

APPROPRIATION - FY 04 COMMONWEALTH MASS TRANSIT

CAPITAL MATCHING GRANT (WILLIAMSBURG AREA TRANSPORT)

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

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

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

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

Revenues:

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

Expenditure:

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

RESOLUTION

BUDGET TRANSFER - COMMONWEALTH ATTORNEY’S OFFICE

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

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

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

WHEREAS the necessary funds are available in Operating Contingency.

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

6. Contingency Transfer – Peninsula Public Health District

RESOLUTION

CONTINGENCY TRANSFER – PENINSULA PUBLIC HEALTH DISTRICT

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

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

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

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

7. FY 2005-2010 Six-Year Improvement Program

RESOLUTION

2005 - 2010 SIX-YEAR IMPROVEMENT PROGRAM

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

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

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

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

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

H. PUBLIC HEARINGS

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

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

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

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

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

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

Mr. Harrison opened the Public Hearing.

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION

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

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

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

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

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

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

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

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

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

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

Mr. Harrison opened the Public Hearing.

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

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

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

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

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

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

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

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

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

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

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

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

WINDSORMEADE MARKETPLACE

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

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

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

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

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

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

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

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

Mr. Hill stated that this is a housekeeping amendment.

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

Staff recommended approval of the Ordinance.

Mr. Harrison opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

4. Amendments to the FY 2004 Operating and Capital Budgets

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

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

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

Mr. Harrison opened the Public Hearing.

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

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

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

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

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

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

RESOLUTION

AMENDMENTS TO THE FY 2004 CAPITAL BUDGET

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

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

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

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

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

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

RESOLUTION

AMENDMENTS TO THE FY 2004 OPERATING BUDGET

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

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

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

I. BOARD CONSIDERATION

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

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

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

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

YARMOUTH CREEK WATERSHED MANAGEMENT PLAN

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

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

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

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

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

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

J. PUBLIC COMMENT

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

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

K. REPORTS OF THE COUNTY ADMINISTRATOR

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

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

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

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

Mr. Brown inquired about the collection of rootballs.

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

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

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

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

Mr. McGlennon inquired about the maintenance of overhanging trees.

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

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

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

L. BOARD REQUESTS AND DIRECTIVES

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

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

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

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

M. CLOSED SESSION

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

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

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

At 9:23 p.m. Mr. Harrison reconvened the Board into Open Session.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, (ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

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

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

N. RECESS

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

Sanford B. Wanner
Clerk to the Board

101403bos.min

MEMORANDUM

DATE: October 28, 2003
TO: The Board of Supervisors
FROM: Doug Powell, Acting Assistant County Administrator
SUBJECT: Recognizing the Williamsburg Youth League 10-Year-Old World Series All-Star Team

The Williamsburg Youth League, co-sponsored by the James City County Division of Parks and Recreation, formed an All-Star Team during the summer that hosted the 2003 Cal Ripken 10-Year Old World Series in James City County. The All-Star Team finished as the undefeated champion of the Cal Ripken District III Tournament and was the undefeated champions of the James City County Moose Invitation Tournament. In addition, they won the first World Series game ever won by the Williamsburg Youth League and finished fifth among ten teams from the entire country in the World Series. The team compiled a final record of 14-3 during their summer season.

The dedication and accomplishment of the team and coaches are a positive reflection on the Williamsburg Youth League and the community.

Staff recommends approval of the attached resolution recognizing the team and coaches for their outstanding efforts.

Doug Powell

DP/gs
allstar.mem

Attachment

RESOLUTION

RECOGNIZING THE WILLIAMSBURG YOUTH LEAGUE

10-YEAR-OLD WORLD SERIES ALL-STAR TEAM

WHEREAS, during the summer of 2003, the Williamsburg Youth League, co-sponsored by the James City County Division of Parks and Recreation, had open tryouts and formed a traveling all-star team to represent James City County in the Cal Ripken 10-year-old World Series; and

WHEREAS, in June and July of 2003, the All-Star team finished as the undefeated champion of the Cal Ripken District III Tournament and also was the undefeated champion of the JCC Moose Invitation Tournament held at the District Sports Complex and finished their summer baseball season with an astounding 14-3 record; and

WHEREAS, those extra efforts and hard work paid off with their successful participation in the 2003 Cal Ripken 10-year-old World Series, the farthest a team can advance by finishing 5th of all the 10-year-old Ripken all-star teams in the World; and

WHEREAS, the many members of this World Series team provided both James City County and the Williamsburg Youth League their first ever thrilling World Series game 1 win in 50 years with their dramatic come from behind fashion showing great heart and determination.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby congratulate the Williamsburg Youth League, the host team members and coaches of the 2003 Cal Ripken 10-year-old World Series for their amazing efforts in one of the most successful World Series in history, and we recognize and respect the hard work, dedication, and accomplishment the entire team has brought to the Williamsburg Youth League and to our community.

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 28th day of October, 2003.

allstar.res

MEMORANDUM

DATE: October 28, 2003

TO: The Board of Supervisors

FROM: Doug Powell, Acting Assistant County Administrator

SUBJECT: Resolution Recognizing the Host Committee Members of the Cal Ripken 2003 10-Year-Old World Series

The Williamsburg Youth League served as host for the 2003 Cal Ripken 10-Year-Old World Series. The members of the Host Committee volunteered hundreds of hours to assure the success of this tournament.

Due to the efforts of the Host Committee, James City County and its parks and recreational facilities were showcased to thousands of visitors. The success of the tournament may result in the County becoming host on a rotating or even permanent basis for the Cal Ripken 10-Year-Old World Series.

Staff recommends approval of the resolution recognizing the Host Committee for its outstanding efforts.

Doug Powell

DP/gs
ripkencmte.mem

Attachment

RESOLUTION

RECOGNIZING THE HOST COMMITTEE MEMBERS OF THE

CAL RIPKEN 2003 10-YEAR-OLD WORLD SERIES

WHEREAS, on April 19, 2002, Dan Clayton, the president of the Williamsburg Youth League, co-sponsored by the James City County Parks and Recreation, signed a contract to bring the Cal Ripken 10-year-old World Series to Williamsburg, Virginia; and

WHEREAS, the event increased visitation to the area, and thereby increased retail sales and hotel occupancy; and

WHEREAS, this occasion brought many name brand national sporting goods company sponsorships to know the Greater Williamsburg Community and the benefits offered by locating a competition as large as this in James City County, Virginia; and

WHEREAS, the many members of this committee volunteered hundreds of hours to assure the success and possible future relocation of this event to James City County's District Park Sports Complex on a rotating and even permanent basis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby congratulate the Williamsburg Youth League and the Host Committee Members of the 2003 Cal Ripken 10-year-old World Series for their amazing efforts in running one of the most successful World Series in the history of this event, which brought honor to James City County and financial support to the many supportive merchants that benefitted from this event.

BE IT FURTHER RESOLVED that you made a substantial difference in the lives of the fourteen local players that represented the Williamsburg Youth League and James City County as our host team and the nine other teams that came and played in an event that will be a part of their lives forever.

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 28th day of October, 2003.

MEMORANDUM

DATE: October 28, 2003
TO: The Board of Supervisors
FROM: Doug Powell, Acting Assistant County Administrator
SUBJECT: Weatherization Day - October 30, 2003

At the national level, October 30, 2003, has been designated as Weatherization Day. As part of the national designation, the Board of Supervisors has been requested to designate October 30, 2003, as Weatherization Day in James City County.

Staff recommends adoption of the attached resolution designating October 30, 2003, as Weatherization Day.

Doug Powell

DP/gs
weather03.mem

Attachment

RESOLUTION

WEATHERIZATION DAY - OCTOBER 30, 2003

WHEREAS, the County of James City, Virginia, has long recognized the plight of low-income families and individuals in meeting their home energy needs; and

WHEREAS, low-income households spend a disproportionate percentage of their annual incomes on home energy bills; and

WHEREAS, the United States Department of Energy developed the Weatherization Assistance Program in 1976 as the Federal government's cost-effective, permanent solution for reducing the heavy burden on low-income Americans; and

WHEREAS, the Weatherization Assistance Program keeps jobs and dollars in local communities by operating through a network of well-trained program providers serving every community in Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim October 30, 2003, as:

Weatherization Day

in James City County, Virginia, and encourages State and local weatherization professionals to deliver cost-effective, advanced technologies to increase energy savings in each home served, to leverage State, local, and private resources to get the most from every Federal dollar, and to heighten the awareness of energy efficiency in communities throughout the State.

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 28th day of October, 2003.

weather03.res

MEMORANDUM

DATE: October 28, 2003
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of a Street Known as Warhill Trail

Attached is a resolution requesting acceptance of a certain street known as Warhill Trail into the State Secondary Highway System. This street has been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/adw
warhill.mem

Attachment

RESOLUTION

DEDICATION OF A STREET KNOWN AS WARHILL TRAIL

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is 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 street meets 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 July 1, 1994, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, the Department of Transportation recommends that the road described in this Board's resolution adopted on October 28, 2003, be added to the secondary system of State highways as a no-cost rural addition pursuant to § 33.1-229 and Commonwealth Transportation Board policy, because the road meets current minimum standards, the condition of the existing hard surface is serviceable, the road has provided continuous public service since its establishment on March 1, 2000, and serves the James City County District Park Sports Complex.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation add the street 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 Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation as a no cost rural addition.

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.

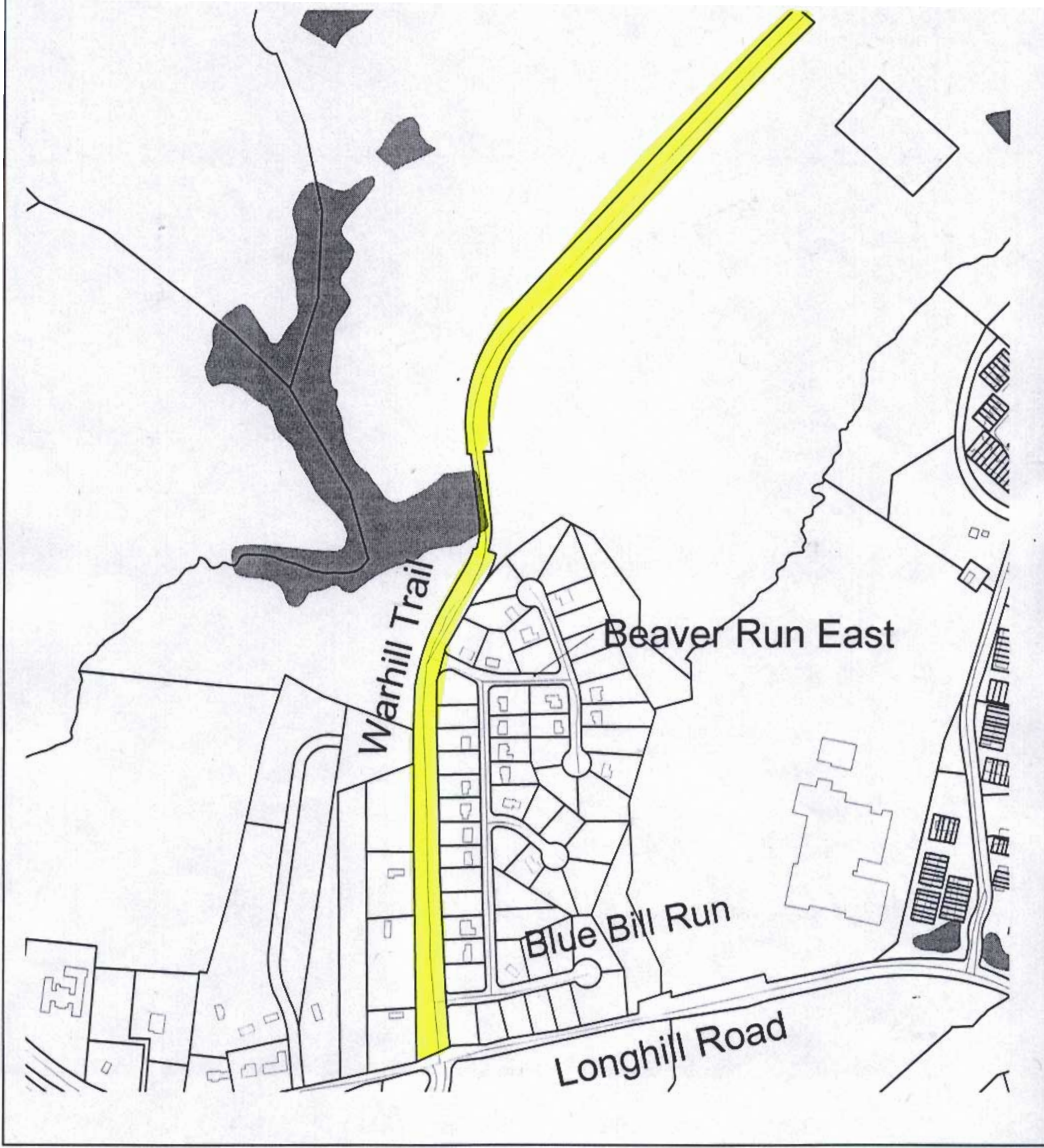
Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of October, 2003.

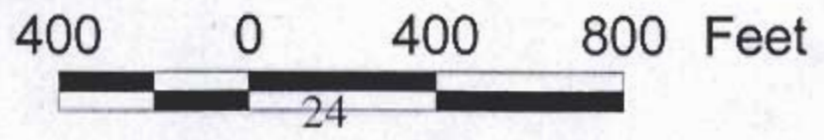
warhill.res



STREET DEDICATION WARHILL TRAIL



Street Being Dedicated



In the County of James City

By resolution of the governing body adopted October 28, 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

Warhill Trail

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, Rural (§33.1-229, CTB Policy)

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

Route Number and/or Street Name

Warhill Trail, State Route Number 830

Description: **From:** Rt 612, Longhill Road

To: Blue Bill Run

A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/2003, Plat Book 90, Pg 55-56, with a width of 100'

Description: **From:** Blue Bill Run

To: End of Median

A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/2003, Plat Book 90, Pg 55-56, with a width of 100'

Description: **From:** End of Median

To: Beaver Run East

A distance of: 0.24 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/2003, Plat Book 90, Pg 55-56, with a width of 100'

Description: **From:** Beaver Run East

To: T Turn-around

A distance of: 0.57 miles.

Right of Way Record: Filed with the Land Records Office on 8/22/2003, Plat Book 91, Pg 32, with a width of 100'

MEMORANDUM

DATE: October 28, 2003
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Installation of "Watch for Children" Sign - Warhill Trail

Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch for Children" signs. The law requires that a Board of Supervisors resolution be submitted to VDOT authorizing them to take this action and allocating secondary road system maintenance funds for this purpose.

Residents of the Mallard Hill community have requested the Board of Supervisors seek approval for a "Watch for Children" sign to be installed on Warhill Trail at the location shown on the attached drawing. The attached resolution requests VDOT install and maintain one "Watch for Children" sign on Warhill Trail.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

CONCUR:

William C. Porter, Jr.

DEC/adw
warhillinst.mem

Attachments

RESOLUTION

INSTALLATION OF "WATCH FOR CHILDREN" SIGN - WARHILL TRAIL

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 the Mallard Hill community have requested that a "Watch for Children" sign be installed on Warhill Trail as illustrated on the attached drawing titled "Warhill Trail '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.

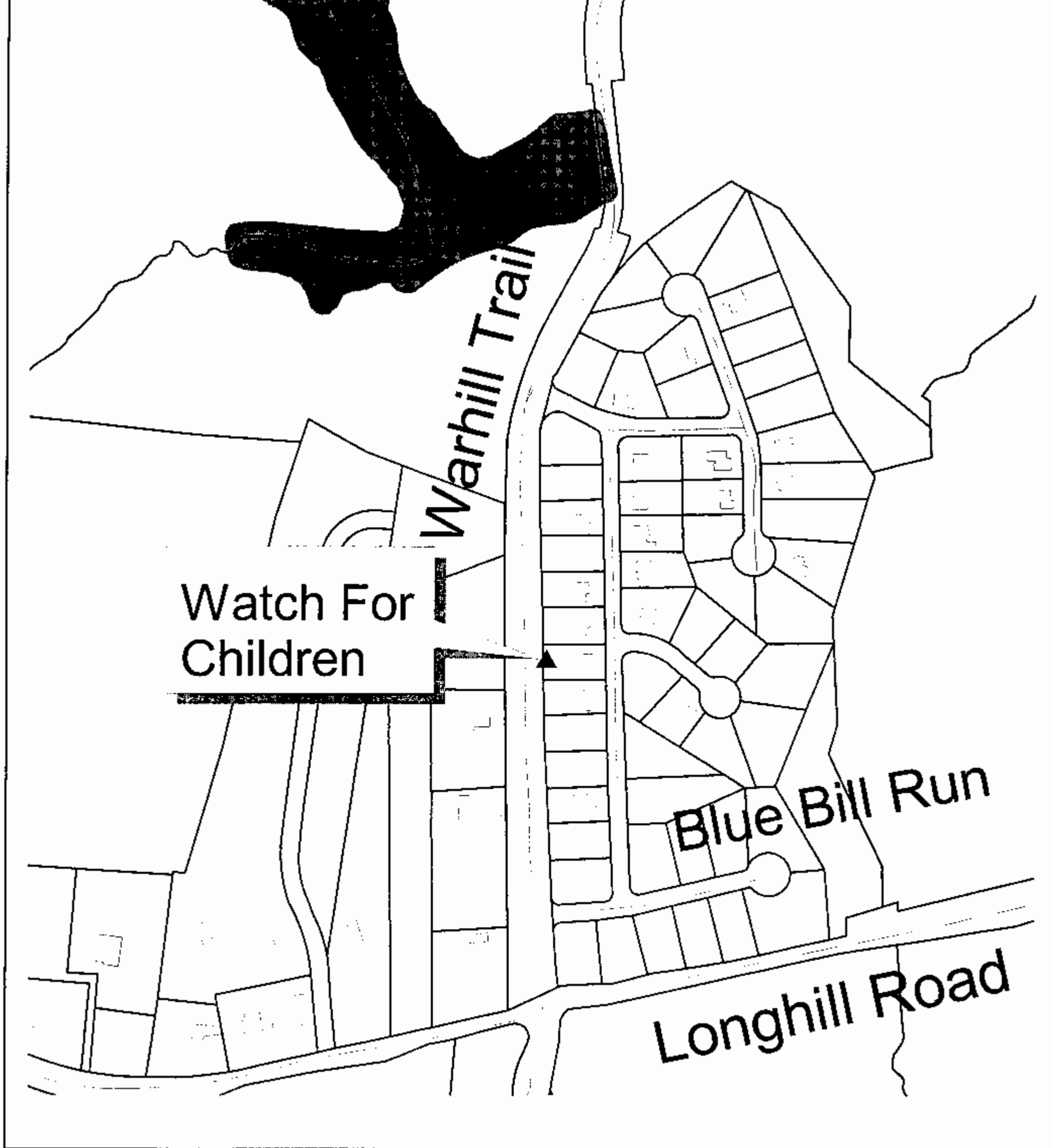
Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

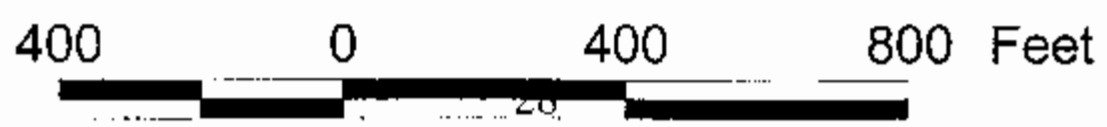
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of October, 2003.

warhillinst.res



WARHILL TRAIL "WATCH FOR CHILDREN" SIGN



MEMORANDUM

DATE: October 28, 2003
 TO: The Board of Supervisors
 FROM: Richard M. Miller, Fire Chief
 Bernard M. Farmer, Jr., Capital Projects Administrator
 SUBJECT: Award of Bid - New Fire Station

Five competitive bids were received on October 16, 2003, for the replacement of James City County Fire Station No. 2 to be constructed at 5429 Pocahontas Trail. Bids were received as outlined below with the low bidder being R. D. Lambert & Son, Inc.

<u>Firm</u>	<u>Amount</u>
R. D. Lambert & Son, Inc.	\$1,179,000
SEVAC	1,209,900
CBM International	1,220,000
David Nice	1,250,000
Techco Inc.	1,265,000

The bid amount of \$1,179,000 is consistent with the expected bid and the architect's estimates for this project. This bid award can be funded from the approved Capital Improvements Program (CIP) Budget amount. Investigations by Purchasing and staff show the low bidder, R. D. Lambert & Son, Inc., to be a responsible registered contractor with sufficient financial resources to complete a project of this size. Accordingly, R. D. Lambert & Son, Inc., is recommended for award of the bid for Fire Station No. 2.

Staff recommends adoption of the attached resolution authorizing the award of the construction bid to R. D. Lambert & Son, Inc., for Fire Station No. 2 replacement in the amount of \$1,179,000.

Richard M. Miller

Bernard M. Farmer, Jr.

CONCUR:

Sanford B. Wanner

RMM/BMF/gb
 newfirebid.mem

Attachment

RESOLUTION

AWARD OF BID - NEW FIRE STATION

WHEREAS, Competitive bids were advertised for the James City County Fire Station No. 2 replacement to be constructed on Pocahontas Trail; and

WHEREAS, bids were received with the low bidder being R. D. Lambert & Son, Inc., with a bid of \$1,179,000; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are available to fund this contract bid award and construction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the James City County Fire Station No. 2 in the total amount of \$1,179,000.

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 28th day of October, 2003.

newfirebid.res

MEMORANDUM

DATE: October 28, 2003
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Virginia Recreational Trails Fund Grant

The Virginia Department of Conservation and Recreation in conjunction with the Federal Highway Administration, has awarded the James City County Division of Parks and Recreation a \$53,592 Virginia Recreational Trails Fund Program Grant.

The purpose of the reimbursement grant is to assist with the cost of completing a 2,090-linear-foot multiuse trail to connect and complete a 2.5-mile and 1.1-mile loop around the James City/Williamsburg Community Center. The trail, which will include at a minimum an eight-foot asphalt path, will connect to surrounding neighborhoods, two parks, and a middle school. In addition, the Americans with Disabilities Act (ADA) accessible trail will offer much-needed recreational opportunities for citizens such as running and rollerblading. The funds awarded combined with funds from the Greenways and Trails Account will be sufficient to complete the project at an estimated cost of \$66,990.

The development of recreational opportunities supports the County's goals in areas of enhancing the character of the community and in the area of promoting healthy lifestyles. Additionally, the use of grant funds directly supports the goal of balancing service demands with available resources.

The required match will come from the County's Greenways and Trails Account. When the project is completed, we will receive a \$53,592 reimbursement from the Virginia Department of Conservation and Recreation within thirty days of submission.

Staff recommends approval of the attached resolution to accept the \$53,592 grant for the James City/Williamsburg Community Center and to appropriate the funds as described above.

Needham S. Cheely, III, CPRP

CONCUR:

Anthony Conyers, Jr.

NSC/gs
VAtrails.mem

Attachment

RESOLUTION

VIRGINIA RECREATIONAL TRAILS FUND GRANT

WHEREAS, the Virginia Department of Conservation and Recreation, in cooperation with the Federal Highway Administration, has made matching funds available for the development of trails;
and

WHEREAS, funds are needed to complete construction of a 2.5-mile multiuse loop around the James City/Williamsburg Community Center and Water Tower site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$53,592 grant awarded by the Virginia Department of Conservation and Recreation, in cooperation with the Federal Highway Administration, to help with the construction at the James City/Williamsburg Community Center.

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

Revenue:

From the Commonwealth	<u>\$53,592</u>
-----------------------	-----------------

Expenditure:

Greenways and Trails (0130220800)	<u>\$53,592</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 28th day of
October, 2003.

VAtails.res

**HEIGHT WAIVER-1-03. OWENS BROCKWAY GLASS CONTAINER, INC.,
ELECTROSTATIC PRECIPITATOR AND EXHAUST STACK
Staff Report for October 28, 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
Board of Supervisors: October 28, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: George J. Barnett, Plant Engineer

Land Owner: Owens Brockway Glass Container, Inc.

Proposed Use: Height waiver to construct an 83-foot-tall electrostatic precipitator and a 140-foot-tall exhaust stack

Location: 150 Industrial Boulevard, Stonehouse District

Tax Map and Parcel No.: (12-4)(1-15)

Primary Service Area: Inside

Parcel Size: 56.6 acres

Existing Zoning: M-2, General Industrial

Comprehensive Plan: General Industrial

Surrounding Zoning: The site is in Hankins Industrial Park and is completely surrounded by land zoned M-2, General Industrial

Staff Contact: Matthew D. Arcieri - Phone: 253-6685

STAFF RECOMMENDATION:

Given that there are two existing 140-foot exhaust stacks at the Owens Brockway plant, staff finds that the new precipitator and stack should have minimal new negative visual impacts. In addition, staff finds the proposal consistent with the requirements stated under Section 24-444 of the Zoning Ordinance. Staff recommends the Board of Supervisors approve this application.

Project Description

George J. Barnett on behalf of Owens Brockway Glass Container, Inc., has requested a height limitation waiver from the Board of Supervisors. On property zoned M-2, structures may be constructed up to 60 feet; however, structures in excess of 60 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that a height limitation waiver be granted to allow for the construction of an 83-foot-tall electrostatic precipitator and a 140-foot-tall exhaust stack. The precipitator and exhaust stack will be located on the east side of the plant, adjacent to two existing exhaust stacks, both of which are 140 feet tall. This equipment is necessary to meet Federal air quality requirements.

Analysis

Section 24-444 of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

1. Additional setbacks have been provided; however, the Board may waive additional setbacks for structures in excess of 60 feet.

Staff comment: The Zoning Ordinance requires an 85-foot front setback for a 140-foot-tall structure and a 55-foot side setback. The new structure is over 300 feet from the closest property line and over 500 feet from the front property line; the setbacks are well in excess of those required by the Zoning Ordinance.

2. Such structure will not obstruct light from adjacent property.

Staff comment: Given the distance to the property line and the relatively small size of the new structures in relation to the existing plant, staff finds that the precipitator and exhaust stack will not obstruct light from adjacent properties.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

Staff comment: There are several nearby historic sites and structures, including the Hickory Neck Episcopal Church. However, based on visual observation, the two existing exhaust stacks are not visible from these sites and staff finds that the new exhaust stack will not impair the enjoyment of these attractions.

The tops of the two existing exhaust stacks are visible above the tree line in undeveloped portions of Wellington and in Mirror Lakes in the vicinity of the intersection of Fairmount and Loch Haven Drive. Given that there are two existing exhaust stacks, staff finds that the additional negative impact on these developments will be minimal.

4. Such structure will not impair property values in the area.

Staff comment: According to Real Estate Assessments, there is no indication that the construction of an additional exhaust stack on this site will have a detrimental effect on surrounding properties.

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

Staff comment: The project is subject to full County review processes. Staff feels confident this will insure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from Fire Station No. 1 with backup from the other James City County fire stations.

6. Such structure will not be contrary to the public health, safety, and general welfare.

Staff comment: Based on the current proposal and information submitted by the applicant, staff believes the development will not adversely affect the public health, safety, or general welfare.

Recommendation

Given that there are two existing 140-foot exhaust stacks at the Owens Brockway plant, staff finds that the new precipitator and stack should have minimal new negative visual impacts. In addition, staff finds the proposal consistent with the requirements stated under Section 24-444 of the Zoning Ordinance. Staff recommends the Board of Supervisors approve this application.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/gs
HW-1-03.wpd

Attachments:

1. Location Map
2. Elevation and Site Layout (see Reading File)
3. Resolution

RESOLUTION

CASE NO. HW-1-03. OWENS BROCKWAY GLASS CONTAINER, INC.,

ELECTROSTATIC PRECIPITATOR AND EXHAUST STACK

WHEREAS, George J. Barnett, Plant Engineer, on behalf of Owens Brockway Glass Container, Inc., has applied for a height limitation waiver to allow for the construction of an 83-foot-tall electrostatic precipitator and a 140-foot-tall exhaust stack; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-1-03; and

WHEREAS, the electrostatic precipitator and exhaust stack will be located adjacent to the existing facility, which is on property zoned M-2, General Industrial, and is further identified as Parcel No. (1-15) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-444 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-1-03.

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

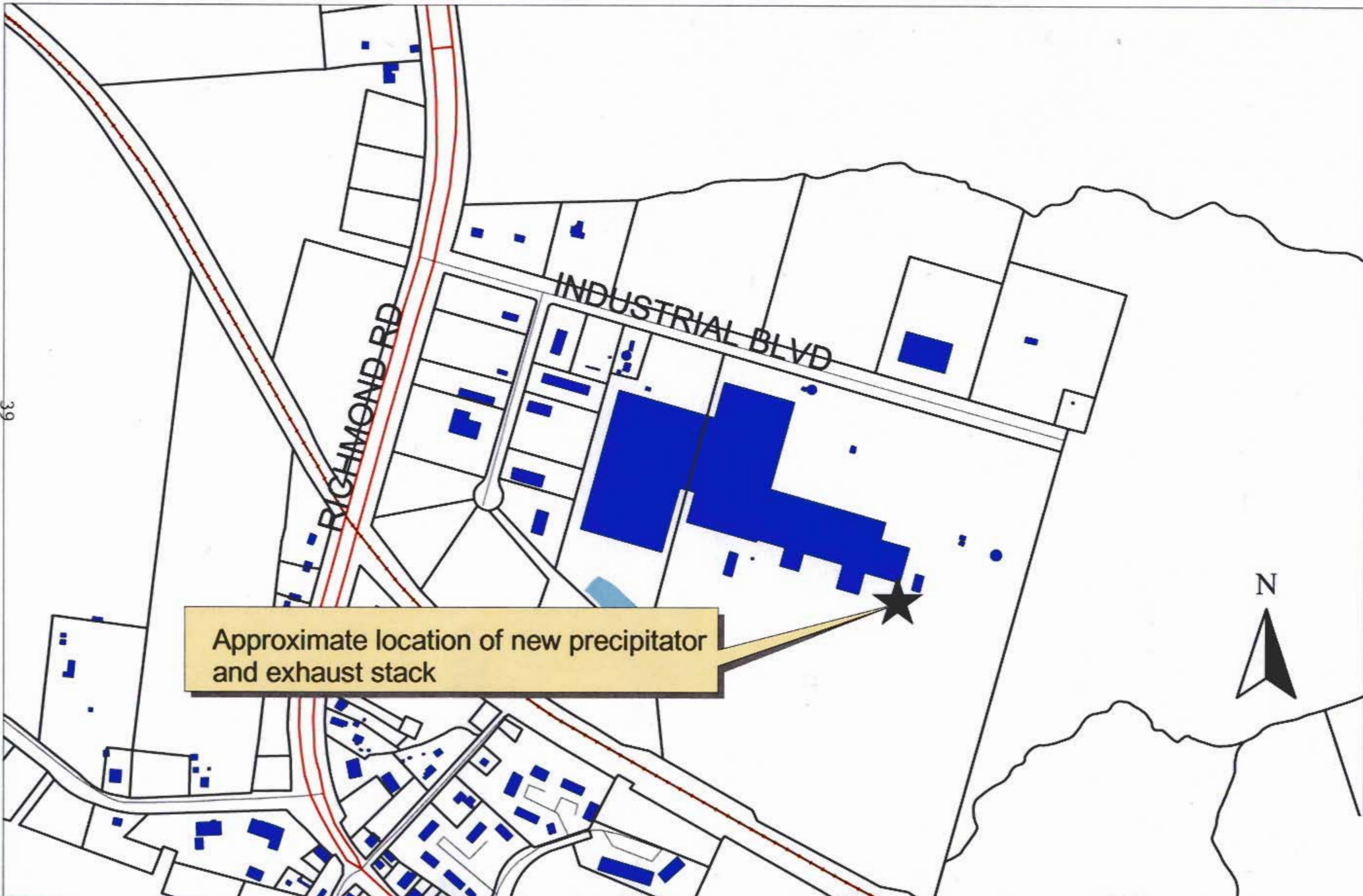
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of October, 2003.

HW-1-03.res

HW-1-03; Owens Brockway Electrostatic Precipitator and Exhaust Stack



MEMORANDUM

DATE: October 28, 2003
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Deed of Easement to Return Unneeded Drainage Easement of Jack D. Barnett, Jr.

In 2002, the County completed repair of the badly eroded Norge stormwater outfall in the Yarmouth Creek Watershed. During the design phase, Jack B. Barnett, Jr., and three other property owners donated drainage easements to the County.

During the permitting phase, the Army Corps of Engineers reduced the scope of the work so that easements were needed only on three properties. Accordingly, Mr. Barnett requests that the County return the drainage easement over his property.

Staff recommends adoption of the attached resolution.

Wayland N. Bass

CONCUR:

William C. Porter, Jr.

WNB/tlc
returnease.mem

Attachment

RESOLUTION

DEED OF EASEMENT TO RETURN UNNEEDED DRAINAGE

EASEMENT TO JACK D. BARNETT, JR.

WHEREAS, Jack B. Barnett, Jr. donated a drainage easement to the County to be used to repair part of the Norge stormwater outfall; and

WHEREAS, plans for this work subsequently changed so that this easement was not needed.

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 deed of easement and all other such documents necessary to return the drainage easement to Jack B. Barnett, Jr.

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 28th day of October, 2003.

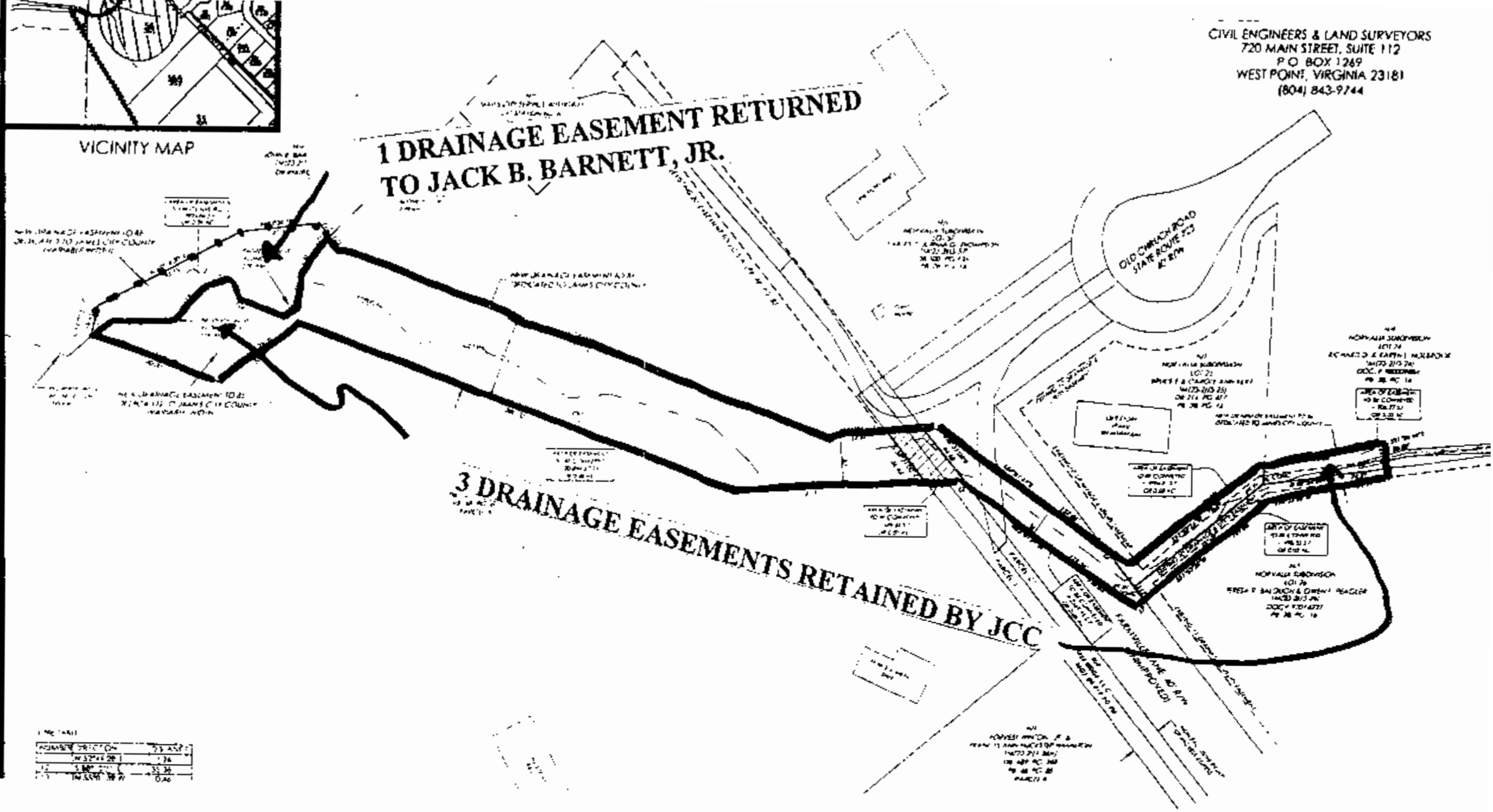
returnease.res

CIVIL ENGINEERS & LAND SURVEYORS
 720 MAIN STREET, SUITE 112
 P O BOX 1269
 WEST POINT, VIRGINIA 23181
 (804) 843-9744

VICINITY MAP

**1 DRAINAGE EASEMENT RETURNED
 TO JACK B. BARNETT, JR.**

3 DRAINAGE EASEMENTS RETAINED BY JCC



SCALE

1" = 100'	1" = 100'
1/2" = 50'	1/2" = 50'
3/4" = 75'	3/4" = 75'
1/4" = 25'	1/4" = 25'

MEMORANDUM

DATE: October 28, 2003

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Acting Manager, Development Management
Leo P. Rogers, Jr., Deputy County Attorney

SUBJECT: Lease of 2,773 Square Feet of County Property to Alltel Communications, Inc.

Alltel Communications, Inc., has applied to lease a 2,773-square-foot tower site adjacent to the American Tower site at the James City County Government Center. The Alltel tower, like American Tower, is subject to administrative zoning approval by the Planning Director. The Alltel Tower is proposed to be a camouflaged tower that would mirror the American Tower site, including the tower height of 120 feet and one support structure.

The lease as proposed is the same as the American Tower lease and has been reviewed by the County Attorney's office and is acceptable. The initial lease term is for a five-year term with an option to renew for three additional five-year terms. Alltel Communications proposes to indemnify and hold James City County harmless and will provide insurance as required. The rent escalator clause for the proposed lease is the same as with American Tower lease. The initial annual rent is \$12,731, the same as the American Tower, L.P., is currently paying.

Staff recommends approval of the attached resolution authorizing the County Administrator to execute the lease agreement between James City County and Alltel Communications, Inc.

William C. Porter, Jr.

Leo P. Rogers, Jr.

WCP/adw
alltell.mem

Attachments

RESOLUTION

LEASE OF 2,773 SQUARE FEET OF COUNTY PROPERTY TO

ALLTEL COMMUNICATIONS, INC.

WHEREAS, James City County owns a 60-acre site commonly known as the Government Center, 101 Mounts Bay Road, and designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1) (the "Property"); and

WHEREAS, Alltel Communication, L.P., wishes to lease 2,773 square feet of the Property; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should lease a portion of the Property to Alltel Communications, Inc., on the terms and conditions contained in the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the Lease Agreement between James City County and Alltel Communications, Inc., for a 2,773-square-foot portion of the Property and such other memoranda, agreements, or other documents as may be necessary to effectuate the Lease.

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 28th day of October, 2003.

alltell.mem



4505 Columbus St.
Virginia Beach, VA 23462

August 18, 2003

Mr. Matthew Arcieri
James City County Planning Department
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185

Re: 120' Stealth Tower
KHA #116007007 (ALLTEL: Williamsburg II)

Mr. Arcieri:

Please find enclosed the color samples that you requested. Please specify which color for the pole and which color is to be for the building and trim. I suggest "Bolt Brown" or "Walnut Brown" for the pole and building trim (i.e. door, air conditioner, trim work, etc.). Whatever color you select can be provided to the shelter manufacturer to use for the brick façade color as well. Once you provide the county's choices, I will provide to Kimley-Horn and have an additional sheet added to our site plans showing your specifications. I look forward to hearing from you soon.

Sincerely,

Marty Silliman
ALLTEL Communications, Inc.
Project Engineer
Virginia Region

MS/nlw
Enclosure

Cc: Jennifer Mister
Kimley-Horn

ANTENNA AND COAXIAL CABLE SCHEDULE

SECTOR	1	2	3
RADIUS CENTER	120'	120'	120'
AZIMUTH	30°	150°	270°
CABLE LENGTH	150'	150'	150'
CABLE SIZE	1 1/4"	1 1/4"	1 1/4"
NO OF CABLES	1	1	1

NOTE: 3 ANTENNA PER SECTOR
 NOTE: CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL CABLE LENGTHS AND COLOR CODES.

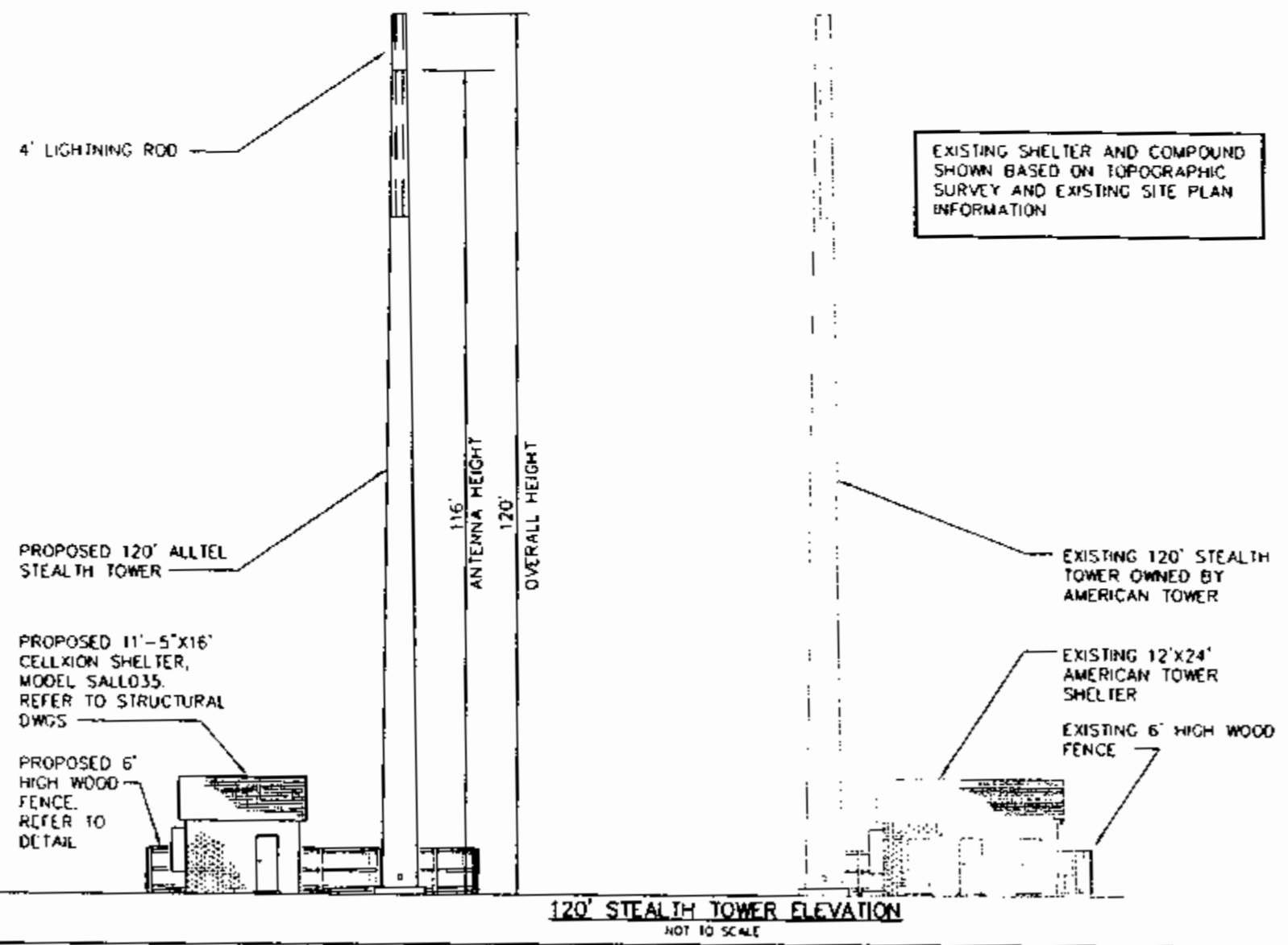
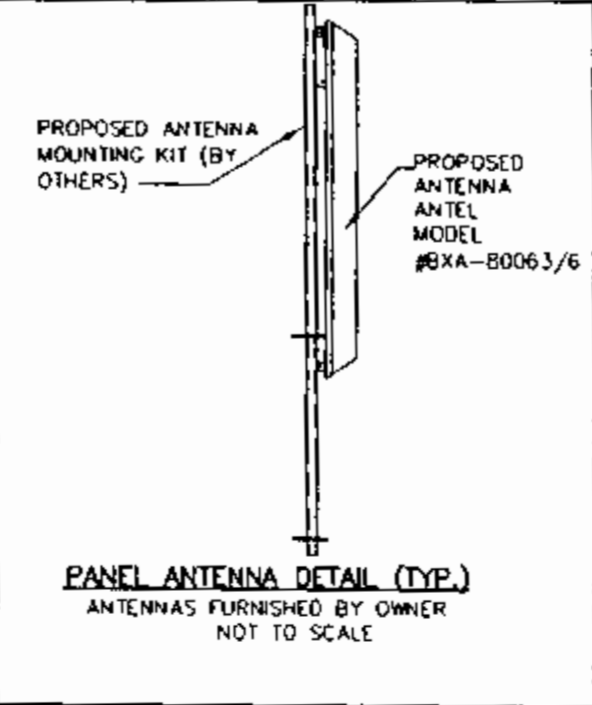
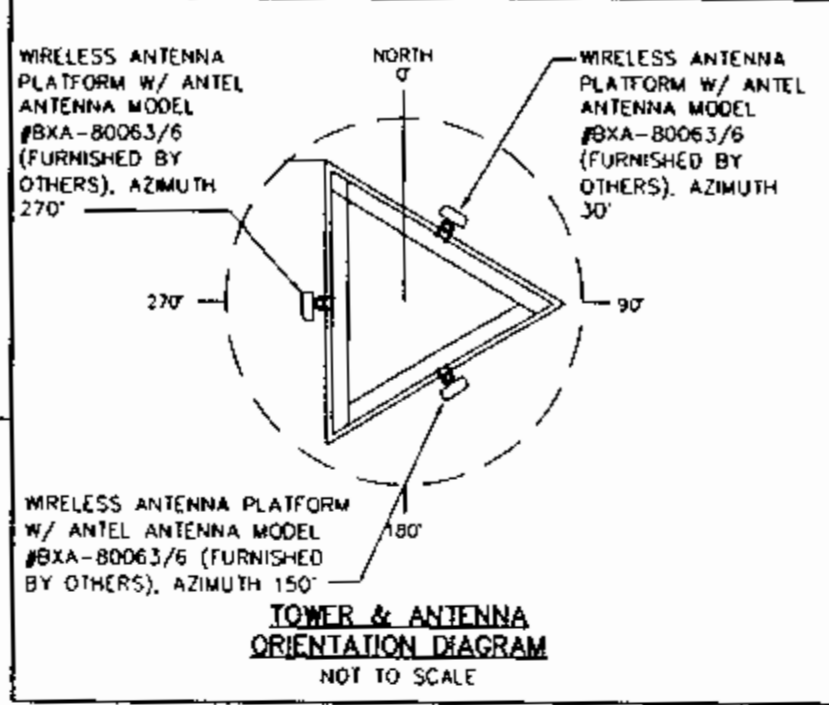
STANDARD CONVENTION FOR CABLE RUN

SECTORS					
1		2		3	
1 Red Stripe 1 Orange Stripe	1 Red Stripe 1 Green Stripe	1 White Stripe 1 Orange Stripe	1 White Stripe 1 Green Stripe	1 Blue Stripe 1 Orange Stripe	1 Blue Stripe 1 Green Stripe
1 Red Stripe 1 Red Stripe	1 Red Stripe 1 Yellow Stripe	1 White Stripe 1 White Stripe	1 White Stripe 1 Yellow Stripe	1 Blue Stripe 1 Blue Stripe	1 Blue Stripe 1 Yellow Stripe

CABLE SCHEME

PRIMARY RX #1	RED	PRIMARY TX #1 VOC	RED
SECONDARY RX #1:	ORANGE	SECONDARY TX #1 VOC	GREEN
PRIMARY RX #2:	RED	PRIMARY TX #2 SIG #1:	RED
SECONDARY RX #2:	YELLOW	SECONDARY TX #2 SIG #2:	RED
PRIMARY RX #3:	WHITE	PRIMARY TX #3 VOC:	WHITE
SECONDARY RX #3:	ORANGE	SECONDARY TX #3 VOC:	GREEN
PRIMARY RX #4:	WHITE	PRIMARY TX #4 SIG #2:	WHITE
SECONDARY RX #4:	YELLOW	SECONDARY TX #4 SIG #2:	WHITE
PRIMARY RX #5:	BLUE	PRIMARY TX #5 VOC:	BLUE
SECONDARY RX #5:	ORANGE	SECONDARY TX #5 VOC:	GREEN
PRIMARY RX #6:	BLUE	PRIMARY TX #6 SIG #3:	BLUE
SECONDARY RX #6:	YELLOW	SECONDARY TX #6 SIG #3:	BLUE

- MATERIALS AND FINISH NOTES:**
- CELLIXION SHELTER TO BE BRICK EXTERIOR. BRICK COLOR TO BE TERRA COTTA. (2) COLOR SAMPLES TO BE SUBMITTED TO JAMES CITY COUNTY FOR APPROVAL.
 - ALL WOOD AT PROPOSED COMPOUND TO BE PAINTED DARK BROWN. SHERWIN-WILLIAMS INDUSTRIAL AND MARINE COATINGS, PUMICE STONE, SW4010, LRV 23% INCLUDING BUT NOT LIMITED TO THE BUILDING TRIM AND THE WOOD FENCE AS APPROVED BY JAMES CITY COUNTY ON AUGUST 21, 2003.
 - PROPOSED TOWER TO BE PAINTED DARK BROWN. SHERWIN-WILLIAMS INDUSTRIAL AND MARINE COATINGS, PUMICE STONE, SW4010, LRV 23% AS APPROVED BY JAMES CITY COUNTY ON AUGUST 20, 2003.
 - REFER TO STRUCTURAL DRAWINGS BY OTHERS FOR TOWER CONSTRUCTION



PREPARED BY THE OFFICE OF
Kimley-Horn and Associates, Inc.
 241 INDEPENDENCE PARKWAY, SUITE 200
 GREENSBORO, NORTH CAROLINA 27409
 (703) 344-1300 (703) 344-1301 FAX

KPA PROJECT 115007007
 ALL DRAWINGS AND SPECIFICATIONS CONTAINED HEREIN ARE THE PROPERTY OF ENGINEER AND MAY NOT BE REPRODUCED, COPIED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF ENGINEER.
ANTHONY J. GIACOIA
 No. 036768
 9.23.03
 PROFESSIONAL ENGINEER

REVISIONS	
NO.	DATE

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DRAWN BY: JAM
 CHECKED BY: AJC

SITE NAME
WILLIAMSBURG II CELL TOWER #388

PROJECT DESCRIPTION
120' MONOPOLE

SITE ADDRESS
**101 MOUNTS BAY ROAD
 JAMES CITY COUNTY,
 VIRGINIA**

SHEET TITLE
**TOWER ELEVATIONS
 & ANTENNA DETAILS**
 ALLTEL JOB #091101114
 P.O. 388881

SHEET NUMBER
C-6

KINGSMILL
on the James[®]



October 13, 2003

Mr. Matthew Arcieri
Planner
Development Management
James City County
P.O. Box 8784
Williamsburg, Virginia 23187-8784

Dear Mr. Arcieri:

I appreciate the opportunity to meet with you and review the location of another cell tower located at the county government facilities on Mount's Bay Road. Based on the review and our discussion, we have no objection to this tower and its location and only hope it provides better service for those cell phone users with that service.

Please contact me should you have any other questions.

Sincerely,

William B. Voliva, Jr.
Executive Vice President
Kingsmill on the James

WBV/ne

cc: KCSA Board of Directors
William I. Pennock



MEMORANDUM

DATE: October 28, 2003

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director
Leo P. Rogers, Deputy County Attorney

SUBJECT: Road Abandonments, Additions, and Renumbering Due to Route 199 and Monticello Avenue

On April 8, 2003, at the request of the Virginia Department of Transportation (VDOT), the Board of Supervisors deferred VDOT's request to abandon a portion of the right-of-way for Old Ironbound Road. Just prior to that public hearing, VDOT discovered the need to abandon additional secondary road rights-of-way as a result of constructing the Route 199 extension and Monticello Avenue. VDOT also discovered the need to add relocated Ironbound Road and News Road into the Secondary Road System and to renumber a section of Ironbound Road. VDOT requested the deferral so that it could prepare the necessary documents to have the Board simultaneously consider all of these actions. County staff has received the necessary documents and information on these requests from VDOT.

VDOT Requests:

VDOT is requesting the Board take the following actions:

1. Abandoning the rights-of-way of certain sections of Old Ironbound Road, News Road, and Powhatan Parkway; and
2. Adding new sections of Monticello Avenue, News Road, Ironbound Road, and the cul-de-sac in front of Mount Pleasant Church into the Secondary Road System, all of which were constructed as part of the Route 199 and Monticello Avenue projects; and
3. Renumbering the portion of old Route 615/Ironbound Road between News Road and Bradshaw Drive as "Route 783."

Attached is a resolution describing the above actions in detail as well as a map depicting the location of the above actions.

Additional Information:

The road sections to be abandoned are no longer needed by the traveling public as a result of the construction of Monticello Avenue and the Route 199 Extension. Although Ironbound Road was severed by the Route 199 Extension, several new roads including Monticello Avenue, News Road, and a relocated section of Ironbound Road will serve the same citizens as the old road. Once abandoned, ownership of the rights-of-way transfers to the adjoining property owners in most cases. However, staff is awaiting verification of this from VDOT.

The James City Service Authority (JCSA) will need to be granted easements within the abandoned rights-of-way to accommodate existing utilities. Staff is awaiting written confirmation from VDOT on its willingness to grant these easements.

If the abandonments are approved, Mount Pleasant Church intends to use the Old Ironbound Road right-of-

way for church parking. In addition, VDOT intends to sell to Mount Pleasant Church a residual parcel that was originally acquired by VDOT for the Route 199 project. That parcel is adjacent to the section of Old Ironbound Road to be abandoned and is directly in front of the Church. The Church has a pending contract with VDOT to purchase this residual parcel. Before either the right-of-way or residual parcel can be used for parking by the Church, approval of a special use permit by the Board is required.

The Historic Triangle Bicycle Advisory Committee (HTBAC) previously suggested using the Old Ironbound Road right-of-way in front of Mount Pleasant Church for construction of a more direct bicycle and pedestrian connection between Ironbound Road and Monticello Avenue. By providing easy access to Ironbound Road, HTBAC believes that bicyclists will be encouraged to use Ironbound Road rather than crossing Monticello Avenue to reach the multiuse path on the north side of the road, or to use Ironbound Road to avoid making left turns at the Monticello Avenue/Ironbound Road intersection. HTBAC requested County staff seek an agreement with the Church to allow a multiuse path on the Old Ironbound Road right-of-way. Representatives of Mount Pleasant Church verbally agreed to allow the multiuse path, but not in a configuration deemed cost-effective by both HTBAC and staff. While desirable, this connection is no longer being pursued by HTBAC or County staff. Staff believe that the existing road configuration provides an adequate connection to Ironbound Road.

In order to give public notice of the intention to abandon the right-of-way, notice was posted at the Courthouse and along the property in several locations, and a letter was sent to the Commonwealth Transportation Board. Notices were also mailed to adjoining and nearby property owners. A public hearing for the proposed abandonment was advertised in The Virginia Gazette on October 17-18, 2003.

Recommendation:

Staff recommends the Board of Supervisors adopt the attached resolution abandoning certain sections of Old Ironbound Road, News Road, and Powhatan Parkway; adding new sections of Monticello Avenue, News Road, Ironbound Road, and the cul-de-sac in front of Mount Pleasant Church into the Secondary Road System; and renumbering the portion of old Route 615/Ironbound Road between News Road and Bradshaw Drive as "Route 783." As of this writing, VDOT has not provided the requested letter of intent to grant easements to the JCSA for its existing utilities within those road rights-of-way to be abandoned. Should this letter not be received by the Board meeting, staff will recommend deferral.

O. Marvin Sowers, Jr.

Leo P. Rogers

OMS/adw
ironabandon.mem

Attachments:

1. Location Map
2. Resolution

RESOLUTION

ADDITIONS AND ABANDONMENTS TO ROUTE 613 (NEWS ROAD),

615 (IRONBOUND ROAD), 783 (IRONBOUND ROAD), 784 (UN-NAMED ROAD),

5000 (MONTICELLO AVENUE), AND 1470 (POWHATAN PARKWAY)

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated September 13, 2003, depicting required changes in the Secondary System of State Highways, which sketch entitled "Changes in the Primary and Secondary Systems Due to Relocation, and Construction on Routes 613, 615, 783, 784, 1470, and 5000" the additions, abandonments, and renumbering required as a result of Project 0199-047-F03, C503, which sketch is hereby incorporated herein by reference; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve as a public need.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, abandons from the Secondary System of State Highways those portions of Route 615 identified as Sections 3 and 5, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board abandons from the Secondary System of State Highways the portion of Route 1470 identified as Section 6, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board abandons from the Secondary System of State Highways the portion of Old Route 613 identified as Section 7, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 5000 identified by the sketch as Sections 8, 9, and 18, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests the Virginia Department of Transportation to add to the secondary system of State highways those portions of Route 613 identified by the sketch as Sections 12 and 13 pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 784 identified by the sketch as Sections 14 and 15, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 615 identified by the sketch as Sections 16 and 17, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board renumbers Old Route 615 as Route 783, identified as Sections 1 and 2 on the aforementioned sketch.

BE IT FINALLY RESOLVED, that this Board orders 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

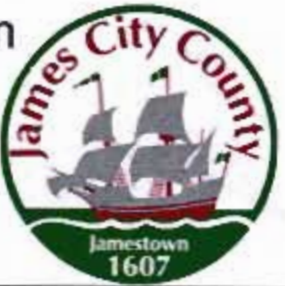
ATTEST:



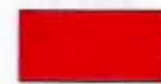
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of October, 2003.

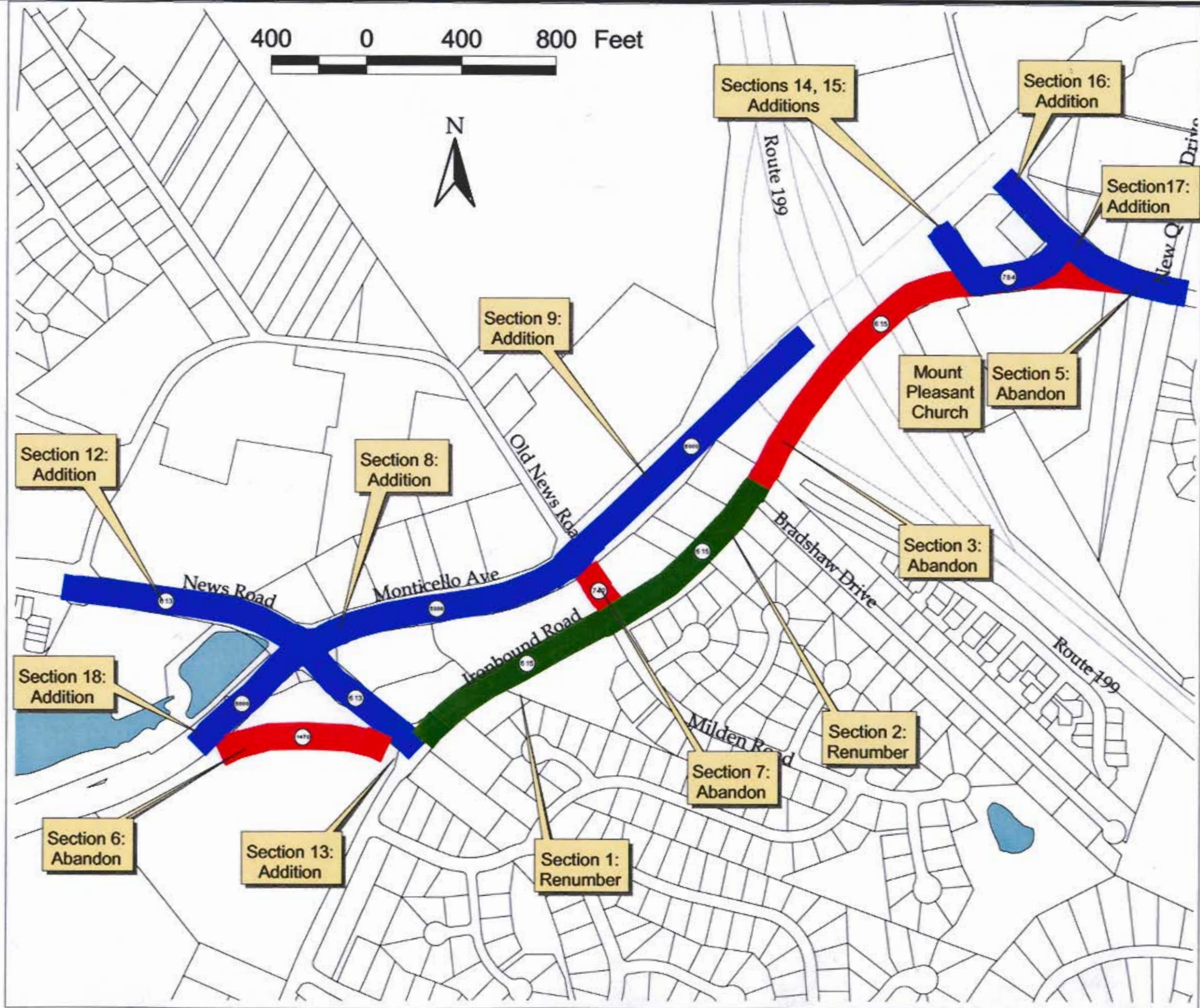
finalabandon.res

Proposed Right-of-Way Changes



-  Section to be Added to Secondary System
-  Section to be Renumbered
-  Section to be Abandoned

55



MEMORANDUM

DATE: October 28, 2003
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Lease Purchase Agreement - Radio System Improvements

The County has received three responses to a request for proposal for financing of \$14.5 million for improvements to the County's radio system. Those responses were designed to provide approximately equal annual debt service payments over a fifteen-year term.

The responders and the comparative interest rates, were as follows:

Sun Trust	4.77 percent
First Municipal Credit Corporation	4.83 percent
Koch Financial Corporation	4.98 percent

We've discussed the results with Davenport & Co., the County's financial advisors, and we would recommend that we accept the proposal presented by Sun Trust Bank.

Staff recommends the approval of the attached resolution which was prepared by Troutman Sanders, LLP, bond counsel.

John E. McDonald

JEM/adw
leaseagre.mem

Attachments

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF

JAMES CITY, VIRGINIA, AUTHORIZING AND APPROVING THE EXECUTION AND

DELIVERY OF LEASE PURCHASE AGREEMENT

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the "Board"), has determined that it is necessary and desirable to finance a portion of emergency 911 communications equipment and facilities, including a control center (the "Project") for the County of James City, Virginia (the "County"); and

WHEREAS, there has been presented to the Board a plan for the financing of the Project which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, the County has decided, pursuant to such financing plan, to enter into, execute, and deliver a Lease Purchase Agreement for the Project (the "Lease Purchase Agreement"), the payments under which are subject to appropriation by the Board; and

WHEREAS, the provisions of the Lease Purchase Agreement will be in conformity with the terms of a proposal from SunTrust Bank (the "Bank") dated October 6, 2003 (the "Commitment").

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

1. Authorization of Lease Purchase Agreement and Use of Proceeds. The County determines that it is advisable to accept the Commitment and execute and deliver the Lease Purchase Agreement to the Bank. The execution and delivery of the Lease Purchase Agreement are authorized and approved.
2. Details of Lease Purchase Agreement. The Lease Purchase Agreement shall be executed and delivered upon the terms and conditions set forth therein and in the Commitment and shall be dated the date of its execution and delivery. The interest components of the rental payments thereunder shall be determined based upon the rate of interest per annum of 4.77%, and the principal components of the rental payments thereunder shall be determined based upon a fifteen-year amortization, with the rental payment schedule resulting in approximately annual level debt service. The interest component of the rental payments will be made semiannually on March 1 and September 1 of each year commencing March 1, 2004, and ending March 1, 2019, and the principal component of the rental payments will be made annually on each March 1 commencing March 1, 2005, and ending March 1, 2019. The amounts of each principal and interest component of the rental payments shall be as set forth in the Lease Purchase Agreement. The purchase price of the Project being financed through the Lease Purchase Agreement shall not exceed \$14,500,000. Payments due under the Lease Purchase Agreement may be prepaid at any time (i) on or after the ninth anniversary date of the execution and delivery of the Lease Purchase Agreement at a prepayment price equal to 102% of the amount of the principal component being prepaid plus interest to the prepayment date, (ii) on or after the tenth anniversary date of the execution and delivery of the Lease Purchase

Agreement at a prepayment price equal to 101% of the amount of the principal component being prepaid plus interest to the prepayment date and (iii) on or after the eleventh anniversary date of the execution and delivery of the Lease Purchase Agreement at a prepayment price equal to 100% of the amount of the principal component being prepaid plus interest to the prepayment date.

3. Form of Lease Purchase Agreement. The Lease Purchase Agreement shall be in substantially the form on file with the County Administrator, with such variations, insertions, or deletions as may be approved by the Chairman or the Vice Chairman of the Board. All payments under the Lease Purchase Agreement are subject to appropriation by the Board, and the Board is not, under any circumstances, obligated to make such appropriations.
4. Execution and Delivery of Lease Purchase Agreement and Deed of Trust. The Chairman and the Vice Chairman of the Board, either of whom may act, are each authorized and directed to execute the Lease Purchase Agreement. The Chairman and the Vice Chairman of the Board, either of whom may act, are also each authorized and directed to execute any Deed of Trust, to be dated its date of execution and delivery (the "Deed of Trust"), that may be required by the Bank in connection with the placing of a lien on any real property being financed. The Clerk of the Board is authorized and directed to affix the seal of the County to the executed Lease Purchase Agreement and the Deed of Trust (if required) and to attest the same and then to deliver the Lease Purchase Agreement and the Deed of Trust to the Bank.
5. Further Actions. The Chairman and the Vice Chairman of the Board and such officers and agents of the County, including the County Administrator, as may be designated by either of them are authorized and directed to take such further actions as they deem necessary regarding the execution and delivery of the Lease Purchase Agreement including, without limitation, the execution and delivery of closing documents and certificates including the Form 8038-G, a Non-Arbitrage Certificate, and a Tax Certificate. All such actions previously taken by the Chairman, Vice Chairman, or such officers and agents are hereby approved, ratified, and confirmed.
6. Selection of Bond Counsel. The County hereby consents to Troutman Sanders LLP, serving as Bond Counsel to the County in connection with the execution and delivery of the Lease Purchase Agreement.
7. Essentiality of Project. The Project is hereby declared to be essential to the efficient operation of the County, and the Board anticipates that the Project will continue to be essential to the operation of the County during the term of the Lease Purchase Agreement. The Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease Purchase Agreement and hereby recommends that future Boards do likewise during the term of the Lease Purchase Agreement.

8. Submission of Appropriation Request. The County Administrator is hereby directed to submit for each fiscal year a request to the Board for an appropriation in an amount equal to the payments becoming due on the Lease Purchase Agreement in the next fiscal year. Nothing in this Resolution shall obligate the Board to make such appropriation or shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.
9. Fees and Costs. All expenses incurred by the Bank, the County, and legal counsel in connection with the execution and delivery of the Lease Purchase Agreement shall be paid by the County, regardless of whether the Lease Purchase Agreement is executed and delivered.
10. 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 an officer, employee, or agent of the County in his or her individual capacity, and no officer of the County executing the Lease Purchase Agreement shall be liable personally on the Lease Purchase Agreement or be subject to any personal liability or accountability by reason of the execution and delivery thereof. No 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.
11. Contract with Bank. The provisions of this Resolution shall constitute a contract between the County and the Bank for so long as the Lease Purchase Agreement is outstanding. This Resolution may not be amended by the County in any manner without the consent of the Bank, except to cure any defect, error, omission, or ambiguity herein.
12. Effective Date. This Resolution shall take effect immediately.

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 28th day of October, 2003.

bond.res

Dated Date:	10/29/2003	Par	14,500,000.00
Settlement Da	10/29/2003	Less OID/Plus OIP	0.00
		Less: Insurance Premium	0.00
		Acc Int	0.00
		Original Issue Proceeds	14,500,000.00
		Arbitrage Yield	4.770853%

(A)	(B)	(C)	(D)	(E)	Fiscal Year	P.V. Factors &	Present
Coupon	Price	Principal	Interest	Total P&I	Total P&I	Yield	Value
		14,500,000	6,364,605.70	20,864,605.70	20,864,605.70	4.770853%	14,500,000.00
03/01/2004		0	234,392.50	234,392.50	234,392.50	0.984149	230,677.12
09/01/2004			345,825.00	345,825.00		0.961220	332,413.81
03/01/2005		684,000	345,825.00	1,029,825.00	1,375,650.00	0.938825	966,825.19
09/01/2005			329,511.60	329,511.60		0.916952	302,146.17
03/01/2006		716,000	329,511.60	1,045,511.60	1,375,023.20	0.895588	936,347.59
09/01/2006			312,435.00	312,435.00		0.874722	273,293.80
03/01/2007		750,000	312,435.00	1,062,435.00	1,374,870.00	0.854342	907,683.26
09/01/2007			294,547.50	294,547.50		0.834438	245,781.48
03/01/2008		786,000	294,547.50	1,080,547.50	1,375,095.00	0.814996	880,642.28
09/01/2008			275,801.40	275,801.40		0.796008	219,540.17
03/01/2009		824,000	275,801.40	1,099,801.40	1,375,602.80	0.777462	855,054.22
09/01/2009			256,149.00	256,149.00		0.759349	194,506.41
03/01/2010		863,000	256,149.00	1,119,149.00	1,375,298.00	0.741657	830,024.69
09/01/2010			235,566.45	235,566.45		0.724378	170,639.04
03/01/2011		904,000	235,566.45	1,139,566.45	1,375,132.90	0.707501	806,243.95
09/01/2011			214,006.05	214,006.05		0.691017	147,881.80
03/01/2012		947,000	214,006.05	1,161,006.05	1,375,012.10	0.674917	783,583.01
09/01/2012			191,420.10	191,420.10		0.659193	126,182.73
03/01/2013		993,000	191,420.10	1,184,420.10	1,375,840.20	0.643834	762,570.52
09/01/2013			167,737.05	167,737.05		0.628834	105,478.78
03/01/2014		1,040,000	167,737.05	1,207,737.05	1,375,474.10	0.614183	741,771.85
09/01/2014			142,933.05	142,933.05		0.599874	85,741.78
03/01/2015		1,090,000	142,933.05	1,232,933.05	1,375,866.10	0.585898	722,372.44
09/01/2015			116,936.55	116,936.55		0.572247	66,916.59
03/01/2016		1,141,000	116,936.55	1,257,936.55	1,374,873.10	0.558915	703,078.99
09/01/2016			89,723.70	89,723.70		0.545893	48,979.51
03/01/2017		1,196,000	89,723.70	1,285,723.70	1,375,447.40	0.533174	685,514.66
09/01/2017			61,199.10	61,199.10		0.520752	31,869.55
03/01/2018		1,253,000	61,199.10	1,314,199.10	1,375,398.20	0.508619	668,426.99
09/01/2018			31,315.05	31,315.05		0.496769	15,556.35
03/01/2019		1,313,000	31,315.05	1,344,315.05	1,375,630.10	0.485195	652,255.26