

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 28, 2006

7:00 P.M.

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A. ROLL CALL	
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I. BOARD CONSIDERATION

1. Acquisition of Property – Jamestown Campground and Yacht Basin 95
Supports County’s Strategic Pathway 3.d - invest in the capital project needs of the community

J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Agricultural and Forestal District Advisory Committee
2. Consideration of a legal matter to consult with legal counsel on a specific legal matter requiring the provision of legal advice pursuant to Section 2.2-3711(A)(7) of the Code of Virginia

N. ADJOURNMENT

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MEMORANDUM

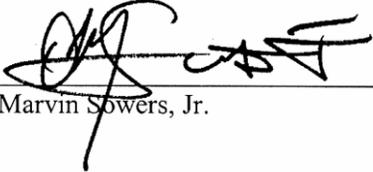
DATE: November 28, 2006
TO: The Board of Supervisors
FROM: Jason Purse, Planner
SUBJECT: Fiscal Year 2005-06 Planning Commission Annual Report

The Virginia State Code requires the Planning Commission to prepare an annual report for the Board of Supervisors concerning its activities in the community. Attached is the Fiscal Year 2005-2006 Planning Commission Annual Report summarizing major projects, studies, community activities, and development review undertaken by the Commission.

Planning Commission Chairman, Mr. Jack Fraley, will give a presentation summarizing this report to the Board of Supervisors during the November 28, 2006, meeting.

Jason Purse

CONCUR:



O. Marvin Sowers, Jr.

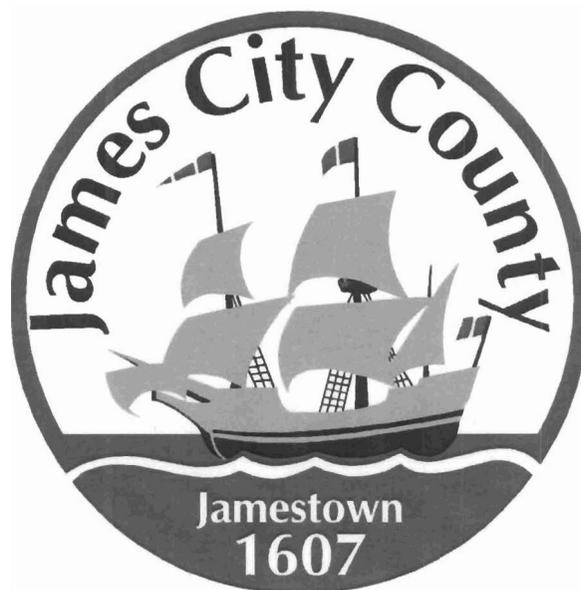
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Attachment:

Annual Report

***JAMES CITY COUNTY
PLANNING COMMISSION
ANNUAL REPORT***

FY 2005-2006



October, 2006

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MESSAGE FROM PLANNING COMMISSION CHAIRMAN

“Enclosed is a report of the activities of the James City County Planning Commission for Fiscal Year 2006. The seven appointed members of the Commission, with the assistance of County staff and input from citizens, applicants and other interested parties reviewed a number of development cases and other matters for recommended action to the Board of Supervisors. Several initiatives were taken by the Planning Commission to streamline the development review process and stimulate attractive development. We consider citizen commentary critical to our work and encourage all citizens to be actively engaged in the planning and development of our County.”

Jack Fraley, Chairman

July, 2006

Introduction

The James City County Planning Commission is composed of 7 members, one member from each of the County's magisterial districts (Powhatan, Roberts, Stonehouse, Jamestown, Berkeley) and two members at-large. Members are appointed by the Board of Supervisors to 4 year terms. The Commission's primary purpose is to serve as an advisory body to the Board of Supervisors to promote the orderly development of James City County and its environs.

The Virginia State Code requires the Planning Commission to prepare an annual report to the Board of Supervisors concerning its activities and the status of planning activities in the community. During Fiscal Year 2005-2006, Planning Commission and staff activities primarily consisted of major projects, development review, and participation in a variety of community events and committee studies. Items contained in this report include a message from the Chairman of the Planning Commission, brief descriptions of each of the Planning Commission members and information regarding the Planning Division staff. The report also contains summaries of the work of the Planning Commission and Division, including a list of major projects and major cases processed.

The Planning Commission is responsible for the preparation of the County's Comprehensive Plan and its submission for approval to the Board of Supervisors. This document contains the plan for the physical development of James City County and includes policy statements on growth, economic development, public facilities, parks and recreation, environment, transportation, community character, housing and land use. The Comprehensive Plan is updated every 5 years and involves wide public participation.

The Planning Commission conducts public hearings and makes recommendations to the Board of Supervisors on developmental cases requiring the rezoning of land and special use permits. Uses designated as "special" are conditional uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relation to surrounding land use, its impact on traffic conditions and potential environmental effects. Under the subdivision regulations, the Commission has responsibility for approving or denying both preliminary and final subdivision plats. Guidelines to carry out that responsibility are provided by design standards set out in the regulations and the Comprehensive Plan. The Commission reviews certain site plans and recommends changes of zoning and subdivision regulations to the Board of Supervisors. The Planning Commission is also responsible for the preparation and submission of the County's annual Capital Improvement Program to the Board of Supervisors. A detailed description of Planning Commissioner duties can be found in Title 15.2 of the Code of Virginia.

The Planning Division provides staff support to the Planning Commission and its subcommittees: the Development Review Committee, which reviews certain major development plans, and the Policy Review Committee, which reviews specific planning related topics and Capital Improvement Program (CIP) requests and makes recommendations to the Commission. Staff also regularly provides support for a number of other ongoing committees such as the New Town Design Review Board, Historical Commission, Historic Triangle Bicycle Advisory Committee, Corridor Enhancement Steering Committee, Development Roundtable, and other special project committees. Additionally, staff makes planning-related policy recommendations to the Planning Commission, administers and enforces the Zoning Ordinance, implements landscaping and bikeway projects, and acts as a liaison to a variety of other Board-appointed committees, community organizations and government entities. These include

the Hampton Roads Planning District Commission, Virginia Department of Transportation, Pedestrian and Bicycle Advisory Committee, Virginia Organizing Project, 2007 Community Activities Task Force and Public Private Transportation Act Committee.

Some of the ongoing planning initiatives undertaken in FY06 represent new services and programs to better serve customers and implement the Comprehensive Plan. Major initiatives have taken place this year. The Planning Division has completed Phase I of the Jamestown Road Project and continues to work on Phase II. This project was developed to preserve the community character of Jamestown Road through the provision of matching grants to local business owners to install landscaping along the corridor. Staff has implemented a web page that provides the public the ability to check the status of development cases and agencies will soon be able to post comments online allowing easy access by all County citizens, developers and owners. Staff also has been assisting with the Better Site Design Committee, the Rural Lands Study Committee and Toano Community Character Area Study.

PLANNING COMMISSION MEMBERS AND PLANNING DIVISION STAFF

Jack Fraley, Chairman (Roberts District Representative) Jack graduated from the University of California (UCLA) with a Bachelors' Degree in Economics. He held several managerial positions with Shell Oil Company before starting up a new high technology venture for Shell in 1984, Rampart Packaging, located in the Busch Corporate Center. He retired from the business in 1998 to spend more time with his family and contribute to the community. Jack was appointed to the Planning Commission in January 2004, was elected Vice-Chairman of the Commission in 2005, and became chairman in 2006. He is past Chairman and continues to serve as a member of the Commission's Development Review Committee. Jack is a past four-time elected Chairman of the James City County Board of Zoning Appeals and continues to serve as a member of this Board. He is also a member of the Design Review Board for the James River Commerce Center. Jack's first term on the Planning Commission expires on 1/31/08.

James Kennedy, Vice-Chairman (At-Large) Jim has been a resident of James City County for 22 years. After serving in the United States Navy he attended optician's school at Yorktown Naval Weapons Station where he earned his degree in opticianry. Currently he is the co-owner of Victor's Deli and Pizzeria in Williamsburg. Jim has served on many boards and commissions over the past several years. Most notably he served as Chairman of the Board of Supervisors in 2002 and was also the co-founder of the Stonehouse District Citizens Association. In addition to the Planning Commission, Jim also currently serves as chairman of the Development Review Committee. Jim's first term on the Planning Commission expires on 1/31/09

Donald Hunt (Stonehouse District Representative) Don is a James City County native and has served on the Planning Commission since 1991. He received his Bachelor's degree in Horticulture from Virginia Tech and is the owner and operator of Hill Pleasant Farm, Inc., a fourth generation family business. In addition to the Planning Commission, he also serves on the Development Review Committee and was a member of the 2003 Comprehensive Plan Community Participation Team. Don's fourth term on the Planning Commission expires on 1/31/07.

George Billups (At-Large) George was re-appointed to the James City County Planning Commission for his second term in February 2006. He graduated from Virginia State College with a Bachelor of Science in Industrial Vocational Education and Science. He earned his Master's degree and Certificate of Advanced Studies from the State University of New York in the fields of Education and School Administration and Supervision. A retired high school principal and community activist, George has served on numerous local, state and federal boards which worked to create positive public policy and civil rights legislation. In addition to his service on the Planning Commission, George also currently chairs the Policy Committee, serves on the Regional Issues Committee, and was a member of the 2003 Comprehensive Plan Steering Committee. George's second Planning Commission term expires on 1/31/2010.

Shereen Hughes (Jamestown District Representative) Ms. Hughes has lived in James City County since 2001 and received her Bachelor's degree in Geology from James Madison University and a Certificate of Landscape Design from George Washington University. Ms. Hughes' professional experience includes over 18 years as an environmental consultant and several years as a landscape designer and small business owner. Since moving to James City County, she has taken a hiatus from consulting to spend time with her family, sing with the Williamsburg Women's Chorus and Choraliers, volunteer in the public school system, and raise community awareness of local environmental concerns. In addition to the Planning Commission, she is a member of the Policy Committee. Ms. Hughes has been appointed to complete the term of previous commissioner, Ingrid Blanton, and her first term on the Planning Commission expires on 1/31/08.

Mary Jones (Berkeley District Representative) Mary has been a James City County resident for eight years and was appointed to the Planning Commission in January 2005 to complete the unexpired term of previous Commissioner Joseph McCleary. She attended Towson State University majoring in Mass Communication Studies. Currently, Mary is a committee member for Boy Scout Troop 155, a member of the Leadership Team at Baeplex Family Martial Arts and is a Real Estate Referral Agent for Liz Moore and Associates. She is a member of the Policy Committee and Development Review Committee and was a member of the 2003 Comprehensive Plan Community Participation Team. Mary's first term on the Planning Commission expires on 1/21/09.

Anthony Obadal (Powhatan District Representative) Mr. Obadal was appointed to the Planning Commission in January 2006. He practiced law in New York and Washington, D.C. for over 45 years, retiring from the law firm of Obadal, Filler, MacLeod and Klein of Alexandria, Virginia. Mr. Obadal was Chairman of the Board of Westminster School in Annandale, Virginia, a member of the Advisory Board of the National Legal Center for the Public Interest, a member of the Board of Transportation Road Information Program and a member of the Board and President of the Thomas More Society of America. He and his wife came to Williamsburg over three years ago. Mr. Obadal's first term on the Planning Commission expires on 1/31/10.



The James City County Planning Commission (Back from left: Anthony Obadal, Don Hunt, Jim Kennedy, Shereen Hughes; Front from left: Jack Fraley, Mary Jones; Not pictured: George Billups)

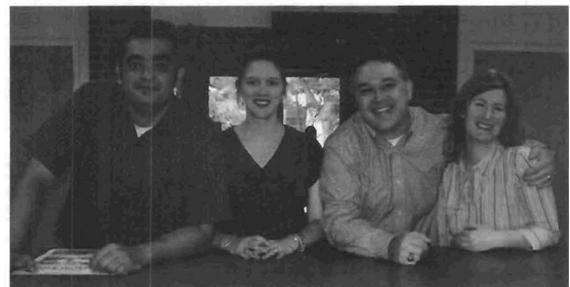
Planning Division Staff



Pictured from left: Allen Murphy, Don Davis and Marvin Sowers

Management Staff: Marvin Sowers has been Planning Director of James City County since 1987. Don Davis has been Principal Planner for Comprehensive Planning since 1989. Allen Murphy, Zoning Administrator/Principal Planner for Current Planning joined the James City County staff in 1979. Combined, these three have more than 74 years of professional planning experience with 60 of those years as planners with James City County.

Professional Planning Staff: Tammy Rosario, Senior Planner II, joined the staff in 1995 as a current planner and recently transferred positions within the Division effective July 2005 to concentrate on comprehensive planning. Ellen Cook, Planner, joined the staff in 2003 and was promoted to senior planner in August 2005. Scott Whyte was hired in 2004 as the staff's Landscape Architect. Matthew Smolnik, Planner, joined the staff in January 2005. Jason Purse, Planner, started his position in June, 2005. Jose L. Ribeiro



Pictured from left to right: Jose Ribeiro, Kate Sipes, David German and Tammy Rosario

and Joel Almquist, Planners, were hired in July, 2005. David German and Kate Sipes, Planners, both joined staff in August 2005. Leanne Reidenbach, joined the staff as an intern in January 2005, was hired as Development Management Assistant in June 2005, and was recently promoted to Planner in May 2006.



Pictured from left back row: Jason Purse & Ellen Cook; Pictured from left front row: Leanne Reidenbach and Matt Smolnik



Pictured from left: Melissa Brown, Clifton Copley, John Rogerson

Zoning Officers: John Rogerson began working for the County in 2000 and was promoted to Senior Zoning Officer in May 2004. Melissa Brown joined the staff as a Zoning Officer in January, 2003 and was promoted to Senior Zoning Officer in January 2005. Clifton Copley joined the staff as a Zoning Officer in June 2005.

Front Desk: Toya Ricks began working for the County in 2002 and became the Administrative Services Coordinator for the Planning Division later that year. Toya now works half time in that position. Christy Parrish began working for the County in 1993, became a Zoning Officer with the Planning Division in 2001, and now works half time for the Planning Division as Administrative Services Coordinator. Rebecca Wilson, a recent graduate of Miami University (Ohio), was hired as Development Management Assistant in May 2006 after interning over several months the previous winter. Terry Costello also joined the front desk staff in June 2006 after 17 years in the County's Accounting Division.



Pictured from left: Christy Parrish, Terry Costello, Rebecca Wilson, Toya Ricks

Interns: Much to staff's delight, several internship positions with the Division were occupied during FY 2006, Jesse Contario worked through July 2005 on the Division's FY 2005 Annual Report. Josh Collins and Will Federspiel, two Masters Degree candidates from William and Mary's Thomas Jefferson Program in Public Policy worked through August 2005 with the Division on several key policy research and demographic projects. Sara Saphos, Rebecca Wilson and Mike Rodgers worked as interns between fall of 2005 and spring 2006, and Rebecca Wilson was promoted to Development Management Assistant in May 2005. Edward Moran filled an internship position between August and March contributing most of his hours toward crucial projects for the Division's Rural Lands Study. Recently, Tammy Becoat, David Gordon, and Blake Skogland all joined the staff as interns in May of 2006. Staff expects to continue utilizing the many talents of the interns to assist with major projects and other administrative duties.

Staff and Changes

Staff development continues to remain a high priority for both the Planning staff and the Planning Commission. Staff and Commission members take various planning and policy courses throughout each year. The Planning Division cross-trains its staff so that comprehensive planners are assigned current planning cases such as rezonings, special use permits, site plans and subdivisions. Likewise, current planners also assist in comprehensive planning activities such as the development and implementation of the Comprehensive Plan.

The Planning Division 2004 staff underwent several changes this year due to turnover in several planner and front desk positions. Trey Davis, Planner, left the Division in late July 2004 to attend business school at Georgetown University in Washington D.C. Karen Drake, Senior Planner, also left the Division in late July to take a supervisory planning position in the Blacksburg area of Virginia. In March of 2006, Matthew Arcieri resigned from his position as Senior Planner with the County to take a senior planner position with Prince William County in the D.C. Metropolitan area. He was replaced by Leanne Reidenbach who holds a Bachelor's of Arts in anthropology from the College of William and Mary. She was promoted from Development Management Assistant to fill the position in early May. Jason Purse, a graduate of Virginia Tech with a Bachelor of Arts in political science, filled a Planner position vacancy created when Senior Planner Chris Johnson left in June 2005. Jose Ribeiro-Linhares, a graduate of Virginia Commonwealth University with a Master's degree in urban and regional planning was hired in July 2005 to fill a second vacancy.

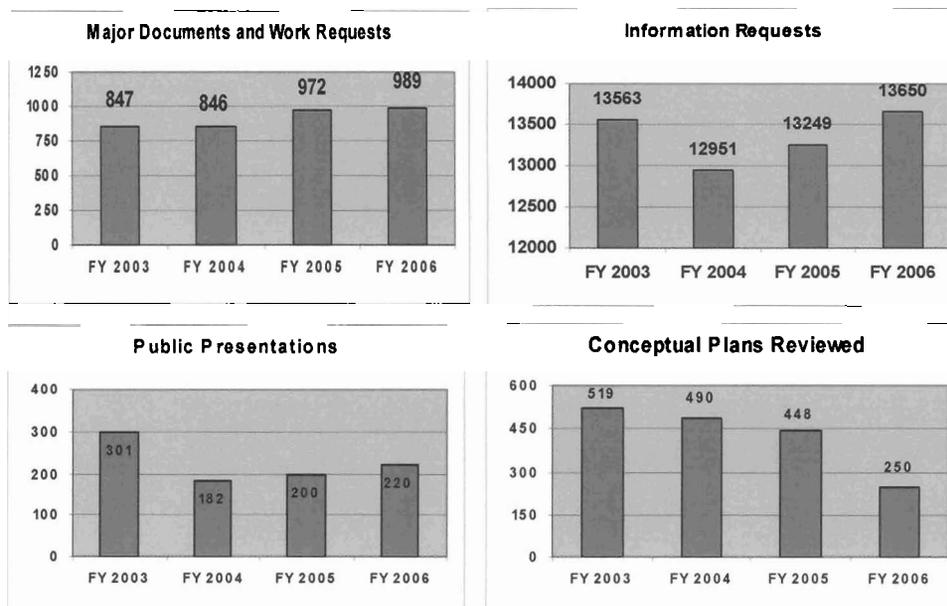
Joel Almqvist was hired on as a Planner in late July 2005 to occupy a position left vacant when Tammy Rosario transferred positions within the Division. Joel graduated from Virginia Tech with a Bachelor's of Science in environmental policy and planning. Tammy now works half time as a Comprehensive Planner and half time as a Development Management Project Manager working specifically on open space acquisition. David German, a graduate of the University of Colorado with a Master's degree in urban and regional planning, was hired in mid-August 2005 to fill the fourth planner position vacancy. Finally, Kate Sipes joined staff in mid-August 2005 as a Planner to fill a new position that was created earlier in the year as a result of the increasing workload the Division had experienced over FY 2004 and 2005. Kate graduated from Ball State University in Indiana with a Bachelor's of Science in political science and planning. Rebecca Wilson, a graduate of the Miami University with a Bachelor's of Arts in urban and regional planning was hired in late May 2005 to fill the vacant Development Management Assistant position. Geoffrey Cripe, Development Management Assistant left the Division in mid-June to pursue employment elsewhere. Terry Costello, an employee with the James City County Accounting Division for 17 years, resigned her post to accept the vacant Development Management Assistant position in mid-June.

Citizen Inquiries

The Planning Division responds to over 12,000 citizen inquiries each year. The long-range and current planning sections of the Division handle a variety of questions on a daily basis. The long-range planning section is responsible for citizen's inquiries regarding the Comprehensive Plan, development issues, population, census and housing estimates, land use, transportation, and traffic issues. The number of inquiries directed to the long range planning section this year remained steady at last year's elevated level due to several major projects and developments and population growth. The current planning section responds to citizen's inquiries regarding land development cases, the Zoning and Subdivision Ordinances, site plans, landscaping, development submittal requirements and general development in James City County. The administrative staff handles questions regarding the Planning Commission and Board of Supervisors meetings, application processes, public hearing notices, development case status and other logistical and informational questions. These inquiries come from attorneys, architects, contractors, engineers, developers, landowners, and citizens at large. A substantial amount of staff time is dedicated to providing this service to keep the public informed and to provide an additional outlet for citizen response and comment.

Development Review

Development review activities consist primarily of rezonings, special use permits, site plans, subdivisions and conceptual plans. A list of major cases and a fiscal year summary appear in the appendix in this report. In May of 2004, planning staff created the Development Roundtable, a bi-monthly conceptual review meeting for applicants that need to resolve engineering issues before submitting a site plan. In addition to regular development review, the Planning Division handles a variety of other activities. Some of the activities the Planning staff handles are shown graphically below while others are described in the following sections. Moreover, staff has the responsibility of constant review and, as necessary, updating documents such as the Zoning Ordinance to assist the Planning Commission, the Board of Supervisors and citizens in development activities. The number of tasks taken on by the Planning staff remained comparable to the workload of FY 2005. In the latter part of Fiscal Year 2005, Planning Division turnover impacted staff review of development plans. However, quick hires and training resulted in completion of over 98 percent of development plans on time.



MAJOR PROJECTS

Capital Improvements Program

Each year the Planning Commission reviews projects proposed by County agencies for inclusion in the Capital Improvements Budget. Of the 36 CIP requests, the Planning Commission selected those projects listed below for high priority for the FY06 CIP:

- Columbia Drive Improvements and Utilities*
- Metropolitan Area Network River Ring*
- Greenspace Acquisition*
- Purchase of Development Rights*
- Clara Byrd Baker Elementary School –Heating Ventilation and Air Condition (HVAC)*
- Eighth Elementary School*
- Jamestown High School – Catwalks*
- Norge Elementary School – Cafeteria Expansion*
- Norge Elementary School –Kitchen Renovation*
- Stonehouse Elementary School – Expansion*
- Third High School*
- Toano Middle School – Sewage Pump Upgrade*
- Library Chiller*
- Voting Equipment*
- Toano Convenience Center Relocation*
- Emergency Operation Center Expansion*
- New Ambulance*

Rural Lands Study

During FY06, the Board of Supervisors directed staff to investigate alternatives supporting the Comprehensive Plan's goals for residential development in rural land areas outside the Primary Service Area (PSA). As part of this process the Planning Division hired Renaissance Planning Group (RPG) to spearhead the Rural Lands Study. Staff and consultants met with a Board-appointed citizen group over a period of six months, and together held several public workshops to examine the impacts and support for different development scenarios. The committee also visited various rural clusters and residential developments in Loudon County. In May of 2006, the consultants presented the committee's findings to the Planning Commission and Board of Supervisors. The Board of Supervisors provided feedback on the committee's work and later appointed Board members Andy Bradshaw and Jim Icenhour, Planning Commission members Jack Fraley and Mary Jones, and Rural Lands Committee member Rich Costello to a technical committee to formulate the final ordinances and policies.

Planning Commission Recommendations on New Residential Development

In spring of 2006, Planning Commission Chairman Jack Fraley suggested design standards to be considered during the review process for new residential developments. These standards are in accordance with the Comprehensive Plan and are to complement the existing James City County ordinances, regulations, and policies. The following are the five categories of standards for new development: compatibility with adjacent neighborhoods in respect to lot area, lot width, and overall density; relations of buffer widths to densities of new development; environmental protections to

incorporate better site design; providing passive and active areas which exceed the minimum standards for on-site recreation; and long term traffic impacts on the surrounding roadway network should be addressed by new developments.

Transportation Impact Initiatives

The Planning Commission recommends that transportation expertise be established within the Planning Department so that the County does not have to rely solely on outside review and analysis for major projects. The Planning Division contracted for the services of Kimley Horn as the County's traffic consultant.

During the review of the rezoning for Settler's Market in New Town, the Planning Commission recommended that new development in this area consider their traffic impacts in two additional intersections, News Road/Monticello Avenue and Monticello Marketplace. The Commission also recommended that a fund be established for the purpose of financing the capital cost of traffic improvements needed in the vicinity of The Monticello Marketplace. These recommendations were implemented.

Agricultural and Forestall Districts (AFD) Renewals

This year the Planning Division has been preparing for the renewals of Agricultural and Forestall Districts. As a part of this renewal process staff has made an effort to synchronize the districts so they will all have renewal times of November, which will make for a more fluid renewal procedure in the future. Staff also surveyed current AFD program participants to determine the potential impact of requiring longer terms and road buffers on forestall properties. As of this point in the renewal process, the County currently has approximately 18,078.41 acres enrolled in the AFD program, totaling 28.25 square miles of land and approximately 19.60% of total land area for the County.

Better Site Design

The Better Site Design Committee, comprised of Shereen Hughes and other staff members, has been recently created through the County's Roundtable Process. The goal of the committee is to implement model development principles outlined in the *Recommended Model Development Principles* booklet. Agencies outside of the Planning Division working on this project include James City County Environmental and Real Estate Divisions. Additionally, representatives from the development community, Peninsula Home Builders Association (PHBA), Builders for the Bay, and the Planning Commission serve on the committee. Recently, the committee has ranked principles by priority level (high, medium or low) and the time frame in which they may be adequately addressed. For instance, parking ratios and parking lot size are high priority, short-term, while street widths and rights-of-way are designated as high priority, long-term. Currently, the committee is pursuing educational efforts for the public. Principles pertaining to educating the public about buffer systems and maintenance, medium priority and medium time frame, will be addressed in cooperation with the Virginia Cooperative Extension. The public will also be able to access the principles, action minutes and draft documents on the County website in the near future.

Site Plan Review Process

Staff worked extensively with various stakeholders in the developmental community to identify ways to improve the site plan review process. This led to the creation of the bi-monthly Development

Roundtable for customers to present plans and specific questions to various departments in the County. Currently customers can obtain feedback from the Planning Division, Environmental Division, the James City County Service Authority and the Virginia Department of Transportation when they attend the meetings. These Development Roundtable meetings have provided opportunities for developers to discuss project design and development with County staff in an informal manner and receive feedback in advance of preparing development plans for submission to the County. Furthermore the Development Roundtable meetings have served to create an expedited and more efficient review process. On another recommended improvement, Planning staff continues to work with staff in the Information Technology Division to modify the existing Case Tracking database for inclusion on the County web site. With the first phase now complete, applicants and citizens can access information in case status. In the next phase the public will be able to access agency comments for every development plan under review.

Toano Area Study

In July of 2005, the Board of Supervisors initiated the Toano Community Character Area Study. The objective of the study was to develop a set of guiding principles for development in Toano. Specifically, the Board wanted the study to result in the creation of a series of tools to ensure the maintenance of the unique qualities of Toano, including a straightforward development policy, uniform design guidelines and a master streetscape plan. The County hired the Renaissance Planning Group, of Charlottesville, Virginia, to consult on the study. Additionally, the Toano Community Character Area Study Steering Committee was created to work closely with staff and the consulting firm. The Community Character section of the Comprehensive Plan provided broad guidance for this study.

The Committee held five public meetings in the latter half of 2005. In December 2005, the Committee adopted a set of design guidelines for Toano. The Planning Commission and the Board endorsed the guidelines in early 2006. The following five planning principles were included: highlight and honor the history of Toano, encourage appropriate growth that enhances Toano's unique small-town character, preserve open space and rural lands and establish communal green space, enhance the pedestrian and bicycle environment while slowing vehicular traffic, and improve streetscape and landscape to create a sense of place.

Norge Depot Relocation

Norge, originally settled by Norwegian immigrants, is home to several historical structures, including the Norge Depot. The railway station was built by the railroad in the early 1900s and served as a connector for the Norge community to the rest of the country. The station acted as a vital promoter of economic development in the surrounding area. Before becoming decommissioned in the late 1960s, the Depot was adapted from a train station into an office building. Due to its inoperative status, CSX proposed that the structure be demolished. The County and Historical Commission acquired a federal grant and obtained CSX permission to transport the Depot to a new location, the Norge Library on Croaker Road. Currently, the Norge Depot rests in the Norge Library parking lot where it will be restored and remodeled into a community meeting center.

Historical Commission

The Planning Division has administrative responsibility for the Historical Commission. Responsibilities include taking minutes, preparing the budget, and assisting with projects such as "Oral Histories," acquiring highway markers, and completing the architectural survey. Specifically, the most

recent marker will commemorate Governor Berkeley, and will hopefully be placed at the intersection of Greensprings Road and John Tyler Highway. This past year the Commission, with the help of General Services, oversaw the relocation of the Norge Depot to its final resting place at the James City County Library. The Commission presented preservation awards to both the James City County Cemetery Group, as well as Ron Steffey for their continued efforts in fostering local historical awareness. Additionally, the Commission welcomed two new members: Fred Boelt, member of the JCC Cemetery Group, and Mark Wenger, Colonial Williamsburg Architectural Historian.

Architectural Assessment Project

Using a \$25,000 matching grant from the Virginia Department of Historic Resources (VDHR) to survey the County's architectural resources, a consultant completed a field study for the project and provided documentation, analysis, and recommendations to the Planning Division. Staff has forwarded all information to the County Historical Commission for consideration. The County or the Historical Commission may use the results of the survey to guide the development of a policy for the protection of historic structures and staff has developed a GIS layer that identifies the location of over 200 architecturally significant structures in the county. FY06 ended with staff and the Historical Commission finishing the review of final properties designated as significant in the assessment. The next action will be to nominate the Toano area as a historical district through the Department of Historical Resources.

Bikeway Projects

Towards the start of 2006, VDOT formally kicked off the process to begin design of bikeways along Ironbound/Sandy Bay Roads and Longhill Road. The Planning Division successfully secured federal funding for both bikeway projects, and acts as an active partner in the design and location of both projects.

Virginia Capital Trail

The Virginia Capital Trail in James City County will be a combination bikeway and pedestrian facility linking historic, cultural and scenic sites along the Route 5 corridor with Jamestown Island and Williamsburg. Upon its completion, the trail will link Colonial Williamsburg with the City of Richmond. Construction began in July 2005 with Governor Mark Warner present as the keynote speaker at the groundbreaking.

Together, the two County phases will provide a multi-use path for non-motorized transportation from Charles City to Jamestown Settlement. The Chickahominy/ Route 5 Phase extends from Chickahominy Riverfront Park to just west of Jamestown High School and should be completed by Spring 2007. From this point, the path will extend southeast in the vicinity of Greensprings Road, running through Mainland Farm to Jamestown Road. The trail will then cross Jamestown Road and join an existing multi-use path to the Colonial Parkway, forming the Greensprings Phase. Trail construction is underway and will be complete in time for the celebration of the 400th anniversary of Virginia in 2007. Trail users can access Colonial Williamsburg via the Colonial Parkway from the Jamestown Settlement. The design was completed with funding coming from a federal, state, and county partnership. Additionally, the County played a large role in right-of-way acquisition throughout FY06.

Corridor Enhancement Projects

Historic Triangle Corridor Enhancement Committee

Corridor enhancement projects have encompassed the creation of a corridor landscape plan and a grant program for businesses and neighborhoods. During FY06, the first round of open grant application, the Planning Division received 10 enhancement applications from businesses and homeowners associations along Jamestown Road. Eight of these applications were funded and by May 2006 half of the projects were completed. The Planning Division also opened a second round of grant opportunities in May. In June, the Historic Triangle Corridor Enhancement Committee approved its objectives for next year, including an enhancement program for the remainder of Jamestown Road and preliminary work for a multi-jurisdictional project. In addition, the Virginia Citizen's Planning Association awarded its Virginia Citizen Planner of the Year award to Bill Frymoyer, the Chairman of the Historic Triangle Corridor Enhancement Committee.

Route 199 Improvements

In October of 2002 VDOT signed a comprehensive agreement utilizing the Public Private Transportation Act of 1995 to complete vital improvements to Route 199 over the next several years. Planning staff collaborated with VDOT on design elements of the project. Hardscape enhancements including decorative fencing, multi-use path, and Williamsburg green poles and signage were installed as a result of collaboration among the County, City of Williamsburg, VDOT and the Corridor Enhancement Committee. The enhancements were jointly funded by James City County and the City of Williamsburg.

Revenue Sharing Landscape Projects

Revenue sharing landscape projects are funded by resources allocated to James City County and VDOT. One such project in FY06 targeted Andersons Corner. The partnership between the County and VDOT concentrated on three segments of the median and three traffic islands, from the first segment of the median north of the intersection and southwards to Hickory Neck Church. The remaining three projects were aimed at improvements along Route 199. The first project focused on the median strip between Jamestown Road and Route 5. Medians at Route 199 and Mounts Bay Road were landscaped 1200 feet out from each side of the intersection. Finally, the Route 199 and Route 60 intersection median strip was landscaped for 2,400 feet south of the intersection. Landscape projects approved for next fiscal year include the following: Route 199 at Jamestown Road, Route 199 Bridge and Sound Wall, Route 199 at Longhill, Route 199 at Route 60 (both West and East Interchange), Route 5 at Jamestown High, Brick Bat Road (for the third high school), Jamestown Road near the ferry and Route 60 East.

Transportation Grants

James City County received several significant federal funding allocations (\$7.43 million) as a result of proposals prepared by the Planning Division during FY06. The County was awarded federal funding under the Congestion, Mitigation, Air, Quality (CMAQ) grants for bikeways along Mooretown Road, Airport Road, Croaker Road and Route 60, totaling \$1.67 million. CMAQ funding was also allocated for improvements to the Five Forks Intersection (\$300,000) and Monticello Avenue corridor west of Route 199 (\$860,000). An additional \$2.6 million was allocated to the Ironbound Road widening project and an additional \$2 million was allocated to the Route 60 Relocation project.

An Enhancement grant was also awarded to James City County, in association with the Historical Commission, to obtain CSX permission to transport the Norge Depot Station to its current location, the Norge Public Library. Staff also prepared several VDOT transportation grants for the March 2006 deadline.

Five Forks Sub Area Study Update

The formal process to improve the intersection between Ironbound Road and Route 5 began in May 2006. The project has been awarded approximately \$300,000 of CMAQ funds and some changes are being proposed to transform this intersection. The proposed changes include: creating additional turn lanes, extending existing bike lanes, placing utilities underground and installing mast-arm signals. The staff continues to examine the possibility of having additional right-of-way donated which would decrease the cost of the project, thereby freeing up funds to dedicate to mast-arm signal poles. The advertisement date to collect bids for this plan is projected to be March of 2008, and the construction date would be in 2009.

2030 Regional Transportation Plan

The Planning Division was actively involved with the Hampton Roads Planning District Commission in the preparation of the 2030 Plan. This plan will serve as the starting point for the update of the County's Transportation Plan.

New Town

The New Town Design Review Board (DRB), assisted by staff, continued to review proposed developments in New Town. Throughout FY05-FY06, numerous building and site plans were approved in the Town Center (Sections 2 & 4) and the layout for several blocks in the Discovery Business Park (Sections 3 & 6) have developed within the past year.

There were two rezonings approved by the Board of Supervisors during FY05-FY06. Langley Federal Credit Union was rezoned to Mixed Use with proffers in August 2005 and Section 9 of New Town was rezoned to Mixed Use with proffers in May 2006. Section 9 will consist of a large Retail/Mixed Use area along with a couple hundred residential units. The remaining sections to be rezoned to Mixed Use with proffers in New Town are Sections 7, 8 and 12.

The Development Review Committee (DRC) has reviewed and approved quarterly shared parking updates for Sections 2 & 4 of New Town. The premise of shared parking is starting to become evident as residential units are being occupied and construction continues on Mixed Use and Office Buildings throughout the Town Center. The opening of Consolidated Theaters in the Town Center has enticed many visitors to New Town during the past year. Main Street has been under construction for some time and is scheduled to open during the fall of 2007.

Blade signs, pedestrian scale directional signage, illuminated free-standing signs and pole mounted banners are permitted in New Town following Board of Supervisors approval of a Zoning Ordinance amendment in June 2006.

Neighborhood Connections

Neighborhood Connections is a division of James City County's Community Services Department. They have a full time staff as well as 10 volunteer liaisons comprised of county employees including two from the Planning Division. Each liaison communicates with their assigned Home Owner Association (HOA). Part of liaison's responsibilities include informing the HOA offices of training opportunities provided by the county and other agencies to maintain effective HOA's. These opportunities included "Chickahominy Community improvement Organization 37th Anniversary Dinner," "Essentials of Community Association Volunteer Leadership," and "Basic Legal Aspects of Homeowner Associations."

The Planning Division has two HOA liaisons, Zoning Officer Melissa Brown and Landscape Architect Scott Whyte. Neighborhood Connections has established a point system, called Survivor on Ironbound Isle, to motivate the liaisons to stay on top of their neighborhoods' issues. Points are awarded for every meeting, phone call, e-mail or any other form of communication with the designated neighborhoods. This year Melissa Brown was awarded Sole Survivor of Ironbound Isle.

Adequate Public Facilities Policy

The current Board of Supervisors adopted adequate public facilities policy serves as a tool to measure the impact of proposed residential development in the Williamsburg-James City County Public School System. Each of the district's schools has a measured, verifiable student capacity threshold, which is based upon the infrastructure, age, physical space, condition, planned and built design, and other factors found at each facility. The policy compares the projected increase in student population to each affected facility's capacity and determines the direct impact that a new development might have. Currently, Planners incorporate the policy into their staff reports for new residential developments, excluding age restricted communities which would not increase the student population. The staff reports state whether the proposed development remains within the schools' capacities. Additionally, since a new high school is currently under construction and an elementary school has been designated in the CIP, the reports note that the capacities required for the proposed new development may be in place once the incoming facilities are completed and operational. The Planning Commission identified a need to review the policy. Future improvements to the adequate public facilities policy may include identifying if the policy should compare all approved but unbuilt new development versus actual or planned school capacity, determining whether the policy should be used to deny new development or simply identify when additional public facilities are needed, incorporating revisions to reflect current School Board Policy, and whether the policy should be applied to other public facilities such as roads, water supply, and sewage treatment capacity.

Training and Educational Opportunities

The Planning Division continues attendance at training opportunities and has extended educational opportunities to the Planning Commission. Several seminars were held by the Urban Land Institute, such as "Eminent Domain: The Legal, Political, and Economic Development Variables," which was attended by multiple staff members. During the winter, staff was present at training programs hosted by the County. Agencies such as Codes and Compliance, Economic Development, Real Estate Assessments and the Fire Department offered these sessions. Staff also attended a workshop on pedestrian and bicycle accommodation. In February of 2006, Planner Joel Almquist attended a VDOT Intersection and Arterial Capacity Analysis workshop and the Division was in attendance for at least two days of the Virginia Planning Association's Annual Conference in Portsmouth in the spring.

Landscape Architect Scott Whyte renewed his Pesticide Applicator's license and attended emergency/damage assessment training. Zoning Administrator Allen Murphy gained certification from the American Certified Institute of Planners in July 2005. Planning Director Marvin Sowers fulfilled continuing education standards established by the American Planning Institute for Certified Planners. The Division's Zoning Officers attended the Virginia Association of Zoning Officers conference in Roanoke, Va. Additionally, Zoning Officer Cliff Copley received certification.

The Planning Commission also participated in a variety of training opportunities. Commission members Jack Fraley, Shereen Hughes, and Tony Obadal graduated from the Virginia Certified Planning Commissioner's Program in FY06. Additional training sessions for the Commission were provided by staff and consultants which covered environmental issues, James City Service Authority/water and sewer, transportation and legal issues.

James City County Demographics Updates

General Demographics: Population Estimates

Population estimates providing approximate counts of the population of James City County for both the present day and for past, non-census years were prepared by the Planning Division. It is the Division's policy to generate a population estimate at the end of each quarter. Staff has been working to improve our population estimates system, which is based on the number of Certificates of Occupancy that are issued by the county's Codes Compliance Department. This streamlining effort was started in recent years, and is ongoing. The main goal of the effort is to produce the most accurate estimates possible so that other internal County departments, external government agencies and private citizens can feel confident in the estimations being produced. A secondary goal is to make the efforts to improve the system as transparent as possible, so that activities dependent upon the estimates are not compromised.

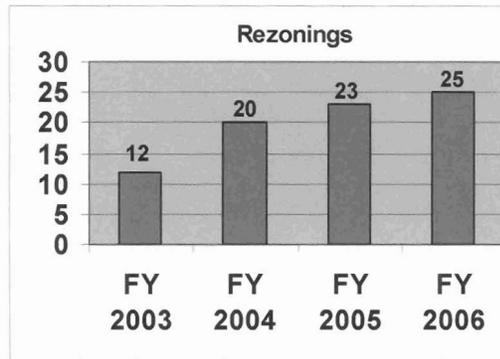
General Demographics: Population Projections

Population projections attempt to project approximate counts of the population of James City County in future years. Currently, Planning and other County staff are working with alternative population projection models in an effort to ensure as accurate projection as possible.

Applied Demographics: School Population Projections

In the last year, Planning Staff has increased its role in assisting the Williamsburg-James City County School District, and its private consultant, DeJong Inc., with school population projections. Here, the goal is to accurately anticipate how many school children will need to be accommodated in upcoming school years—both in the immediate future, and on a longer-term basis. Great strides were made between the School District, DeJong and the Planning Division to identify ways in which data generated by the Planning Division (including population estimates, population projections, and development tracking numbers) could be used to better approximate the numbers of children likely to be attending school in the short-term and long-term future. The Planning Division will provide data to the District and DeJong on a regular basis, and will continue to foster strong communication and working relationships between all parties involved.

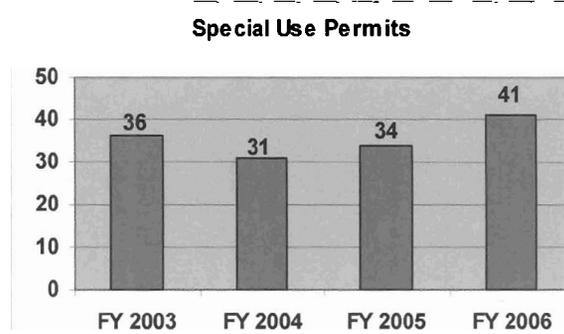
Appendix A - Major Cases – Rezoning



Z-04-05	New Town, Langley Federal Credit Union	
Location:	Monticello Avenue	PC: Denied- 8/1/05
Zoning:	M-1 to MU	BOS: Approved- 8/9/05
District:	Berkeley	
Z-07-05	Jamestown Retreat	
Location:	Jamestown Road	PC: Denied- 3/6/06
Zoning:	LB & R-2 to R-5	BOS: Denied- 4/11/06
District:	Jamestown	
Z-10-05	The Villages at Whitehall	
Location:	Old Stage Road & Centerville Road	PC: Approved- 8/1/05
Rezoning:	A-1/B-1 to R-2	BOS: Approved- 9/13/05
District:	Stonehouse	
Z-11-05	Whitehall	
Location:	Rochambeau Drive	PC: Approved- 8/1/05
Rezoning:	A-1/B-1 to R-2	BOS: Approved- 9/13/05
District:	Stonehouse	
Z-12-05	Moss Creek Commerce Center	
Location;	Old Stage Road	PC: Approved- 4/3/06
Rezoning:	A-1 to MU	BOS: Approved- 5/9/06
District:	Stonehouse	
Z-13-05	Village at Toano	
Location:	Forge Road	PC: Denied- 5/1/06
Rezoning:	A-1 to R-5	BOS: Denied- 6/13/06
District:	Stonehouse	
Z-15-05	Stonehouse Master Plan Amendment	
Location:	Six Mount Zion Road	PC: Deferred Indefinitely
Rezoning:	PUD with amended proffers	by Applicant
District:	Stonehouse	

Z-16-05	New Town Section 9, Settler's Market		
Location:	Monticello Avenue	PC:	Approved- 4/3/06
Rezoning:	R-8/M-1 to MU	BOS:	Approved- 5/9/06
District:	Berkeley		
Z-17-05	Greensprings Master Plan Amendment		
Location:	Monticello Ave. & Centerville Rd.	PC:	Approved- 2/6/06
Zoning:	R-4 with amended proffers	BOS:	Denied - 3/28/06
District:	Berkeley		
Z-19-05	Jennings Way		
Location:	Richmond Road	PC:	Approved- 3/6/06
Rezoning:	R-2/B-1 with amended proffers	BOS:	Approved- 4/11/06
District:	Powhatan		
Z-01-06	Third High School/ TNCC		
Location:	Warhill Trail	PC:	Approved- 3/6/06
Rezoning:	PUD with amended proffers	BOS:	Approved- 3/14/06
District:	Powhatan		
Z-02-06	Mason Park		
Location:	Jamestown Road	PC:	Approved- 8/7/06
Rezoning:	R-8 to R-2	BOS:	
District:	Jamestown		
Z-03-06	Pleasant Hill Station		
Location:	Richmond Road	PC:	Approved- 8/7/06
Rezoning:	A-1 to B-1	BOS:	
District:	Stonehouse		

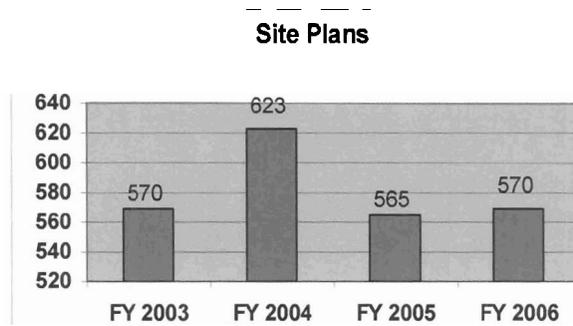
Appendix B - Major Cases – Special Use Permits



SUP-16-05	Treleaven Warehouse & Nursery	
Location:	Rochambeau Drive	PC: Approved- 5/2/05
Zoning:	A-1	BOS: Approved- 6/14/05
District:		
SUP-22-05	Shops at Norge Crossing, LLC	
Location:	Richmond Road	PC: Approved- 8/1/05
Zoning:	B-1	BOS: Approved- 9/13/05
District:	Stonehouse	
SUP-23-05	TGI Fridays	
Location:	Richmond Road	PC: Approved- 8/1/05
Zoning:	B-1	BOS: Approved- 9/13/05
District:	Berkeley	
SUP-24-05	Gabriel Archer Tavern	
Location:	Wessex Hundred Road	PC: Approved- 8/1/05
Zoning:	R-8	BOS: Approved- 9/13/05
District:	Roberts	
SUP-25-05	Prime Outlets Special Use Permit Amendment	
Location:	Richmond Road	PC: Approved- 8/1/05
Zoning:	B-1	BOS: Approved- 9/13/05
District:	Powhatan	
SUP-30-05	St. Olaf Catholic Church	
Location:	Norge Lane	PC: Approved- 12/5/05
Zoning:	R-8	BOS: Approved- 12/13/05
District:	Stonehouse	
SUP-33-05	Chickahominy Riverfront Park	
Location:	John Tyler Highway	PC: Approved- 2/6/06
Zoning:	A-1	BOS: Approved- 3/14/06
District:	Powhatan	

SUP-02-06	Busch Gardens – New France Major Attraction	
Location:	Pocahontas Trail	PC: Approved- 3/6/06
Zoning:	M-1	BOS: Approved- 4/11/06
District:	Roberts	
SUP-04-06	Prime Retail Expansion	
Location:	Richmond Road	PC: Approved- 6/5/06
Zoning:	B-1	BOS: Approved- 7/11/06
District:	Powhatan	
SUP-05-06	Eighth Elementary School	
Location:	Centerville Road	PC: Approved- 4/3/06
Zoning:	A-1	BOS: Approved- 5/9/06
District:	Powhatan	
SUP-13-06	Unicorn Cottage	
Location:	Ironbound Road	PC: Approved- 6/5/06
Zoning:	R8	BOS: Approved- 6/13/06
District:	Berkeley	
SUP-14-06	Eighth Elementary School Utility Extension	
Location:	Brick Bat Road	PC: Approved- 5/1/06
Zoning:	A-1	BOS: Approved- 5/9/06
District:	Powhatan	
SUP-16-06	Hogan Homestead Children’s Nursery	
Location:	Richmond Road	PC: Approved- 6/5/06
Zoning:	A-1	BOS: Approved- 7/11/06
District:	Stonehouse	
SUP-17-06	Veterinary Hospital	
Location:	Richmond Road	PC: Approved- 6/5/06
Zoning:	A-1	BOS: Approved- 7/11/06
District:	Stonehouse	

Appendix C -Major Cases – Site Plans



SP-006-05	Stonehouse – The Fairways		
Location:	Mill Pond Run	Preliminary:	6/6/05
Zoning:	PUD-R	Final:	11/8/05
District:	Stonehouse		
SP-007-05	Stonehouse – Clubhouse Point		
Location:	Mill Pond Run	Preliminary:	10/4/04
Zoning:	PUD-R	Final:	3/23/05
District:	Stonehosue		
SP-016-05	New Town, Retail Phase 2		
Location:	Monticello Avenue	Preliminary:	4/6/05
Zoning:	MU	Final:	9/27/05
District:	Berkeley		
SP-030-05	Wedmore Place at Williamsburg Winery		
Location:	Wessex Hundred Road	Preliminary:	5/2/05
Zoning:	R-8	Final:	9/23/05
District:	Robert		
SP-031-05	7839 & 7845 Richmond Road Office/Retail		
Location:	Richmond Road	Preliminary:	8/23/05
Zoning:	A-1/B-1	Final:	11/8/05
District:	Stonehouse		
SP-032-05	New Town, Village Square		
Location:	Monticello Avenue	Preliminary:	4/29/05
Zoning:	MU	Final:	9/19/05
District:	Berkeley		
SP-041-05	Warhill – Third High School		
Location:	Opportunity Way	Preliminary:	5/13/05
Zoning:	PUD-R	Final:	1/4/05
District:	Powhatan		

SP-042-05	STAT Services, Inc		
Location:	Powhatan Springs Road	Preliminary:	6/6/05
Zoning:	R-8	Final:	
District:	Berkeley		
SP-051-05	Colonial Heritage Phase 3, Section 3		
Location:	Richmond Road	Preliminary:	6/6/05
Zoning:	MU	Final:	2/17/06
District:	Stonehouse		
SP-060-05	Community Sports Facility (Stadium)		
Location:	Warhill Trail	Preliminary:	12/5/05
Zoning:	R-8	Final:	5/25/06
District:	Powhatan		
SP-062-05	Greenmount-DCB LLC Storage		
Location:	Pocahontas Trail	Preliminary:	10/3/05
Zoning:	M-2	Final:	1/19/06
District:	Roberts		
SP-064-05	TGI Friday's		
Location:	Richmond Road	Preliminary:	10/3/05
Zoning:	B-1	Final:	11/10/05
District:	Berkeley		
SP-066-05	Warhill Sports Complex Basketball Facility		
Location:	Warhill Trail	Preliminary:	6/1/05
Zoning:	R-8	Final:	12/9/05
District:	Powhatan		
SP-067-05	WindsorMeade Marketplace, Outparcels 9-11		
Location:	Monticello Avenue		
Zoning:	MU	Final:	9/7/05
District:	Berkeley		
SP-072-05	New Town, Block 3, Parcel B		
Location:	Monticello Avenue	Preliminary:	6/29/05
Zoning:	MU	Final:	8/4/05
District:	Berkeley		
SP-073-05	Jeanne Reed's Office/Warehouse		
Location:	Endeavor	Preliminary:	6/17/05
Zoning:	M-1	Final:	1/26/06
District:	Roberts		

SP-074-05	Hickory Neck Church New Worship Facility		
Location:	Richmond Road	Preliminary:	8/10/05
Zoning:	A-1	Final:	8/16/05
District:	Stonehouse		
SP-079-05	Warhill Water Facility Improvements		
Location:	Warhill Trail	Preliminary:	
Zoning:	R-8, M-1	Final:	11/9/05
District:	Powhatan		
SP-080-05	Stonehouse Water Facility Improvements		
Location:	Six Mount Zion Road	Preliminary:	
Zoning:	A-1	Final:	11/9/05
District:	Stonehouse		
SP-084-05	New Town, Block 8, Parcel E (CD&A Condos)		
Location:	Center Street	Preliminary:	9/12/05
Zoning:	MU	Final:	9/23/05
District:	Berkeley		
SP-086-05	JCC – Toano Convenience Center		
Location:	Industrial Boulevard	Preliminary:	
Zoning:	M-1	Final:	9/21/05
District:	Powhatan		
SP-087-05	Archaearium at Historic Jamestowne Amendment		
Location:	Colonial Parkway	Preliminary:	8/1/05
Zoning:	R-8	Final:	1/13/06
District:	Jamestown		
SP-089-05	Stonehouse – Route 600 Utilities		
Location:	Six Mount Zion Road	Preliminary:	
Zoning:	PUD-R	Final:	
District:	Stonehouse		
SP-095-05	New Town, Retail Phase 3		
Location:	Monticello Avenue	Preliminary:	
Zoning:	MU	Final:	10/20/05
District:	Berkeley		
SP-096-05	Norge Railway Station		
Location:	Croaker Road	Preliminary:	8/8/05
Zoning:	A-1	Final:	8/26/05
District:	Stonehouse		
SP-097-05	Stonehouse Presbyterian Church		
Location:	Fieldstone Parkway	Preliminary:	10/27/05
Zoning:	PUD-C	Final:	4/27/06
District:	Stonehouse		

SP-100-05	Bay Aging		
Location:	Ironbound Road	Preliminary:	9/12/05
Zoning:	MU	Final:	5/4/06
District:	Berkeley		
SP-102-05	LaGrange Parkway and Route 600 to Route 606		
Location:	LaGrange Parkway & Route 600	Preliminary:	9/26/05
Zoning:	PUD-C	Final:	
District:	Stonehouse		
SP-103-05	Colonial Heritage Phase 4		
Location:	Centerville Road	Preliminary:	11/7/05
Zoning:	MU	Final:	
District:	Powhatan		
SP-108-05	Settlement at Powhatan Creek (Hiden)		
Location:	Monticello Avenue	Preliminary:	
Zoning:	PUD-R	Final:	2/24/06
District:	Berkeley		
SP-113-05	New Town Block 6 & 7 Parcel E (Dental Building)		
Location:	Courthouse Street	Preliminary:	
Zoning:	MU	Final:	10/17/05
District:	Berkeley		
SP-121-05	Shops at Norge Crossing		
Location:	Richmond Road	Preliminary:	
Zoning:	B-1	Final:	2/7/06
District:	Stonehouse		
SP-133-05	Prime Outlets Phase 6		
Location:	Richmond Road	Preliminary:	5/11/06
Zoning:	B-1	Final:	
District:	Powhatan		
SP-137-05	Williamsburg Place Expansion		
Location:	Mooretown Road	Preliminary:	
Zoning:	M-1	Final:	
District:	Berkeley		
SP-145-05	New Town, Langley Federal Credit Union		
Location:	Monticello Avenue	Preliminary:	4/13/06
Zoning:	MU	Final:	8/9/06
District:	Berkeley		

SP-147-05	Warhill – TNCC Site Improvements	
Location:	Centerville Road	Preliminary:
Zoning:	PUD-R	Final:
District:	Powhatan	
SP-149-05	Liberty Crossing	
Location:	Richmond Road	Preliminary: 4/3/06
Zoning:	MU	Final: 9/12/06
District:	Powhatan	
SP-150-05	New Town, Block 11 Residential	
Location:	Center Street	Preliminary: 1/9/06
Zoning:	MU	Final: 3/22/06
District:	Berkeley	
SP-158-05	New Town, Block 10, Parcel B (McMurrin Building)	
Location:	New Town Avenue	Preliminary:
Zoning:	MU	Final: 4/12/06
District:	Berkeley	
SP-159-05	New Town Community Building, Block 10, Parcel B	
Location:	New Town Avenue	Preliminary: 2/1/06
Zoning:	MU	Final: 3/16/06
District:	Berkeley	
SP-161-05	New Town, Block 3, Parcel E (Building 900)	
Location:	Main Street	Preliminary: 1/18/06
Zoning:	MU	Final: 1/27/06
District:	Berkeley	
SP-004-06	Villas at Five Forks	
Location:	Ingram Road	Preliminary: 4/3/06
Zoning:	R-2	Final:
District:	Berkeley	
SP-005-06	Governor's Grove at Five Forks	
Location:	John Tyler Highway	Preliminary: 5/1/06
Zoning:	MU	Final:
District:	Berkeley	
SP-012-06	New Dawn Assisted Living	
Location:	Jamestown Road	Preliminary:
Zoning:	R-8/ LB	Final:
District:	Berkeley	
SP-022-06	Volvo Rents	
Location:	Pocahontas Trail	Preliminary: 5/12/06
Zoning:	M-1	Final: 7/11/06
District:	Roberts	

SP-023-06	Eighth Elementary School	
Location:	Brick Bat Road	Preliminary:
Zoning:	A-1	Final:
District:	Powhatan	
SP-025-06	Prime Outlets Phase 7 Expansion	
Location:	Richmond Road	Preliminary:
Zoning:	B-1	Final:
District:	Powhatan	
SP-031-06	Shell Building – James River Commerce Center	
Location:	Pocahontas Trail	Preliminary: 4/26/05
Zoning:	M-1	Final:
District:	Roberts	
SP-033-06	Chickahominy Riverfront Park	
Location:	John Tyler Highway	Preliminary:
Zoning:	A-1	Final:
District:	Jamestown	
SP-045-06	Busch Gardens 2007 Expansion	
Location:	Pocahontas Trail	Preliminary:
Zoning:	M-1	Final:
District:	Roberts	
SP-062-06	River Commerce Center	
Location:	Endeavor Drive	Preliminary:
Zoning:	M-1	Final:
District:	Roberts	
SP-068-06	New Town, Oxford Apartments	
Location:	Monticello Avenue	Preliminary:
Zoning:	MU	Final:
District:	Berkeley	
SP-069-06	Settlement at Powhatan Creek, Phase 2	
Location:	Croaker Road	Preliminary:
Zoning:	PUD-R	Final:
District:	Berkeley	
SP-070-06	Williamsburg Airport Access Road	
Location:	Marclay Road	Preliminary:
Zoning:	R-8	Final:
District:	Roberts	
SP-071-06	T-Hanger Site Prep, Williamsburg Airport	
Location:	Marclay Road	Preliminary:
Zoning:	R-8	Final:
District:	Roberts	

SP-077-06

Location:

Zoning:

District:

Williamsburg Landing

Williamsburg Landing Drive

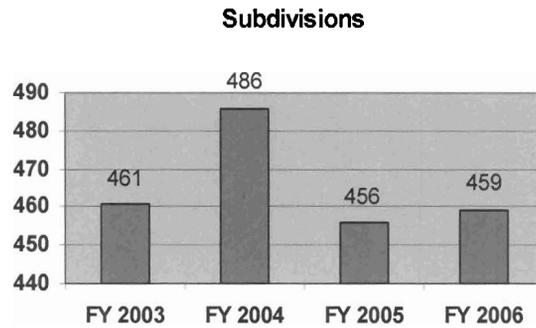
R-5

Jamestown

Preliminary:

Final:

Appendix D - Major Cases – Subdivisions



S-002-05	The Pointe at Jamestown Section 2B (53 Lots)	
Location:	Sir Thomas Way	Preliminary: 2/18/06
Zoning:	R-2	Final:
District:	Jamestown	
S-015-05	Colonial Heritage Phase 3, Section 2 (51 Lots)	
Location:	Richmond Road	Preliminary: 5/2/05
Zoning:	MU	Final:
District:	Stonehouse	
S-043-05	Colonial Heritage Phase 3, Section 3 (66 Lots)	
Location:	Richmond Road	Preliminary: 6/6/05
Zoning:	MU	Final:
District:	Stonehouse	
S-053-05	Kingsmill – Spencer’s Grant (52 Lots)	
Location:	Kingsmill Road	Preliminary: 7/11/05
Zoning:	R-4	Final:
District:	Roberts	
S-059-05	Pegleg’s Point, Section 6 (86 Lots)	
Location:	Neck O’ Land Road	Preliminary:
Zoning:	R-1	Final:
District:	Jamestown	
S-078-05	Stonehouse Fairmont Subdivision Section 1-4 (127 Lots)	
Location:	Six Mount Zion Road	Preliminary: 10/3/05
Zoning:	PUD-R	Final:
District:	Stonehouse	
S-079-05	Colonial Heritage Phase 4 (137 Lots)	
Location:	Centerville Road	Preliminary: 11/7/05
Zoning:	MU	
District:	Powhatan	

S-090-05	Powhatan Secondary Phase 7C (33 Lots)	
Location:	News Road	Preliminary: 4/13/06
Zoning:	R-4	
District:	Powhatan	
S-091-05	Windmill Meadows (78 Lots)	
Location:	Centerville Road	Preliminary: 10/3/05
Zoning:	R-2	Final:
District:	Powhatan	
S-095-05	Landfall Village (16 Lots)	
Location:	Jamestown Road	Preliminary: 3/10/06
Zoning:	R-2	Final:
District:	Jamestown	
S-105-05	Stonehouse Land Bay 31 (46 Lots)	
Location:	Six Mount Zion Road	Preliminary:
Zoning:	R-PUD-R	Final:
District:	Stonehouse	
S-106-05	Colonial Heritage Phase 5 Section 1 (144 Lots)	
Location:	Richmond Road	Preliminary:
Zoning:	MU	Final:
District:	Powhatan	
S-117-05	Liberty Ridge (139 Lots)	
Location:	Centerville and Jolly Pond Road	Preliminary:
Zoning:	A-1	Final:
District:	Powhatan	
S-026-06	Colonial Heritage Phase 5, Section 2 (118 Lots)	
Location:	Richmond Road	Preliminary:
Zoning:	MU	
District:	Stonehouse	
S-046-06	Rivers Edge Phase IV (3 Lots)	
Location:	Richmond Road	Preliminary: 6/28/06
Zoning:	R-4	Final:
District:	Roberts	

Presentation on the 2007 James City County Calendar
Given by Renee Dallman, JCC Communications Specialist

Board of Supervisors Meeting
November 28, 2006

1. Purpose of the 2007 Calendar

A. To guide citizens through the 400th Commemoration

a. How citizens can be involved

1. Volunteer
2. Visit
3. Plant

b. Signature events

c. Photographs

B. County Services

a. Contact information

b. Emergency information

c. County map

d. Voter information

e. Important phone numbers

f. Board of Supervisors contact information

g. Important dates

2. Distribution

A. Will be mailed to all County households

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF NOVEMBER 2006, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
John J. McGlennon, Vice Chairman, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James O. Icenhour, Jr., Powhatan District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE - Lia Weisflog, a third-grade student at Clara Byrd Baker Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

Mr. George Billups from the Planning Commission was in attendance.

1. Mr. Jim Kennedy, 7681 Thacher Drive, commented on County departments being short-staffed.
2. Mr. Ed Oyer, 139 Indian Circle, commented on the recent Veteran's Day ceremony; Sentara outpatient surgery center at New Town; railroad tracks at Busch Gardens; judge's ruling on the Matoaka Elementary School property Certificate of Take.

E. PRESENTATIONS

1. Employee and Volunteer Outstanding Service Awards

Ms. Carol Schenk, Human Resource Specialist, presented employees and volunteers with awards for outstanding service to the County.

2. Chesapeake Bay Foundation Environmental Achievement Award

Ms. Christy Everett, Chesapeake Bay Foundation Hampton Roads Office, presented an award named in memory of William H. Savage to the P.R.I.D.E. "Protecting Resources in Delicate Environments" Team, comprised of John Horne, Cheryl Waldren, Mike Woolson, and Beth Davis.

Mr. John Horne, Development Manager, stated there were several ways to get involved in improving water quality and the Chesapeake Bay, and for more information one should contact the County offices or consult the website.

E. CONSENT CALENDAR

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

Mr. Bradshaw made a motion to adopt the amendments to the minutes of the October 24, 2006, Regular Meeting.

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

1. Minutes –
 - a. October 24, 2006, Regular Meeting
 - b. October 28, 2006, Board of Supervisors Retreat with the Planning Commission
2. Declaration of a Local Emergency Rescinded – Tropical Storm Ernesto

RESOLUTION

DECLARATION OF A LOCAL EMERGENCY RESCINDED

WHEREAS, the Board of Supervisors of James City County, Virginia, does hereby find that due to the effects of Tropical Storm Ernesto, the County faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to mitigate the damage, loss, hardship, or suffering threatened or caused thereby; and

WHEREAS, a condition of extreme peril of life and property necessitated the declaration of the existence of an emergency; and

WHEREAS, the effects of Tropical Storm Ernesto have been mitigated by James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, pursuant to Section 44-146.21 of the Code of Virginia, 1950, as amended, that the Declaration of a Local Emergency dated September 7, 2006, by Sanford B. Wanner, Director of Emergency Management for James City County, is rescinded this 14th day of November, 2006.

3. Memorandum of Agreement – Regional Water Supply Plan

RESOLUTION

MEMORANDUM OF AGREEMENT – REGIONAL WATER SUPPLY PLAN

WHEREAS, the Virginia General Assembly has mandated that the local governments in the Commonwealth prepare a water supply plan; and

WHEREAS, the State Water Control Board has prepared and distributed regulations that define the schedule and method for preparing the local water supply plans and allowing for the preparation of regional plans; and

WHEREAS, the Directors of Utilities Committee serving the Hampton Roads Planning District Commission (HRPDC) have monitored the water supply plan legislation and regulations, and, in conjunction with HRPDC staff, developed a Memorandum of Agreement that provides the terms for local governments served by the HRPDC to participate in the development of a Regional Water Supply Plan; and

WHEREAS, on October 18, 2006, the HRPDC voted to accept the Memorandum of Agreement and forwarded it to the individual local governments served by the Commission for approval.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Memorandum of Agreement – Regional Water Supply Plan on behalf of the County and designates the General Manager of the James City Service Authority as the County’s representative for the process.

4. Colonial Community Corrections Position Request – Pretrial Services Officer

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS POSITION REQUEST -

PRETRIAL SERVICES OFFICER

WHEREAS, Colonial Community Corrections administers the Community Corrections Program; and

WHEREAS, this program has received additional funding from the Department of Criminal Justice Services to hire one Pretrial Services Officer; and

WHEREAS, James City County is the fiscal agent for Colonial Community Corrections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby creates the full-time limited-term position of Pretrial Services Officer.

5. Williamsburg Community Health Foundation Grant - \$100,000

RESOLUTION

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT

WHEREAS, the Williamsburg Community Health Foundation has awarded a grant in the amount of \$100,000 to be used toward the efforts of the James City County Emergency Preparedness Planning Group; and

WHEREAS, the funds will be used to purchase generators for special-needs residents, a generator for the Tide Radio Station, 92.3, Reverse 911, laptops, video equipment for the Emergency Operations Center (EOC), and an electronic hurricane display board; and

WHEREAS, the grant requires no local match; and

WHEREAS, the grant expires on December 31, 2007, thus allowing any unspent funds as of June 30, 2007, to be carried forward to the 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 Special Projects/Grants Fund:

Revenue:

WCHF Emergency Preparedness \$100,000

Expenditure:

WCHF Emergency Preparedness \$100,000

6. Appropriation of Funds for Radiological Planning

RESOLUTION

APPROPRIATION OF FUNDS FOR RADIOLOGICAL PLANNING

WHEREAS, James City County has received pass-down funding from the Virginia Department of Emergency Management (VDEM) in the amount of \$25,000; and

WHEREAS, the funds will allow for improvements to the Emergency Operations Center and development of plans and exercises to enhance preparedness to respond to and recover from potential radiological incidents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the funds and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenue:

VDEM-07 Radiological/Nuclear Pass-down Funds \$25,000

Expenditure:

VDEM-07 Radiological/Nuclear Pass-down Funds \$25,000

F. PUBLIC HEARINGS

1. Case No. SUP-23-06. Volunteer Fire Department Flea Market

Mr. Jason Purse, Planner, stated Mr. Bill Apperson, on behalf of the James City-Bruton Volunteer Fire Department, has applied for a Special Use Permit (SUP) to allow for a flea market on approximately .5 acres of land on a parcel zoned B-1, General Business. The property is located on the north side of the corner of Forge and Richmond Roads. The flea market is to consist of a wood-framed 2,800-square-foot pole structure for vendors to park underneath and have their goods for sale under the cover of the structure. Proposed goods include vegetables, fruits, seafood, seasonal goods (pumpkins or other holiday decorations), and the like. Tenants will rent space from the Fire Department and will not be allowed to drive up for use of the facilities. For this proposal the James City-Bruton Volunteer Fire Department needed to apply for a special use permit for a flea market based on the nature of what they intend to sell. In the Zoning Ordinance the definition of a farmer's market limits saleable goods to only produce grown and sold by the same person. The Fire Department envisions people having fish, crabs, and other seafood at this market which would be prohibited under the definition of a farmer's market. Flea markets provide the flexibility to sell other goods the intent of the project is more closely related to a farmer's market.

At its meeting on November 6, 2006, the Planning Commission voted 7-0 to approve this application and the setback modification request. On October 2, the Planning Commission recommended modifying Condition #5 to add "boats and wheeled vehicles" to the list of items which cannot be sold and adding Condition #6 specifying operating hours. These changes have been made.

Staff found the proposal, with conditions, consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

Staff recommended approval of the resolution.

Mr. Goodson opened the Public Hearing.

1. Mr. Bill Apperson, on behalf of the applicant, stated the Fire Department was in need of funds for the volunteer fire facility and decided on this business venture to complement the community and the Fire Department. He stated the money generated would go back to the Fire Department. He stated the property was not 25 acres, but only approximately .5 acres. Mr. Apperson thanked County staff for the assistance with this application.

2. Ms. Jessica Burden, 3126 Forge Road, speaking on behalf of neighboring property owners, read letters from those who could not attend, who requested a deferral due to concerns of the application not following a "village-concept" of development and difficulty in development of the adjacent lots.

3. Ms. Linda Rice, 3294 Forge Road, Friends of Forge Road, stated her organization was in favor of the application as they believed it would be complementary to the Toano Community Character Area and that this was rural economic development, of which the upper part of the County needs.

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

Mr. Bradshaw made a motion to adopt the resolution.

Mr. Harrison asked why this application was not held to the same standards as some other applications that had come forward for the Toano Community Character Area.

Mr. Bradshaw stated the application was an SUP and not a rezoning, which is held to different standards, and that he felt this type of use would fit well for the area with a mix of commercial use and green space.

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

RESOLUTION

CASE NO. SUP-23-06. VOLUNTEER FIRE DEPARTMENT FLEA MARKET

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 (SUP) process; and

WHEREAS, Mr. Bill Apperson has applied on behalf of the James City-Bruton Volunteer Fire Department for an SUP to allow for a flea market on approximately .5 acres of land on a parcel zoned B-1, General Business; and

WHEREAS, the proposed market site is shown on a conceptual layout, entitled "Volunteer Fire Department Flea Market" and dated August 2006; and

WHEREAS, the property is located on land zoned B-1, General Business, and can be further identified as a portion of James City County Real Estate Tax Map/Parcel No. (12-3)(1-8); and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 6, 2006, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site.

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. 23-06 as described herein with the following conditions:

1. The Property shall be developed generally as shown on the master plan entitled "Volunteer Fire Department Flea Market" and dated August 2006 (the "Master Plan"), with only changes thereto that the Planning Director determines do not change the basic concept or character of the development.

2. The main market structure shall consist of a wood-framed structure, similar to the structure shown in the photograph which is attached as exhibit "A," with design, materials, and colors to be approved by the Planning Director.
3. One freestanding sign shall be permitted on the site. The sign shall be ground-mounted and shall not exceed a cumulative size of 16 square feet in size and shall not be taller than six feet and approved by the Planning Director. The sign shall not be illuminated.
4. Any and all merchandise to be sold at the James City-Bruton Volunteer Fire Department Flea Market shall be sold underneath or behind (between the parking area and the structure) the wood-framed structure, designated as the "market" on the Master Plan. No merchandise shall be sold within 25 feet of the front or sides of the property or 50-feet from the rear of the property.
5. The following items may not be sold as a part of this "flea market": Antiques/statuary, books, carpet, coins, furniture, hardware/building supplies, automobile parts, home appliances, household items, paint, animals, shoes, sporting goods, upholstery, wearing apparel, used goods, boats, and wheeled vehicles.
6. Hours of operation for the market shall be limited to from dawn until dusk.
7. Parking shall only be on the areas designated as "parking area" on the Master Plan. Such parking areas shall be graveled or paved. All non-paved areas shall be flagged and shall be labeled with "No-parking" signs.
8. After the market has been open for 60 operating days, in coordination with the County, a parking analysis shall be performed to determine the adequacy of the parking area, which will require the approval of the Planning Director. If parking is deemed insufficient by the Planning Director, additional parking spaces shall be provided or the number of booths in the market shall be reduced based on the findings of the study.
9. The site plan shall include a landscaping plan in accordance with the County Ordinance, or shall include equivalent design features such as a combination of landscaping, picnic tables, benches, and a sitting area, with the design to be approved by the Planning Director.
10. Should new exterior lighting be installed for the flea market, such fixtures shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the street or adjoining residentially designated property.
11. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. Upon notification from the County that a shared access to Forge Road becomes available, the applicant shall abandon the Property's existing access to Forge Road and shall use only the shared access.

13. This SUP is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

2. Lakewood/Marl Hills Well Lot Plat Vacation

Ms. Ellen Cook, Planner, stated Mr. Larry M. Foster of the James City Service Authority (JCSA) has submitted an application for Plat Vacation of the Well Lot at 106A Ware Road in the Lakewood (formerly Marl Hills) subdivision. The existing 12,000-square-foot parcel can be further identified as Parcel No. (2-3A) on James City County Real Estate Tax Map No. (47-4). The property is currently owned by the JCSA and has been used as a well lot; the JCSA has demolished the well facilities located on this lot because they are no longer needed. The property is located in R-1, Limited Residential District. The minimum lot size in R-1 for single-family detached units is 15,000 square feet. Since the lot does not meet the minimum lot-size requirements for the R-1 District, the JCSA proposes to divide the lot into two parcels and undergo a boundary-line adjustment process to transfer ownership of the halves to each of the two adjacent properties. The adjacent property owners are fully aware of and have agreed to this transfer, and the amount paid will be the market value as supplied to the JCSA by Real Estate Assessments. Vacating the Well Lot designation will legally prepare the lot for this transfer.

Staff found this proposal consistent with the Comprehensive Plan since the subdivision of the Well Lot and its inclusion in the adjacent properties will not result in a nonconforming residential lot within the Lakewood/Marl Hills subdivision.

Staff recommended the Board of Supervisors adopt the ordinance.

Mr. Bradshaw stated he understood the adjacent owners had agreed to purchase the property at the assessed value, and asked if staff had discussed the expenses to prepare the plats to vacate existing property lines and combine the lots with the adjacent property owners' parcels.

Mr. Foster stated the County staff had discussed this matter with the future owners and they were agreeable to the terms.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

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

3. Case No. SUP-18-06. Stuckey's Redevelopment

Mr. Jose Ribeiro, Planner, stated Mr. Vernon Geddy III, on behalf of 6430 Associates L.L.C, has applied for an SUP to allow for the redevelopment of an existing fuel station/restaurant facility known as "Stuckey's." Located at the southeast quadrant of the Route 30 interchange (Exit 227) on Interstate 64, Stuckey's initiated its commercial activities in 1984 as a business selling fuel, food, and snacks to the motoring public until closing in 2004.

This proposal plans to redevelop the site by refurbishing the existing 6,000-square-foot, one-story brick building to accommodate a 40-seat restaurant, a convenience store, and an office/information center. Additionally, as part of the redevelopment proposal, the existing fuel bay area with canopy will be removed

from its original location west of the building and be replaced by parking areas. A new and larger fuel bay area with canopy will be placed at the south side of the building near the entrance to the proposed convenience store. The subject property is located on approximately 2.76 acres of land, on a parcel zoned B-1, General Business District. Neighboring parcels north of the site and directly across Interstate 64 are zoned Planned Unit Development Commercial (PUD-C). The two adjoining parcels located east and south of the site are the property of 6430 Associates L.L.C and Zoned B-1. Parcels located west of the property are also zoned B-1. The 2003 Comprehensive Plan designates this parcel as Mixed-Use and it is located within the Stonehouse Mixed-Use area. This parcel fronts Route 30 and it is designated as a Community Character Corridor by the 2003 Comprehensive Plan, and therefore subject to special considerations.

Staff found the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

At its meeting on October 2, 2006, the Planning Commission voted 6-0 to approve this SUP application.

Staff recommended the Board of Supervisors approve the resolution.

Mr. Icenhour asked for clarification regarding meetings between the neighbors and the applicant.

Mr. Ribiero stated the Planning Commission recommended the applicant meet with concerned citizens.

Mr. Goodson commented on the diesel pumps on the application and asked if the additional diesel pumps would be consistent with the Comprehensive Plan as the Stonehouse District was a more commercial area.

Mr. Ribeiro stated it would be in accordance with the mixed-use designation, but if the applicant were to allow for a truck stop, a rezoning would be required.

Mr. Harrison asked how a truck stop would be defined.

Mr. Goodson asked if a truck stop would be defined by the number of pumps provided.

Mr. Ribiero stated a truck stop is any facility with the availability of fueling for tractor-trailer vehicles, placement, addition capabilities to fuel three or more tractor-trailers, or parking for three or more, repairs or maintenance for three or more, sale of parts for commercial vehicles.

Mr. Goodson stated that the Board should consider that part of the Zoning Ordinance to update it.

Mr. McGlennon stated he was concerned about opening the area up to more traffic with a full-scale truck stop; however, the applicant had not applied for this.

Mr. Goodson stated that having three as a limit does not fit with the business plan as a very efficient number.

Mr. Icenhour asked for clarification about the difference between high- and low-pressure diesel pumps.

Mr. Ribeiro stated that to staff's knowledge a low-pressure pump was smaller but asked to refer this question to the applicant.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon M. Geddy III, on behalf of the applicant, gave a brief overview of the history of the property and the proposed development. Mr. Geddy outlined compliance with staff and Planning Commission recommendations, and asked for approval.

Mr. Harrison asked Mr. Geddy about diesel pumps.

Mr. Geddy stated that due to a number of issues, the applicant changed to low-pressure pumps. Mr. Geddy explained that low-pressure pumps were used for smaller vehicles whereas a high-pressure pump would be used to fill tractor-trailers to reduce fueling time.

Mr. Harrison asked if the pumps would be inserted to provide for a truck stop.

Mr. Geddy stated there were no other facilities associated with a truck stop and commented that concerned citizens were offered to meet, but scheduling conflicted. However, the offer still stood to meet.

Mr. Icenhour stated that unless vehicles were very large, the low-pressure diesel pumps would be sufficient.

Mr. Goodson stated that Lumber Liquidators would use large tractor-trailers in the area.

Mr. Bradshaw stated that Owens Illinois Glass Plant would as well, and with the industrial parks in the vicinity the facility would likely be used by them frequently.

Mr. Geddy stated the trucks in the area fuel at the Shell station across the street, which is fairly awkward.

Mr. McGlennon asked if this facility used a high-pressure pump or a low-pressure pump.

Mr. Treole stated that these were low-pressure pumps that use a long hose to reach both sides of the tractor-trailers when fueling. Mr. Treole explained that diesel pumps with one nozzle are low-pressure pumps designed to serve pickup trucks with approximately 35 gallons, but high-pressure pumps for tractor-trailers are approximately 100 gallons, two hoses to put fuel in both sides of the tractor-trailer; he also said that the two-dispenser limit prior to an application being considered a truck stop limit was not economically feasible for an investor taking on the expense. Mr. Treole stated that a more reasonable number of dispensers, with two nozzles each, would be four to six fueling positions with six to ten parking spaces. He stated there would be no overnight parking, restricted parking to four hours, no mechanics or repairs. He stated the facility would only consist of fueling, food, and convenience items.

Mr. Icenhour commented that the plan reduces asphalt coverage and asked how that would affect space for maneuvering of vehicles if more fueling stations were put into the plan.

Mr. Treole stated that the impervious cover would be returned to its original size and that asphalt was reduced when additional truck fueling stations were taken out of the plan.

Mr. Bradshaw stated there were some issues not addressed by the public and not addressed by the Planning Commission except by general recommendation. He commented that Mr. Treole explained there were issues with how many there ought to be, and staff had issues as to whether or not the application fit the definition. Mr. Bradshaw stated he felt this needed to be a specific plan heard by the Planning Commission, and not an application added between Planning Commission and Board of Supervisors meetings. Mr. Bradshaw stated he was receptive to the idea, but he felt compelled to send it back to the Planning

Commission if high-pressure diesel pumps were added and he would like to see a more specific recommendation from the Planning Commission regarding the number and placement of high-pressure diesel pumps.

Mr. Goodson stated the ordinance needed to be addressed to redefine the term “truck stop.”

Mr. Treole stated this would be a truck-fueling station, not a truck stop.

Mr. Goodson stated that if a rezoning application was received, then the property would continue to carry the zoning to allow for expansion of the truck-fueling station by subsequent owners.

Mr. Treole stated that to define fueling stations would require three categories: a low-pressure diesel pump station for smaller vehicles, a truck-fueling station, and then a truck stop, usually consisting of 12-15 fueling positions and approximately 100 overnight parking positions.

Mr. Bradshaw stated that this matter could be brought up during Board Requests and Directives.

Mr. McGlennon urged the applicant to recognize that this was an entry-way to the County and must be maintained in such a way to enhance its image to those entering.

Mr. Treole stated he was very aware of the importance of this matter and promised to keep this in mind.

Mr. Icenhour commented on the public water and sewer being a considerable distance from the site. He also mentioned that the increase in septic system had a possible conflict with stormwater.

2. Ms. Carolyn Lott, 9804 Loblolly Court, stated she and her husband were in favor of redevelopment of the property, but asked for a deferral of the application until the developer was able to meet with residents of the community to address concerns.

3. Ms. Linda Rice, 2394 Forge Road, stated her concern regarding expanding this site into a truck-stop type fueling facility.

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

Mr. Harrison stated it would have been interesting to get feedback from the Economic Development Authority (EDA) regarding this application, as well as dialogue with representatives from the commerce park..

Mr. Bradshaw stated he would be meeting with the EDA and would ask how to gain insight for the authority for conveyance to the Board.

Mr. McGlennon asked staff what issues had been raised concern at the Planning Commission level that had not been addressed.

Mr. Ribeiro stated he was unaware of any.

Mr. McGlennon stated he would like to have known what citizen concerns existed and while he knew a meeting was suggested, one commissioner suggested the question was what objections were present, but without the knowledge of the objections, he could not take that into account.

Mr. Bradshaw made a motion to adopt the resolution.

Mr. Icenhour stated the redevelopment and the reduction of impervious cover were positive aspects of the application. Mr. Icenhour stated he agreed with Mr. McGlennon in that the application has gone through the process and if a question had come forward, it would be addressed, but he does not see that here. Mr. Icenhour stated he supported the stormwater management plan and stated his support of the application. Mr. Icenhour asked where the tractor-trailers refuel in the County and suggested an explanation if the facility might be expanded later.

Mr. Bradshaw, commenting on the request for deferral, stated the issues brought forward tonight dealt with a separate proposal and the Board does not need to compel that process when it is not an apparent issue.

Mr. Harrison stated this was a gateway to the County and the overall project has reduced impervious cover; in addition, the site is more aesthetically pleasing; consequently, he was in favor of the application.

Mr. McGlennon stated the reduction in impervious cover was the most attractive part of the application in his opinion and that he has reservation that an application may come forward in the future to return the impervious cover to what it had previously been.

Mr. Goodson stated that this was revitalization of a current business, that in some communities this would be done by staff approval, and stated his support of the application.

Mr. Bradshaw stated he would like to draw attention to the Planning Commission meetings where Ms. Lott and Ms. Rice stated concern, and of the issues mentioned then, some have been addressed. Mr. Bradshaw noted that Ms. Lott had mentioned proximity to another fueling station and asked if another was needed. Thus her concern was that with another gas station, this operation may not be successful. Mr. Bradshaw stated this was not an analysis that the Board would be able to make.

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

RESOLUTION

CASE NO. SUP-18-06. STUCKEY'S REDEVELOPMENT

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, Mr. Vernon Geddy, III has applied for a special use permit to redevelop an existing fuel and restaurant facility and allow the operation of a 40-seat restaurant, convenience store, an office/information center, and a motor vehicle fuel dispensing station on approximately 2.76 acres of land on a parcel zoned B-1, General Business; and

WHEREAS, the proposed redevelopment site is shown on a conceptual lay out entitled " 6430 Assoc. LLC, Former Stuckey's Site" and dated June 2006; and

WHEREAS, the property is located at 9220 Old Stage Road on property more specifically identified as Parcel Number (1-16) on the James City County Real Estate Tax Map Number (4-4); and

WHEREAS, on October 2, 2006, the Planning Commission recommended approval of the application by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-18-06 as described herein with the following conditions:

1. Master Plan and Use: This Special Use Permit shall be valid for the “6430 Assoc. LLC Former Stuckey’s Site” Master Plan, prepared by LandMark Design Group, and dated June 1, 2006, (the “Master Plan”) and accessory uses thereto. The site shall only be used for a 40-seat restaurant, convenience store, an office/information center, and eight fueling islands as shown on Master Plan. The site shall not contain any shower or laundry facility, vehicle wash facilities or scales.
2. Landscaping: Prior to final site plan approval, a landscaping plan shall be approved by the Planning Director or his designee. The owner shall provide enhanced landscaping for the area along the property frontage on Old Stage and Barhamsville Roads, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 125 percent of the Zoning Ordinance landscape size requirements. Should the applicant wish to pursue any removal or trimming of trees within VDOT right-of-way, the Planning Director shall be notified 30 days in advance of the applicant’s contacting VDOT and at that time provide a plan for the tree removal or trimming.
3. Health Department Review: The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval. A capacity analysis of existing water lines and septic facilities to the site shall be performed and the results of that analysis shall be submitted with the site plan application. The Planning Director shall approve the study, and its recommendations shall be incorporated into the site plan prior to site plan approval.
4. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. 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 material 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.
5. Erosion and Sediment Control: An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
6. Stormwater: The area beneath the fuel area canopy shall not drain directly into the infiltration BMPs for the facility. A spill containment structure such as an alternate BMP or a separation system to accept spills from any fueling area shall be shown on the site plan and shall be approved by the Environmental Director prior to final site plan approval.
7. Boundary Line Adjustment and Right-of-Way Vacation: Prior to final site plan approval, the variable width right-of-way for use by Parcels A, B, and C, located at the southern boundary of the parcel, shall be vacated, and adjustments made to the lot line such that the canopy and all fuel islands are located within the Building Setback Line. This

condition excludes any structures granted a setback reduction by the Development Review Committee of the Planning Commission.

8. Existing Fueling Islands: Prior to obtaining any Certificate of Occupancy, the owner shall remove the existing gasoline and diesel pumps, canopy, and underground fuel tanks from the property.
9. Proposed Fueling Islands: There shall be no more than fourteen gasoline pumps and two low-pressure diesel pumps located on eight fueling islands on the property. The fueling islands shall be arranged in a configuration generally consistent with the “6430 Assoc. LLC Former Stuckey’s Site” Master Plan, prepared by LandMark Design Group and dated June 1, 2006. None of the fueling pumps shall be of a design previously intended to refuel tractor-trailers as determined by the Planning Director.
10. Spill Prevention and Control Plan: Prior to issuance of any Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for review and approval.
11. Stormwater Pollution Prevention Plan: Prior to issuance of any Certificate of Occupancy, a stormwater pollution prevention plan shall be submitted to the Environmental Director for review and approval.
12. Architectural Review: All buildings on the site including outdoor covered areas such as the pump island canopy shall be architecturally integrated by the use of similar materials, color and architectural detailing and shall be generally consistent with the rendering dated June 2, 2006, made by W.E.Bowman Construction, Inc. on file with the Planning Division (“the Rendering”). Prior to final site plan approval, the Planning Director shall review and approve the final architectural design, colors and materials of all structures on the site for consistency with the Rendering.
13. Fueling Island Canopies: The maximum height of the pump island canopy shall not exceed 20 feet from existing grade, as shown on the Master Plan. The clearance height of the canopy shall be clearly indicated on the structures.
14. Lighting: Any new exterior site or building lighting, including canopy lighting, shall have recessed fixtures 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 are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
15. Signage: No more than one sign shall be allowed on the canopy provided, however one gas-pricing sign may be allowed on a monument type sign in the parking area or the columns of one of the canopies.
16. Overnight Vehicular Parking: No overnight vehicular parking shall be allowed on the property or on its premises.
17. Off-site Vehicular Parking: Fencing or other features shall be provided along both sides of the road designated as the access road as indicated on the Master Plan to prevent parking of motor vehicles. The location and design of the fence or other features shall be

approved by the Planning Director.

18. Dumpsters: The dumpster pad(s) and all heating, cooling, and electrical equipment shall be screened by fencing and landscaping in a manner approved by the Planning Director prior to final site plan approval.
19. Trash Removal: Trash cans shall be available for use by customers during all operating hours and the trash cans shall be emptied and cleaned on a daily basis.
20. Hours of Operation: Both the convenience store and gas station shall be allowed to operate 24 hours a day. The daily hours of operation for the restaurant shall be limited to the hours of 5:30 a.m. to 9:00 p.m.
21. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction.
22. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. A resolution for abandonment of a portion of the right-of-way for Mooretown Road, Route Number 603, Sections 1 and 2

Ms. Jenny Lyttle, Assistant County Attorney, stated this item was a resolution abandoning portions of the right-of-way for Route 603 (Mooretown Road). The portion of the right-of-way to be abandoned begins at Lift Station 155+00 and proceeds east approximately .38 miles to Lift Station 173+58. Mooretown Road is part of the Virginia Department of Transportation's secondary road system. A new alignment of Mooretown Road has been constructed. The new road will serve the same citizens as the old road. The old right-of-way for Mooretown Road is no longer needed for the traveling public. Upon abandonment of the old right-of-way, fee simple interest in the abandoned right-of-way will automatically transfer to the abutting property owners.

Staff recommended approval of the application.

Mr. Icenhour asked if the old pavement had been taken up at this point.

Ms. Lyttle stated in an aerial view of the property there was no pavement visible at this site.

Mr. Goodson opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

ABANDONMENT OF PORTIONS OF THE RIGHT-OF-WAY FOR ROUTE 603

(MOORETOWN ROAD), SECTIONS 1 AND 2

WHEREAS, the Virginia Department of Transportation (VDOT) has provided the James City County Board of Supervisors a sketch dated April 20, 2004, and revised May 22, 2006, entitled "Changes in the Primary and Secondary Systems Due to Relocation and Construction on Route 603" which depicts required changes in the Secondary System of State Highways as a result of VDOT Projects 0603-099-127, M501 and 0603-099-171, C501, which resulted in the reconstruction and relocation of a portion of State Route 603, Mooretown Road, which sketch is hereby incorporated herein by reference; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby abandons from the Secondary System of State Highways those portions of Route 603 identified as Sections 1 and 2, pursuant to Sections 33.1-155 and 33.1-151 of the Code of Virginia.

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

G. BOARD CONSIDERATIONS

1. Approving the County's 2007 Legislative Program

Mr. Leo Rogers, County Attorney, stated since the Work Session, Item 1-1 of the Legislative Program has been revised to provide for support of the Virginia Sheriff's Association and Item 1-8 has been added as a new item in accordance with the work session discussion, with a charter amendment for photo-monitoring at intersections, which has a greater likelihood of success. Mr. Rogers explained that some items were moved from Part I to Part II and were now Items 2-22 and 2-23, which changed in that the County was providing support for these items for tax issues rather than requesting specific legislation.

Mr. McGlennon stated there was a meeting last night in reference to Lake Powell, commented on an item to include a service district for a dam, and stated since this would be an amendment to existing law, if it were adopted during legislative session, it would go into effect in July. Mr. McGlennon asked if it could come into effect any sooner.

Mr. Rogers stated there could be an emergency provision in the ordinance to provide a quicker effective date. He said the service district legislation language was broad, but it included a list of applicable uses, to which dams were added to provide for a clear application to the issue with Lake Powell.

Mr. McGlennon asked what the difference would be for the emergency legislation regarding standards.

Mr. Rogers stated the emergency legislation would require a higher standard and a demonstrated need, and the general effective date would be July 1 unless the County could show a demonstrated need.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

APPROVING THE COUNTY'S 2007 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2007 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interests of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2007 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2007 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

2. **Joint Resolution to Amend the Restated Contract for the Joint Operations of Schools – City of Williamsburg and County of James City**

Mr. John McDonald, Manager of Financial and Management Services, stated the joint agreement amended the existing contract between the City of Williamsburg and the County for the operation of schools, wherein there was a clause wherein the City would relinquish all equity interests in Matoaka Elementary School, the ninth elementary school, and the fourth middle school. Mr. McDonald stated any City funding in those schools would be considered an increase in the City's equity position in Warhill High School or any other existing school building at the City's option. He stated the proportion of the equity in the schools for either the City or the County would apply only if the joint-school agreement were terminated. He stated this item was initiated by County staff at the advice of the County's financial advisers and bond counsel. Mr. McDonald introduced Joe Mason of Davenport and Company, the County's financial advising company, who was present to assist in answering questions.

Mr. McDonald stated the amendment would have an effective date of November 1, 2006, and the City had approved the amendment by a unanimous vote at its meeting on November 9, 2006.

Mr. Goodson stated Items 2 through 4 would be handled simultaneously with questions for staff, followed by three separate motions.

3. **Resolution Authorizing Lease Revenue Financing for School Construction**

Mr. McDonald stated the bonds would be issued by the EDA, lenders, and others in the Bond Market. He explained the EDA acts as a conduit for the bond issue, to pay the bond if in default, while the full faith of the credit of the County is not pledged. Mr. McDonald stated for further assurance, bond insurance can be purchased and a premium can be paid upfront to reduce risk. He stated these measures should reduce the bond

rating and interest costs. Mr. McDonald explained he had spoken with three bond companies, and the County would receive competitive bids. He stated the resolution would authorize the County Administrator and Board Chairman to execute the necessary documentation. Mr. McDonald said the County would have to own the school sites and draw the bonds for the ninth elementary and the fourth middle schools.

Mr. McDonald stated the School Board met that evening and as Sue Mellen had attended, she would be available to answer questions. He stated the EDA had this item on its agenda for Thursday, November 16, 2006.

Staff recommended approval of this resolution.

4. Resolution Authorizing the Issuance and Sale of General Obligation Bonds, Series 2006, of the County of James City, Virginia, and Providing the Form, Details and Payment Thereof

Mr. McDonald stated at a special election held on November 8, 2005, County voters approved two referenda authorizing the issuance of general obligation bonds to finance (1) \$15,000,000 of the cost of improvements to parks, greenways, trail, and recreational facilities; and (2) \$20,000,000 of the cost of the acquisition of land and voluntary land-conservation agreements that will serve as greenspace for the County and preserve agricultural, forestal, or environmentally sensitive lands in the County.

Mr. McDonald explained that staff and the County's financial advisors, Davenport & Company, recommend that the Board issue and sell general obligation bonds at a competitive sale to finance the \$15 million for parks and recreation, and \$6.5 million of the \$20 million approved for greenspace, and together with what has previously been appropriated for Greenspace and the Purchase of Development Rights Programs, the proposed borrowing for those programs should allow for the County to proceed with what is in the immediate future. Mr. McDonald explained that the resolution authorized the Board Chairman and the County Administrator to prepare and execute, on behalf of the County, the necessary financial documentation required to issue the bonds as long as the interest rate does not exceed 5.5 percent, with expectations to achieve an interest rate lower than 4.5 percent.

Staff recommended the approval of the resolution.

Mr. McDonald explained that this item does pledge the full faith of the County to repay and stated this will be a separate issue that will be issued on a separate day.

Mr. Harrison asked in reference to Item G-3 which elementary school would be the new elementary school.

Mr. McDonald stated this would be the ninth elementary school.

Mr. Harrison asked if the timing of the borrowing was essential to this.

Mr. McDonald stated this was not essential, but the timeliness was due to the advantageous rate that was available now.

Mr. Harrison stated it was based on the rate the County could get.

Mr. McDonald stated this was correct and that it was not too soon to borrow the money, but by combining the purchases at this time, we can guarantee the cost of capital for the next three years of building projects.

Mr. Harrison asked if the \$26.5 million factored in potential overrun of costs of construction.

Mr. McDonald stated if the project overruns, there may be a supplemental issue in 2009, but it did not change what would be done now, and there was uncertainty of the split between the City and the County's portions to fund the schools, but these matters would be dealt with at a later time.

Mr. McGlennon asked if he was correct in that since this is not borrowing possible under general obligation, the next best vehicle is to borrow the money at a good rate, changes the way we assign ownership of school facilities, which required the City to relinquish the share of the buildings we build for full ownership to pledge to the lender.

Mr. McDonald stated this was a good summary and that, in addition to Mr. McGlennon's comments, the buildings were being pledged as collateral for the bonds.

Mr. McGlennon made a motion to adopt the resolution for Item No. 2.

Mr. Harrison asked for confirmation that this item was to relinquish the equity the City holds in the schools.

Mr. Bradshaw explained that this was correct, but the City would in turn gain equity in existing school buildings.

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

RESOLUTION

JOINT RESOLUTION TO AMEND THE RESTATED

CONTRACT FOR THE JOINT OPERATIONS OF SCHOOLS

CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY

WHEREAS, the City of Williamsburg (City) and James City County (County) have operated a joint school division since 1952 under a contract between the two localities; and

WHEREAS, this contract is periodically amended and restated, most recently through an amendment commencing July 1, 2002; and

WHEREAS, the County desires to finance most of the County's share of the costs of three new schools by issuing lease revenue bonds in such a manner as would permit the strongest possible security and, by extension, the lowest cost of borrowing; and

WHEREAS, an amendment to the school contract is proposed that would designate City capital contributions attributed to the construction of three new schools - Matoaka Elementary School and the currently unnamed fourth middle school and ninth elementary school - as increases in the City's equity position in Warhill High School or any other existing school(s) chosen by the City.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Williamsburg hereby authorizes the Mayor and Clerk, and the Board of Supervisors of James City County hereby authorizes its

Chairman and Clerk to execute an amendment to the current contract for the joint operation of schools, with an effective date of November 1, 2006, as follows:

Under Section 3 – Termination, adding paragraph 3, as follows:

“Incorporated by special amendment, the City’s capital contributions made under the provisions of this contract attributed to the construction of Matoaka Elementary School and the unnamed fourth middle and ninth elementary schools shall be considered as an increase in the City’s equity position in Warhill High School or any other currently operating school buildings chosen by the City. The City relinquishes all equity interest in Matoaka Elementary School and the unnamed fourth middle and ninth elementary schools effective November 1, 2006.”

Mr. Harrison asked if he could move the resolution for Item No. 3, but remove the clause which includes financing for the ninth elementary school.

Mr. Wanner stated that he did not believe this could be done as this would change the numbers and documents that would go to the market during the first week of December.

Mr. McGlennon asked if Mr. Harrison’s reservations were due to the unknown costs. Mr. Harrison confirmed that this was his concern.

Mr. McGlennon stated that the schools would cost at least this much.

Mr. Harrison stated that he wanted to be sure there was enough funding since there were still costs to be paid associated with Matoaka Elementary School.

Mr. Bradshaw stated that regardless of when they needed more money, the County would need to go back and borrow more, which may be at a higher rate. Mr. Bradshaw stated there were two schools that there were no plans for

Mr. Wanner stated he could assure the Board that County Administration has clearly communicated with the School Superintendent and staff the County’s position on cost overrun for future schools. Mr. Wanner stated that the City Manager and City of Williamsburg have also communicated the City’s position.

Mr. Harrison made a motion to adopt the resolution for Item No. 3.

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

RESOLUTION

AUTHORIZING LEASE REVENUE FINANCING FOR SCHOOL CONSTRUCTION

WHEREAS, the Board of Supervisors of James City County, Virginia (the “Board of Supervisors”) has determined that James City County, Virginia (the “County”) has an immediate need for the construction and equipping of two new elementary schools and one new middle school and the renovation of Stonehouse Elementary School (collectively, the “Project”); and

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

WHEREAS, pursuant to such financing plan, the Economic Development Authority of James City County, Virginia (the "Authority") would issue its lease revenue bonds in an amount not to exceed \$106,000,000 (the "Bonds") to finance the Project, portions of which would be leased by the Authority to the Williamsburg-James City County School Board (the "School Board"), and to finance other related costs and to fund any required reserves associated with the issuance of the Bonds; and

WHEREAS, there have been presented to this meeting preliminary drafts of the following documents (collectively, the "Documents") in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- (a) Ground Lease, dated as of December 1, 2006 (the "Ground Lease"), between the School Board and the Authority conveying to the Authority interests in certain real property;
- (b) Lease Agreement, dated as of December 1, 2006 (the "Lease"), between the Authority and the School Board conveying to the School Board a leasehold interest in portions of the Project;
- (c) Indenture of Trust, dated as of December 1, 2006 (the "Indenture"), between the Authority and U.S. Bank National Association, as trustee (the "Trustee"), pursuant to which the Bonds are to be issued;
- (d) Assignment of Rents and Leases, dated as of December 1, 2006 (the "Assignment"), between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Ground Lease and the Lease;
- (e) Leasehold Deed of Trust, dated as of December 1, 2006 (the "Deed of Trust"), from the Authority to the deed of trust trustees thereunder for the benefit of the Trustee;
- (f) Preliminary Official Statement with respect to the offering and sale of the Bonds (the "Preliminary Official Statement");
- (g) Notice of Sale pursuant to which the Bonds will be advertised for sale; and
- (h) Continuing Disclosure Certificate, dated as of December 1, 2006 (the "Continuing Disclosure Certificate"), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Bonds.

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

1. The Board of Supervisors hereby finds and determines that it is in the best interests of the County to proceed with the lease financing of the Project.
2. The Bonds to be issued by the Authority shall have such terms as are approved by the Authority in a duly adopted resolution; *provided*, that the Bonds (a) shall have a true or "Canadian" interest cost not to exceed 5.50 percent per year, taking into account any original issue discount or premium; (b) shall be sold to the successful bidder at a price not less than 98 percent nor more than 108 percent of the original aggregate principal amount thereof; (c) shall have a weighted average maturity of no more than twenty (20) years; (d)

shall be issued in an aggregate amount not to exceed \$106,000,000; and (e) shall be subject to optional redemption, so long as the Bonds may be optionally redeemed after ten and one-half years (or such shorter period as deemed advisable in the sale of the Bonds), with a redemption premium no greater than two percent (2.00 percent) of the principal amount of the Bonds to be optionally redeemed.

3. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions, and changes as may be subsequently approved by the Chairman or Vice Chairman of the Board of Supervisors, which approval shall be evidenced conclusively by the execution and delivery of the Documents to which the County is a party by such Chairman or Vice Chairman.
4. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to execute the Continuing Disclosure Certificate, the Preliminary Official Statement, and the final Official Statement relating to the Bonds.
5. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to acknowledge and consent, if necessary, to the provisions of the Indenture, the Ground Lease, the Lease, the Deed of Trust, and the Assignment.
6. The appropriate officers and agents of the County are hereby authorized and directed to prepare, and the Chairman and Vice Chairman of the Board of Supervisors are each authorized and directed to execute, the Preliminary Official Statement with respect to the issuance and sale of the Bonds, with such supplements as either the Chairman or Vice Chairman may consider necessary or desirable in connection therewith. The Chairman and Vice Chairman of the Board of Supervisors are each authorized, on behalf of the County, to deliver the Preliminary Official Statement to Davenport & Company LLC (the "Financial Advisor") and to deem the Preliminary Official Statement to be in final form as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12. The delivery of the Preliminary Official Statement to the Financial Advisor shall be conclusive evidence that it has been deemed final as of its date by the County, except for the omission of such pricing and other information. The use and distribution of the Preliminary Official Statement are hereby authorized.

The appropriate officers and agents of the County are hereby authorized and directed to assist with the preparation of a final Official Statement, appropriately dated, in the form of the Preliminary Official Statement, with appropriate completions, insertions, omissions, and changes as shall be necessary to accurately describe, among other things, the Bonds, the security therefor, and the Documents. The Chairman and the Vice Chairman of the Board of Supervisors, either of whom may act, are each authorized and directed to execute and deliver the final Official Statement on behalf of the County. The use and distribution of such final Official Statement are hereby approved.

7. The Board of Supervisors hereby selects and designates U.S. Bank National Association as Trustee and Troutman Sanders LLP as Bond Counsel with respect to the Bonds, and the Authority is hereby requested to designate them as such.

8. The County Administrator, the Manager of Financial and Management Services, and their respective staffs are authorized to take such actions as shall be necessary or appropriate to obtain a commitment or commitments for municipal bond insurance or other credit enhancement to secure the Bonds, if the County Administrator and the Manager of Financial and Management Services, in consultation with the Financial Advisor, determine that the receipt of such municipal bond insurance or other credit enhancement would be beneficial to the County in connection with the sale of the Bonds. All changes to the Documents and the Official Statement that are necessary to reflect the bond insurance or other credit enhancement and the requirements of the bond insurer or credit enhancement provider are hereby approved.
9. 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 Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that 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.
10. All acts of the Chairman and Vice Chairman of the Board of Supervisors and other officers of the County, regardless of whether such acts occurred prior to or occur after the adoption of this Resolution, that are in conformity with the purposes and intent of this Resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds, and the undertaking of the Project, are hereby approved and ratified.
11. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Lease. The Board of Supervisors, 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 permit the School Board to make all payments under the Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease. If the County exercises its right not to appropriate money to the School Board for rent payments under the Lease, the County understands that the Trustee may terminate the Lease or otherwise exclude the School Board from possession of the Project to the extent provided in the Lease.
12. This Resolution shall take effect immediately.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Bradshaw stated he had a citizen call him saying the County did not have the money to purchase development rights and Mr. Bradshaw stated he assured him the County would due to this item.

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

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
GENERAL OBLIGATION SCHOOL BONDS, SERIES 2006,
OF THE COUNTY OF JAMES CITY, VIRGINIA,

AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, at a special election held on November 8, 2005, the qualified voters of the County of James City, Virginia (the "County") approved two referenda, authorizing the issuance of general obligation bonds to finance (1) \$15,000,000 of the cost of improvements to parks, greenways, trail and recreational facilities (the "Parks Project"), and (2) \$20,000,000 of the cost of the acquisition of land and voluntary land conservation agreements that will serve as greenspace for the County and will preserve agricultural, forestall, or environmentally sensitive lands in the County (the "Greenspace Project", and together with the Parks Project, the "Project").

WHEREAS, the County's Board of Supervisors (the "Board") determines that it now may be in the best interests of the County to issue and sell general obligation bonds to finance all of the Parks Project and \$6,500,000 of the \$20,000,000 approved for the Greenspace Project. The Board determines that it would be advantageous to the County to sell such bonds in a competitive sale.

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 bonds of the County in the principal amount not to exceed \$21,500,000 to finance the costs of the Project and to pay the costs incurred in connection with issuing such bonds. The Board hereby elects to issue such bonds under the provisions of the Act.

Section 2. **Bond Details.** Such bonds shall be designated "General Obligation Bonds, Series 2006" (the "Bonds"), shall be dated the date of their issuance, shall be in registered form, shall be in denominations of \$5,000 and multiples thereof, and shall be numbered R-1 upward. Subject to Section 4 and Section 9, the Bonds shall mature in installments, or shall have mandatory sinking fund installments, on each June 15 ending no later than the year 2037. Subject to Section 9, interest on the Bonds shall be payable on June 15, 2007, 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 on such 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 5.50% per year, taking into account any original issue discount or premium; (b) shall be sold to the successful bidder at a price not less than 98% nor more than 108% of the original aggregate principal amount thereof; (c) shall have a weighted average maturity of no more than twenty (20) years; (d) shall be issued in an aggregate amount not to exceed \$21,500,000; and (e) shall be subject to optional redemption, so long as the Bonds may be optionally

redeemed after ten and one-half years (or such shorter period as deemed advisable in the sale of the Bonds in accordance with Section 4(e)), with a redemption premium no greater than two percent (2.00%) of the principal amount of the Bonds to be optionally redeemed.

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 in which each Interest Payment Date occurs. 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 June 15, 2007, in which case it will bear interest from its dated date, 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 Section 2 above and subsection (e) below, the Bonds may be subject to optional redemption prior to their respective stated dates of maturity as determined by the County Administrator or the Chairman of the Board.

- (b) Mandatory Sinking Fund Redemption. Any term bonds 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 or the Chairman of the Board.

- (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 or the Chairman of the Board 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"), (1) to determine the dates on which and redemption prices at which the Bonds may be optionally redeemed, and (2) to determine whether the issuance of any term bonds would be beneficial to the County.

Section 5. Execution and Authentication. 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 successful bidder upon payment for the Bonds.

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.** U.S. Bank National Association, 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 in which each Interest Payment Date occurs.

Section 9. **Sale of Bonds.** The Board approves the following terms of the sale of the Bonds. The Bonds will be sold by competitive bid. The County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest true or "Canadian" interest cost, all subject to the limitations set forth in Section 2. The Board further authorizes the County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, to (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 2, (b) determine the maturity schedule of the Bonds, subject to the weighted average maturity limitations and other limitations set forth in Section 2, and (c) establish the redemption provisions for the Bonds, subject to the limitations set forth in Section 2 and Section 4(e). In connection with the sale of the Bonds, the County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, may change the dated date of the Bonds and the payment

dates provided therein (so long as the interest payment dates for any series are semi-annual) to facilitate the sale and delivery of the Bonds. The actions of the County Administrator or the Chairman of the Board in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board.

Section 10. **Official Statement.** The form of the Preliminary Official Statement of the County, to be dated the date of its mailing (the “Preliminary Official Statement”), has been made available to the Board prior to the adoption of this Resolution. The use and distribution 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 Financial Advisor 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 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 successful bidder 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 successful bidder initially sells 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 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. Sale Documents. The use and distribution of the Notice of Bond Sale, the Summary Notice of Bond Sale, and the Official Bid Form, pursuant to which the Bonds will be offered for sale, are hereby authorized and approved.

Section 13. 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 14. **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 15. **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 16. **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 13 and 15 until the date the Bonds are paid in full.

Section 17. **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 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 18. **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 19. **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 20. **Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are repealed.

Section 21. **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 City of Williamsburg and County of James City.

5. Budget Amendment – Schools

Mr. McDonald stated the General Assembly overestimated the sales tax contributions to education and reduced the contribution to education, but the contribution would be offset by additional Basic Aid in the amount promised. Mr. McDonald explained the schools were not losing the money, but that the County would receive that much less than expected. Mr. McDonald stated as a result, the County would reduce the revenue for State sales taxes by \$438,826.

Mr. McGlennon stated that this would be a bookkeeping item and for next year it would take into account these overestimations.

Mr. McDonald stated that the State at this point has recognized that it has overestimated the contributions, but has taken no further corrective action; however, the County's adjustments for the FY 2008 overestimation of sales tax collections would be made during the FY 2008 budget process.

Mr. Harrison made a motion to adopt the resolution for Item No. 5.

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

RESOLUTION

BUDGET AMENDMENT - SCHOOLS

WHEREAS, the Board of Supervisors of James City County has received revised estimates of State sales tax collections for FY 2007; and

WHEREAS, these revised estimates are \$438,826 lower than the State estimates used by County to prepare a balanced budget for FY 2007; and

WHEREAS, the State has provided additional funding in the form of a \$438,826 increase in payments of State Basic Aid to the Williamsburg-James City County (WJCC) Schools, an attempt to make the change revenue neutral for local school divisions; and

WHEREAS, a reduction in the County's contribution to the WJCC Schools in FY 2007 will be offset by increased State revenue in the same amount.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes an amendment to the budget for the year ending June 30, 2007, and reduces both the estimated State Sales Collections and the local contribution to the Williamsburg-James City County Schools by \$438,826.

6. Consideration of the request for a waiver to Section 19-57, Water Facilities, of the James City County Subdivision Ordinance for property located at 1805 Forge Road

Mr. John Horne, Development Manager, stated Mr. Vernon Geddy, III has requested a waiver of the subdivision ordinance that requires a central water system in a subdivision.

Mr. Horne stated staff recommended the Board adopt the resolution allowing the Service Authority Manager to grant the waiver.

Mr. Vernon Geddy stated the land owner should be commended for reducing the number of potential lots and allowing for the most valuable aspects of the green space to be preserved. Mr. Geddy also commented on a wildlife management plan to be developed in conjunction with the Department of Game and Inland Fisheries and stated this was a good example of a proactive application.

Mr. Icenhour stated he had a question about an entrance road that crosses a stream and that he understood the issue of flooding would be addressed.

Mr. Icenhour asked Mr. Foster to give a brief history of these kinds of waivers.

Mr. Foster stated the requirement was placed in the ordinance in the late seventies to early eighties and between the early nineties and 1998, he approved three separate waivers based on guidelines of the independent water system and how far it needed to be from the public water system, the number of lots and other considerations. Mr. Foster stated the properties that he had previously approved waivers for were on Diascund Road, at Barrett's Crossing at Barrett's Ferry and near Upper County Park. He explained that after the last two were approved, the Board asked him not to approve any more until the rural lands issue had been addressed. Mr. Foster stated this application was in compliance with the previous guidelines, had a small impact on groundwater, and merited consideration.

Mr. Icenhour asked Mr. Foster how many lots were involved in the previous waivers that were approved.

Mr. Foster stated the application for the property on Diascund Road was approximately 35 lots, the property at Barrett's Ferry Crossing approximately 10-15 lots, and the property in the Stonehouse District approximately 30 lots.

Mr. Icenhour stated the Chickahominy-Piney Point aquifer was in stress and asked the difference between a single well for a larger community and independent wells for 35 lots.

Mr. Foster stated this would be a third of what could be developed with by-right development, and though individual household consumption would be the same, overall use would be considerably less.

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

CONSIDERATION OF THE REQUEST FOR A WAIVER TO SECTION 19-57, WATER

FACILITIES, OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE FOR PROPERTY

LOCATED AT 1805 FORGE ROAD

WHEREAS, the Board of Supervisors of James City County has adopted Section 19-57, Water Facilities, of the James City County Subdivision Ordinance which requires major subdivisions to construct a central water system to serve the subdivision; and

WHEREAS, the requirement for a central water system may be waived by the James City Service Authority Manager; and

WHEREAS, that waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider; and

WHEREAS, Mr. Vernon Geddy has requested a waiver to Section 19-57, Water Facilities, of the James City County Subdivision Ordinance; and

WHEREAS, the lot layout and provision of open space are shown on the plan prepared by AES Consulting Engineers, dated July 21, 2006, and entitled "Conceptual Layout The Preserve at Uncle's Neck;" and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (21-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the General Manager of the James City Service Authority to grant the waiver request as described herein with the following conditions:

1. The property shall be subdivided and developed generally in accordance with the Conceptual Plan attached hereto, with only changes thereto based on final field verified topography, environmental constraints and conditions of the wildlife management plan. There shall be no more than 35 lots on the property. At least 55 percent of the property shall be preserved as open space and subjected to a conservation easement. The open space shall be subjected to a conservation easement and shall be actively managed pursuant to a wildlife management plan developed in conjunction with the Virginia Department of Game and Inland Fisheries. The restrictive covenants for the subdivision shall require implementation and funding of the management plan by the homeowners association.
2. The restrictive covenants for the subdivision shall contain the following provisions and shall be subject to the approval of the County Attorney prior to approval and recordation of the final subdivision plat:
 - a. Private Wells. Each lot in the Preserve at Uncle's Neck is served by an individual private well. The owner of each lot shall be responsible for the installation, maintenance, and if required, replacement of its well. If at a future date the homeowners association of the Preserve at Uncle's Neck by vote as prescribed in the By-Laws for a special assessment determines that installation of a central public water system is required, then each lot owner agrees to be assessed its pro-rata share of all cost of design, permitting and construction of said system. In addition, each lot owner agrees at its expense to connect to said system including payment of any required connection fees to the system operator and to pay consumption charges.
 - b. Septic Systems. On lots approved by the Health Department for traditional septic drain fields, the drain fields shall be set back at least 200 feet from the Chickahominy River and Uncle's Neck Creek. On all lots the Health Department determines require an alternative septic system, an advanced secondary treatment sewage treatment system with discharge into a drain field shall be utilized. Any traditional septic drain field that fails shall be replaced by an advanced secondary treatment sewage treatment system with discharge into a drain field.
 - c. Covenants Committee. The restrictive covenants shall establish a covenants committee with the authority and responsibility to enforce the restrictive covenants and approve all site, building, and pier plans.
 - d. Limits on Irrigation. The restrictive covenants shall provide no more than 8,000 square feet of any lot may be irrigated. The association shall develop and implement a water conservation plan. The plan shall be reviewed and approved by the James City Service Authority prior to final subdivision plat approval.
 - e. Resource Protection Area (RPA) Education. The association shall at least every three years hold an RPA educational session at its annual meeting on the restrictions, rights, and responsibilities of lot owners whose lots contain RPA areas on the protection of the RPA, and shall provide written educational materials provided by the County Environmental Division to lot purchasers with the association's disclosure package.
 - f. Limitations on Piers and Water Access. Lots located in the area now shown on the Conceptual Plan as lots 1-5 shall not be permitted to have piers. Lots in the area now shown on the Conceptual Plan as lots 6 and 7 shall utilize a shared water access/pier to be located on lot 7. Lots in the area now shown on the Conceptual Plan as lots 20-22 shall utilize a single shared water access/pier. The lot in the area now shown on the

Conceptual Plan as lot 25 shall utilize a shared water access/pier with either lot in the area now shown as lot 24 or lot 26. Lots in the area now shown on the Conceptual Plan as lots 13-18 shall only utilize steps to access Uncle's Neck Creek. Such steps shall be built in a manner to minimize impacts on slopes. The shared access/piers and access steps shall be subject to the approval of the Covenants Committee and to any required County or other regulatory approvals.

g. Building Separation. There shall be at least 100 feet of separation between all dwelling units on the Property, which requirement shall be reflected on the subdivision plat of the Property. The James City County Fire Chief may grant variances to the 100-foot separation requirement upon written request from the property owner and a finding that such a reduction will not endanger the health, safety, or welfare of the citizens of the County and/or is otherwise mitigated by alternate means of fire suppression including, but not limited to, automatic sprinkler systems. Reasonable conditions may be placed upon any variance granted by the James City County Fire Chief.

h. Intermittent Stream Buffer. There shall be a 50-foot buffer adjacent to all intermittent streams on the Property.

3. This authorization to grant the waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated there was a request from the Greater Williamsburg Area Chamber and Tourism Alliance that following the Williamsburg Area Destination Marketing Committee fall holiday effort, the County along with York County, the Williamsburg Hotel-Motel Association, and the Chamber should fund a holiday ad campaign. He stated he believed the Chamber has made a compelling argument that given the visitation, the holiday advertising campaign could bring a good deal of visitors to the area. Mr. Wanner stated approval of this funding showed good faith by the Board and recommended the Board approve the resolution to appropriate \$15,000 from the Room Tax Fund to provide funding for the marketing blitz of the holiday season.

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

HOLIDAY ADVERTISING CAMPAIGN CONTRIBUTION - \$15,000

WHEREAS, the Greater Williamsburg Chamber and Tourism Alliance (GWCTA) has requested that James City County contribute \$15,000 to a special holiday advertising campaign for the Williamsburg area destination; and

WHEREAS, James City County continues to demonstrate support of our hospitality sector; and

WHEREAS, the holiday campaign follows the Williamsburg Area Destination Marketing Committees' fall/early holiday effort; and

WHEREAS, the County would join the GWTCA, Williamsburg Hotel-Motel Association, and York County in contributing to the effort; and

WHEREAS, the County expects to receive higher room tax proceeds than originally projected.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates an additional \$15,000 from the Room Tax proceeds to the GWTCA.

Mr. Wanner stated Governor Kaine would be in the County on November 21, 2006, to dedicate the Virginia Capital Trail and that Mr. Goodson would represent the County at the dedication.

Mr. Wanner recommended the Board adjourn to 4 p.m. on November 28, 2006, for a work session on stormwater utility when it completed its business for the evening. Mr. Wanner recommended following a brief Williamsburg Area Transport Board of Directors meeting, the Board go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Economic Development Authority and the Williamsburg Regional Library Board of Trustees; pursuant to Section 2.2-3711(A)(7) of the Code of Virginia for the consultation of legal counsel and staff members pertaining to actual litigation; and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the disposition of real properties for public use.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson reiterated to staff the concern with the zoning ordinance regarding truck stop issues.

Mr. Icenhour commented on an open burning ban request and suggested that the Board consider the issue in a work session.

Mr. McGlennon stated he would support addressing this, considering citizen complaints, and changes in State policy.

Mr. Harrison asked the County Administrator to review policy to correct County condemnation practices. Mr. Harrison further asked what course of action the County would use to assure the citizens of accountability for those responsible for the flawed process.

Mr. Icenhour thanked John McDonald for his presentation to Ford's Colony the night before.

Mr. Goodson recessed the Board of supervisors for a brief Williamsburg Area Transport meeting at 9:16 p.m.

Mr. Goodson reconvened the Board at 9:18 p.m.

Mr. McGlennon made a motion to recess to Closed Session at 9:19 p.m.

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

Mr. Goodson recessed the Board to Closed Session at 9:20 p.m.

K. CLOSED SESSION

Mr. Goodson reconvened the Board into Open Session at 9:43 p.m.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3), to consider the disposition of a parcel(s) of property for public use.

Mr. McGlennon made a motion to appoint Mr. Douglas M. Gebhardt to an unexpired term on the Economic Development Authority, term to expire on July 31, 2008.

The disposition of a parcel(s) of property was briefly discussed.

L. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 9:44 p.m., Mr. Goodson adjourned the Board until 4 p.m. on November 28, 2006.

Sanford B. Wanner
Clerk to the Board

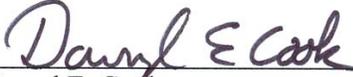
111406bos.min

MEMORANDUM

DATE: November 28, 2006
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of a Street in Marl Hills, Section 2

Attached is a resolution requesting acceptance of certain streets known as Brandon Circle 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/nb
BrandonCir.mem

Attachments

RESOLUTION

DEDICATION OF A STREET IN MARL HILLS, SECTION 2

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is shown on a plat 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, 2004, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, the County guarantees the necessary surety amount of \$2,000 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.

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 street described on the attached Additions Form AM-4.3 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.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November 2006.

BrandonCir.res

In the County of James City

By resolution of the governing body adopted November 28, 2006

The following VDOT Form AM-4.3 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): _____

Form AM-4.3 (11/28/2005)
Asset Management Division

Report of Changes in the Secondary System of State Highways

Project/Subdivision

Marl Hills, Section 2

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:

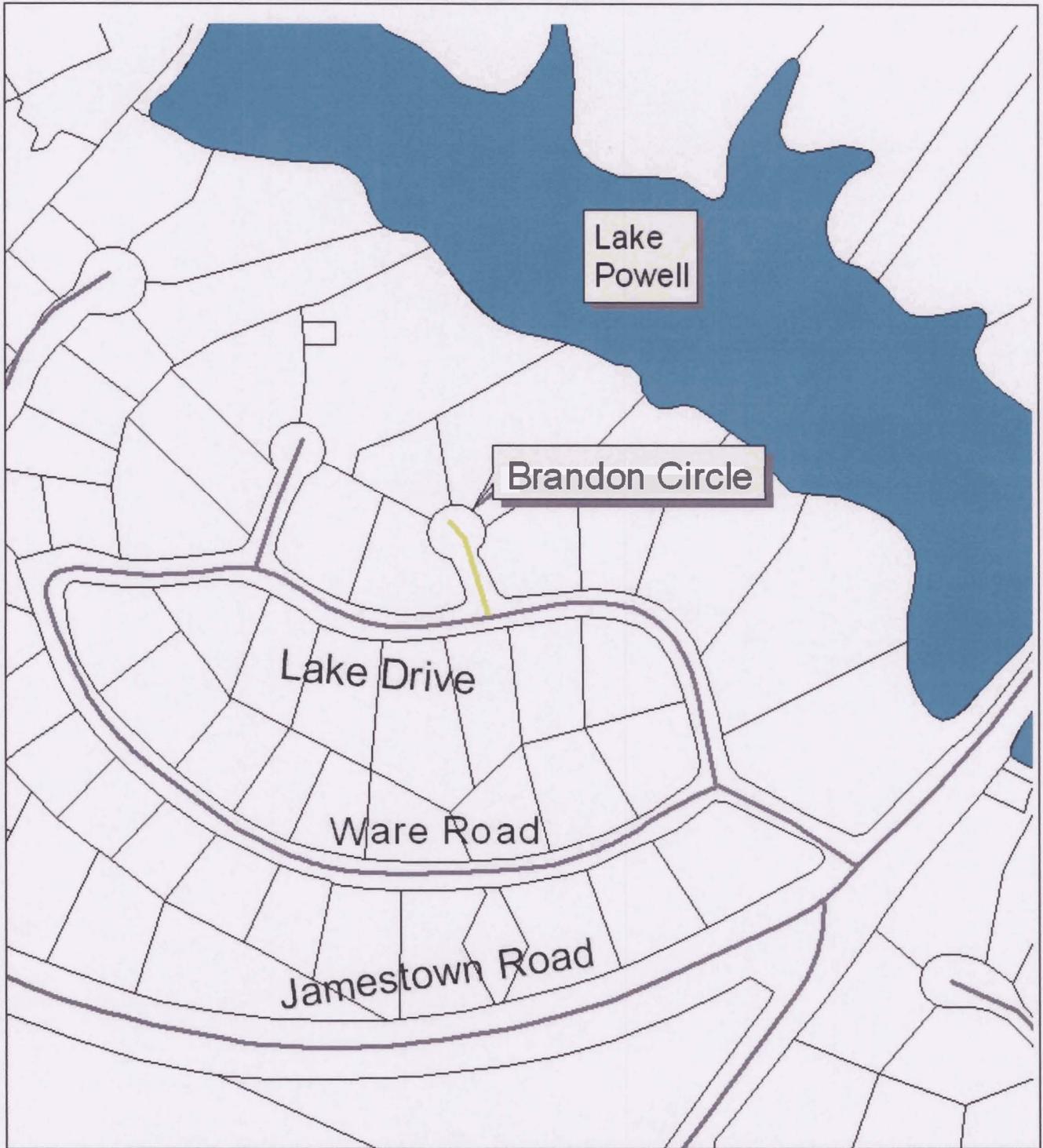
Reason for Change: Addition, Secondary System, New subdivision street
Pursuant to Code of Virginia §33.1-229

Route Number and/or Street Name

Brandon Circle, State Route Number 1658

Description: **From:** Lake Drive (Route 694)
To: Cul-de-Sac
A distance of: 0.03 miles.

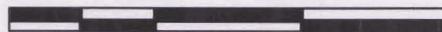
Right of Way Record: Filed with the Land Records Office on 3/26/1965, P.b. 22, Page 39, with a width of 40 feet.



DEDICATION OF A STREET IN MARL HILLS, SECTION 2

 Street Being Dedicated

200 0 200 400 Feet



MEMORANDUM

DATE: November 28, 2006
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resources Manager
SUBJECT: Revisions to Section 5.4, Employee Benefits Leave (Military Leave) of the James City County Personnel Policies and Procedures Manual

The attached revisions to the Employee Benefits–Military Leave Policy add members of the Department of Homeland Security/Federal Emergency Management Agency’s (FEMA) Disaster Medical System as required by the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 and as amended by Title 42. A section was also added to cover members of FEMA’s Urban Search and Rescue system which are not covered by USERRA but by a Mutual Aid Agreement Memorandum of Understanding.

Input from employees has been received and incorporated into the policy

Staff recommends adoption of the attached resolution.


Carol M/Luckam

CML/cec
MilLeaveRev.mem

Attachments

RESOLUTION

REVISIONS TO SECTION 5.4, EMPLOYEE BENEFITS LEAVE (MILITARY LEAVE) OF THE

JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

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

WHEREAS, the Military section of the Employee Benefits–Leave Policy was revised by adding other groups now covered by the law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual listed above are adopted effective November 28, 2006.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2006.

MilLeaveRev.res

PERSONNEL POLICIES AND PROCEDURES - MILITARY LEAVE

Section 5.4 Leave

- E. Types of Leave - The County offers the following types of leave. A brief summary of purposes for which leave may be used is listed below. For more details, see individual subsections.

Annual Leave	Any purpose.
Sick Leave	Personal doctor appointment, illness, or short-term disability. Immediate family member doctor appointment or illness.
Funeral Leave	Death of immediate family member.
Civil Leave	Serving on a jury. Attending court as a witness under subpoena.
Military Leave	<i>Paid absences for employees covered by USERRA for training or deployment. National Guard or reserve member to engage in annual active duty for training or called forth by Governor during a disaster.</i>
School Leave	Meet with teachers, attend school functions, or do volunteer work in any public or private school grades K-12 or a licensed preschool or daycare center.
Leave Without Pay	Unpaid absences from work.

Section 5.4 E Leave (continued)

5. Military Leave - may be used by an employee who is a member of *one of the covered military, security, or recovery organizations listed below to provide paid absences for the reasons and duration outlined below: the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia to provide paid absences of up to fifteen days per Federal fiscal year during which he is engaged in annual active duty for training, or when called forth by the Governor during a disaster.*
- a. Legal Basis - *James City County is committed to ensuring that our Personnel Policies are in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 and as amended by Title 42. Certain activated employees in organizations other than the uniformed service are intermittent federal employees and are considered members of the uniformed service for purposes of USERRA.*

b. Covered Organizations and Qualifying Reasons

<i>Covered Organizations</i>	<i>Qualifying Reason</i>
<i>The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia</i>	<i>Annual active duty for training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.</i>
<i>Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law</i>	<i>Federal deployment and /or training during regularly scheduled work hours.</i>

c. Amount of Leave – Up to 15 days during each federal fiscal year, which is October 1 through September 30, for qualifying reasons.

d. Duration of Leave and Associated Pay and Benefits

<i>Length of Absence</i>	<i>Salary and Benefits</i>
<i>Up to 15 days per federal fiscal year</i>	<i>Full pay and all benefits and benefit accruals continue.</i>
<i>More than 15 days in a federal fiscal year</i>	<i>Employee coordinates with department manager to use other applicable leave or leave without pay.</i>

a.e. Special Circumstances – Employees who are members of the force listed above and are involuntarily called to federally funded military active duty shall receive the following:

- 1) A Military Pay Differential in the amount of the difference between the employee's military base pay plus basic allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.
- 2) Up to one year's accrual of sick and annual leave credited to the employee 30 days after return to employment. Exceptions may be granted by the County Administrator.

f. Employee Responsibility

- 1) *The employee must submit a copy of the valid written orders when requesting military leave and a copy of the release from active duty upon return.*
- 2) *The employee cannot accept other employment while on military leave without the prior approval of the Department Manager.*

g. Return to Work –

- 1) *The employee may use up to five years of cumulative service and still retain reemployment rights as provided by USERRA.*
- 2) *The position that the employee is eligible to return to after active duty service depends on the length of that service as provided by USERRA.*
- 3) *The employee's terms of employment continue to be controlled by the Personnel Policies and Procedures Manual.*
- 4) *If the employee does not return to work after deactivation as prescribed by law, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date.*

h. Urban Search and Rescue – *Members of the Department of Homeland Security/FEMA's Urban Search and Rescue Team (US&R) are not considered intermittent federal employees or members of the uniformed services under USERRA. These employees when activated will be paid according to the Mutual Aid Agreement Memorandum of Understanding concerning US&R team membership and FEMA reimbursement policies in effect at the time of activation.*

MEMORANDUM

DATE: November 28, 2006
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Contingency Transfer – Peninsula Health District

The Peninsula Health District received its final allocation and budget from the Commonwealth on September 29, 2006. That final budget had been delayed by the FY 2007 State budget process and resulted in an increase of \$51,072, primarily due to increased health insurance and increased retirement system contributions. While this is good news for the Peninsula Health District, its member jurisdictions and its employees, it comes with a local match requirement for the County of \$11,335.

Staff recommends approval of the attached resolution. It allows the County Administrator to enter into an amendment to the annual agreement with the Peninsula Health and transfers \$11,335 from Operating Contingency to the Public Health Department budget.

John E. McDonald

JEM/gb
PHDtransf.mem

Attachment

RESOLUTION

CONTINGENCY TRANSFER – PENINSULA HEALTH DISTRICT

WHEREAS, the Board of Supervisors of James City County has received an amendment to the local agreement between the County and the Peninsula Health District that requires an additional local match; and

WHEREAS, the match is a requirement that was only realized with the release of the final State budget in late September.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute the amendment to the local agreement and hereby transfers \$11,335 from Operating Contingency to the Peninsula Health Department budget to meet the local match requirements.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2006.

PHDtransf.res

MEMORANDUM

DATE: November 28, 2006

TO: The Board of Supervisors

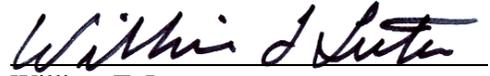
FROM: William T. Luton, Fire Chief

SUBJECT: Appointment of Assistant Fire Marshal, Authorization of Fire Prevention Powers and Authorization of Police Powers

Arthur K. Lamm has completed all necessary training and certification requirements to be appointed Assistant Fire Marshal in accordance with Commonwealth of Virginia Code Section 27-30, et. seq. The Assistant Fire Marshal is responsible for fire prevention, code enforcement, and fire investigation.

This appointment must be authorized by the Board of Supervisors. A resolution is attached that complies with all Commonwealth of Virginia requirements.

Staff recommends approval of the attached resolution.


William T. Luton

WTL/tlc
AFMLamm.mem

Attachment

RESOLUTION

APPOINTMENT OF ASSISTANT FIRE MARSHAL, AUTHORIZATION OF FIRE

PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local Fire Marshal to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local fire marshal to have the same law enforcement powers as a police officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances and fire bombs; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that James City County may authorize the local fire marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, Arthur K. Lamm has completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Arthur K. Lamm as a James City County Assistant Fire Marshal with all such police powers and authority as provided in Virginia Code Sections 27.30 et. seq.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2006.

AFMLamm.res

MEMORANDUM

DATE: November 28, 2006
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resources Manager
SUBJECT: Employer Assisted Home Ownership Program Applications

James City County offers its employees an Employer Assisted Home Ownership Program to provide financial assistance for qualifying employees to purchase a home in the County or in the City of Williamsburg. We have received applications from five employees which have been screened and determined to meet the program eligibility criteria. The Code of Virginia and the local ordinance amendment adopted by the Board on April 11, 2006, to comply with the State Code, require a public hearing and the adoption of a freestanding ordinance before approval of such applications.

Therefore, at this public hearing staff requests that the Board adopt the necessary ordinances to approve the five employee applications and encumber funds in the amount of \$15,000 so that when the applicants complete their savings and locate a home to purchase, they may be issued forgivable loans to help them live in the community they serve. Sufficient funds are available in this program to cover the requested amount.

Staff recommends adoption of the attached ordinances to approve these applications effective November 28, 2006.


Carol M/Luckam

CML/cec
AsstHomPrg.mem

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A \$3,000 GRANT PURSUANT TO THE
JAMES CITY COUNTY EMPLOYER ASSISTED HOME OWNERSHIP PROGRAM

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, pursuant to Section 15.2-958.2 of the Code of Virginia, 1950, as amended, and Section 2-15.2 of the Code of James City County, that James City County Employer Assisted Home Ownership Program Application No. 12-07 is hereby approved and that a grant in the amount of \$3,000 shall be distributed in accordance with the Employer Assisted Home Ownership Program policies.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2006.

AsstHomPrg12.ord

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A \$3,000 GRANT PURSUANT TO THE
JAMES CITY COUNTY EMPLOYER ASSISTED HOME OWNERSHIP PROGRAM

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, pursuant to Section 15.2-958.2 of the Code of Virginia, 1950, as amended, and Section 2-15.2 of the Code of James City County, that James City County Employer Assisted Home Ownership Program Application No. 08-07 is hereby approved and that a grant in the amount of \$3,000 shall be distributed in accordance with the Employer Assisted Home Ownership Program policies.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2006.

AsstHomPrg08.ord

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A \$3,000 GRANT PURSUANT TO THE
JAMES CITY COUNTY EMPLOYER ASSISTED HOME OWNERSHIP PROGRAM

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, pursuant to Section 15.2-958.2 of the Code of Virginia, 1950, as amended, and Section 2-15.2 of the Code of James City County, that James City County Employer Assisted Home Ownership Program Application No. 11-07 is hereby approved and that a grant in the amount of \$3,000 shall be distributed in accordance with the Employer Assisted Home Ownership Program policies.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2006.

AsstHomPrg11.ord

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A \$3,000 GRANT PURSUANT TO THE
JAMES CITY COUNTY EMPLOYER ASSISTED HOME OWNERSHIP PROGRAM

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, pursuant to Section 15.2-958.2 of the Code of Virginia, 1950, as amended, and Section 2-15.2 of the Code of James City County, that James City County Employer Assisted Home Ownership Program Application No. 10-07 is hereby approved and that a grant in the amount of \$3,000 shall be distributed in accordance with the Employer Assisted Home Ownership Program policies.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2006.

AsstHomPrg10.ord

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A \$3,000 GRANT PURSUANT TO THE
JAMES CITY COUNTY EMPLOYER ASSISTED HOME OWNERSHIP PROGRAM

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, pursuant to Section 15.2-958.2 of the Code of Virginia, 1950, as amended, and Section 2-15.2 of the Code of James City County, that James City County Employer Assisted Home Ownership Program Application No. 09-07 is hereby approved and that a grant in the amount of \$3,000 shall be distributed in accordance with the Employer Assisted Home Ownership Program policies.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2006.

AsstHomPrg09.ord

MEMORANDUM

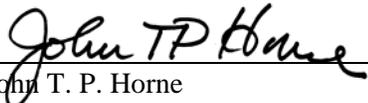
DATE: November 28, 2006
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: Authorizing Acquisition of Property – Jamestown Campground and Yacht Basin Tax Parcel Nos. 4630100005, 4630100006, 4630100008, 4630100009, 4630100013, 4630100014, 4640100009, 4640100010, 4640100012, 4640100013, 4640100014, and 4640100015

On April 25, 2005, the Trust for Public Land (TPL) and the Ambler/Jamestown Campsite, LLC and Jamestown Yacht Basin, LLC entered into an option purchase contract for 202+/- acres of land commonly known as the Jamestown Campground and Yacht Basin. The property is also designated on the James City County Real Estate Tax Map as Parcel Nos. 4630100005, 4630100006, 4630100008, 4630100009, 4630100013, 4630100014, 4640100009, 4640100010, 4640100012, 4640100013, 4640100014, and 4640100015 as shown on the attached map. The property has sizable frontage on Jamestown Road, Greensprings Road, the James River, and Powhatan Creek, and contains significant historic, recreational, environmental, and aesthetic values, particularly due to its proximity to Jamestown Settlement.

Over the past 18 months, TPL and James City County have assembled a variety of grants and other funding sources to finance a significant portion of the \$12,500,000 acquisition price. James City County previously paid \$2,950,000 toward the purchase. In consideration of these as well as an agreement between TPL and James City County, James City County will provide up to \$9,550,000 at closing and obtain title to the property. This initial outlay will decrease over the course of the following year as James City County receives reimbursements from grants and allocations from the State budget.

Conservation of this property in open space, as opposed to intense commercial and residential development, will have substantial benefits to the direct area and the entire community. Protection of the landscape immediately surrounding Jamestown will contribute to the historic setting most appropriate for Jamestown Settlement and Historic Jamestowne and will preserve the site of the Battle of Green Spring. It will provide a venue for anniversary events and ensure permanent public access to the marina and the beach along the James River. It will also improve the health of the Powhatan Creek watershed and help maintain biodiversity in the Powhatan Creek Natural Area.

Staff recommends approval of the attached resolution authorizing the County Administrator to expend up to \$9,550,000 and execute all documents necessary for completing the acquisition.


John T. P. Horne

CONCUR:


Sanford B. Wanner

JTPH/gb
AuthAcqJT.mem

- Attachments:
1. Location Map
 2. Resolution

RESOLUTION

AUTHORIZING ACQUISITION OF PROPERTY – JAMESTOWN CAMPGROUND AND
YACHT BASIN TAX PARCEL NOS. 4630100005, 4630100006, 4630100008, 4630100009,
4630100013, 4630100014, 4640100009, 4640100010, 4640100012, 4640100013, 4640100014,
AND 4640100015

WHEREAS, on April 25, 2005, the Trust for Public Land (TPL) entered into an option purchase contract with Ambler/Jamestown Campsite LLC and Jamestown Yacht Basin, LLC to acquire 202+/- acres of land commonly known as Jamestown Campground and Yacht Basin; and

WHEREAS, on December 13, 2005, James City County entered into an agreement with TPL to participate in the planning for and acquire the residual interest in this property upon closing; and

WHEREAS, the County's acquisition of the property will preserve the historic, recreational, environmental, and aesthetic values of the property and the area surrounding Jamestown Settlement and Historic Jamestowne; and

WHEREAS, the total purchase price of the property is \$12,500,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to expend up to \$9,550,000 from the FY 2007 Capital Budget and to execute any and all documents as may be necessary to acquire the property, pursuant to the above agreements.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Larry M. Foster
Acting Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of
November, 2006.

AuthAcqJT.res

Acquisition of Property - Jamestown Campground and Yacht Basin

