

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

March 27, 2007

7:00 P.M.

-
- A. ROLL CALL**
 - B. MOMENT OF SILENCE**
 - C. PLEDGE OF ALLEGIANCE** - Daxion R. Smith, a seventh-grade student at James Blair Middle School
 - D. HIGHWAY MATTERS**
 - E. PUBLIC COMMENT**
 - F. CONSENT CALENDAR**
 - 1. Minutes - March 13, 2007, Regular Meeting
 - 2. Dedication of Streets in Greensprings West, Phases 1, 2, and 3
 - 3. Petty Cash - James City County Satellite Services and DMV Select
 - G. BOARD CONSIDERATION**
 - 1. Joint Resolution to Amend the Restated Contract for the Joint Operation of Schools, City of Williamsburg and County of James City
 - H. PUBLIC COMMENT**
 - I. REPORTS OF THE COUNTY ADMINISTRATOR**
 - J. BOARD REQUESTS AND DIRECTIVES**
 - K. ADJOURNMENT**

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF MARCH 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Kailos Anderson, a seventh-grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Ms. Sabrina Jones, Manager, Regional Youth Violence Prevention, Newport News Police Department

Police Chief Emmett Harmon introduced Ms. Sabrina Jones, Manager for Regional Youth Violence Prevention and recognized her organization for its work to prevent gang activity among youth through schools and law enforcement across Peninsula localities.

Ms. Jones stated that the initiative of Regional Youth Violence Prevention is to create a regional community with coordination of schools, law enforcement, and parents to create common definitions for preventing gang activity. She also showed data from the Peninsula area to indicate the benefits of collaboration to create a campaign message that increases awareness to targeted risk youth.

Mr. McGlennon noted the challenges in separating actual gang activity from simulated behavior and how important it was for our youth to understand the consequences of both.

Ms. Jones stated that education about gang activity was important for parents, teachers, and law enforcement in order to tell the difference and to express the seriousness of simulated behavior of some youth.

Mr. Harrison thanked Ms. Jones for her presentation on Regional Youth Violence Prevention and expressed his interest for the County to become involved in the program.

E. PUBLIC COMMENT

1. Mr. Gerald Johnson, 4513 Wimbledon Way, speaking on behalf of the Jamestown 1607 Group and the James City County Concerned Citizens Group, commented on the environmental impact on Powhatan Creek due to runoff and cutting down trees as a result of development. He stated he would like Phase II of Powhatan Settlement delayed so an environmental study can be done.

2. Mr. Bill Unaitis, 221 Charleston Place, speaking on behalf of Saint George's Hundred subdivision, commented on the environmental impact on Powhatan Creek because of Powhatan Settlement. Mr. Unaitis also commented on storm water in the area and the need for funding to fix the drainage ditch; and sinkholes throughout the Saint George's Hundred neighborhood.

3. Ms. Sarah Kadec, 3504 Hunters Ridge, speaking on behalf of Fieldcrest and the James City County Concerned Citizens Group, commented on the environmental impact on Powhatan Creek because of Powhatan Settlement. She requested an engineering study of the area, and recommended more planning in the future.

4. Mr. Ed Oyer, 139 Indian Circle, commented on an unmaintained house at Indian Circle, a junk pile buildup across from Wal-Mart, and real estate assessments. He also asked that potholes in Route 60 be repaired.

F. CONSENT CALENDAR

Mr. Goodson mentioned that he does business with some bidders on Agenda Item No. 2 but felt he could fairly consider the resolution.

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

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

1. Minutes –

- a. February 16, 2007, Joint Meeting with Williamsburg City Council and WJCC School Board
- b. February 27, 2007, Regular Meeting

2. Award of Bid - Greensprings Trailhead Phases I and II - \$248,799

RESOLUTION

AWARD OF BID - GREENSPRINGS TRAILHEAD PHASES I AND II - \$248,799

WHEREAS, competitive bids were advertised for the Greensprings Trailhead, Phases I and II; and

WHEREAS, bids were received with the low bidder being Henry Branscome, LLC submitting a bid of \$248,799; and

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

Mr. Bradshaw stated that traffic safety was an issue because of parking near the entrances from the main road, but with the resolution, parking would only be allowed in marked areas. He asked if there was any way to prohibit cars from parking outside the designated areas.

Mr. Ribeiro stated that this would be ensured through zoning and signage.

Mr. McGlennon stated that the resolution allowed vendors to park in these areas but gave the employees permission to control individual vehicles parking in non-designated areas.

Mr. McGlennon opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the resolution.

Mr. McGlennon further stated that the service station's owners, the Washington family, was a long term business in this location and one of the few gas stations left in that area of the County. He commented that citizens would now have direct access to the service station without driving onto Jamestown Road, improving safety, and he felt the application did not add a significant amount of congestion.

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

RESOLUTION

CASE NO. SUP-30-06. JAMESTOWN ROAD SERVICE STATION, LLC

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subject to a special use permit (SUP) process; and

WHEREAS, Mr. Frank B. Gewet has applied for an SUP to allow for the expansion of fueling capacity under the existing canopy area. The expansion consists of installing two new gasoline dispensers; relocating two existing gasoline dispensers to new positions; and extending (4 foot by 4 foot concrete extension) two of the concrete fueling islands in order to accommodate the proposed number of fueling dispensers; and

WHEREAS, the proposed site is shown on a conceptual layout entitled "Exhibit for Special Use Permit Jamestown Road Service Station," dated January 9, 2007; and

WHEREAS, the property is currently zoned B-1, General Business, and is designated Community Commercial on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 1301 Jamestown Road on property more specifically identified as Parcel No. (9-65) on James City County Real Estate Tax Map No. (48-1); and

WHEREAS, on February 7, 2007, following a public hearing, the Planning Commission recommended approval of the 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, following a public hearing, does hereby approve the issuance of SUP-30-06 as described herein with the following conditions:

1. This SUP shall be valid for the operation of a gasoline and service station and for the expansion of fueling capacity under the existing canopy. Expansion is hereby defined as the construction of two new gasoline dispensers, the relocation of two existing gasoline dispensers to new positions under the canopy, and for the extension of the concrete fueling islands necessary to accommodate these changes. There shall be no more than a total of seven vehicle-fueling stations permitted on the property. The fueling stations shall be arranged in a configuration generally consistent with the attached conceptual site layout entitled "Exhibit for Special Use Permit - Jamestown Road Service Station," dated January 9, 2007, herein, after referred to as the "Master Plan."
2. Prior to final site plan approval, the existing 16 parking spaces as shown on the Master Plan shall be restriped.
3. Parking shall only be allowed in the areas designated for vehicular parking as shown on the Master Plan.
4. The owner shall submit a landscape plan prepared by a professional landscape designer to the Planning Director for his review and approval. The landscape plan shall include landscaping that will screen the back of the service station building and service bay areas from Jamestown Road and the rear parking area from Winston Drive. The plant materials shall comply with the current landscape zoning ordinances for plant sizes. The plant materials shall be native evergreen species that can thrive in this area. The landscape design must be approved by the Planning Director or his designee during the site plan process and the landscaping must be installed or bonded prior to final site plan approval.
5. If construction has not begun on the property within 36 months of issuance of the SUP, it shall become void. Construction is hereby defined as the installation of the two new gasoline dispensers, the relocation of two existing gasoline dispensers to new positions under the canopy area, and the extension of the concrete fueling islands.
6. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-31-06. Toano Middle School Bus Entrance

Ms. Leanne Reidenbach, Planner, stated Mr. Bruce Abbott of AES Consulting Engineers has applied on behalf of the WJCC Schools for an SUP to construct a second right-in/right-out entrance onto Richmond Road (Route 60) for Toano Middle School to be used solely for bus traffic and to add additional parking spaces to close one of the access ways between the automobile parking lot and drop-off loop. Ms. Reidenbach stated the property is located at 7817 Richmond Road, further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4), and consists of 34.1 acres. The parcel is zoned A-1, General Agricultural, and is designated as State, Federal, and County Land in the Comprehensive Plan.

Staff found the proposal, with conditions, to be consistent with the surrounding land uses and the Comprehensive Plan.

At its meeting on February 7, 2007, the Planning Commission recommended approval of the application by a vote of 7-0. Since the Planning Commission meeting, two changes have been made: 1) giving the School two years to construct the bike lane; and 2) allowing passenger vehicle access for after-hours events.

Staff recommended approval of the resolution.

Mr. McGlennon opened the Public Hearing.

1. Ms. Katherine Preston, 137 Pintail Trace, Seasons Trace, representing the Historic Triangle Bicycle Advisory Committee, stated her opposition of the two-year deferral of the bike lane, because if delayed the bike lane may be neglected for financial reasons. She stated concerns about the safety of bikers over the next two years and thanked the Planning Division for keeping a bike lane in the scope of the project.

2. Mr. Todd Allen, 105 Peachtree, on behalf of the Active Williamsburg Alliance, commented that since the bike lane was previously approved by the Planning Commission, it should be approved by the Board of Supervisors to prevent establishing a precedence of countering Planning Commission recommendations.

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

Mr. McGlennon asked Ms. Reidenbach to speak about the deferral of construction of the bike lane.

Ms. Reidenbach stated that this condition only deferred construction of the shoulder bike lane for two years and that the Planning Division would track the case to ensure the shoulder bike lane would be built at a later date within two years.

Mr. McGlennon asked when this condition was added to the proposal.

Ms. Reidenbach stated the bike lane construction was part of the proposal that was approved by the Planning Commission and since that meeting the condition was modified to allow for deferral of construction because of funding issues.

Mr. McGlennon asked if there was previous precedence for construction deferral of bike lanes for a two-year period.

Ms. Reidenbach stated that there has been deferral of construction for sidewalks before but not for bike lanes.

Mr. Bradshaw asked Ms. Reidenbach to explain what the shoulder bike lane would be.

Ms. Reidenbach stated the bike lane would be a part of the road, requiring additional right-of-way solely in the turn lane, but would not front the entire school.

Mr. Bradshaw asked if there were bike lanes to the east or west of the School.

Ms. Reidenbach stated there were not currently bike lanes to the east or west.

Mr. Bradshaw asked if there were plans to create bike lanes there in the next two years.

Ms. Reidenbach deferred the question to M. Marvin Sowers, Planning Director.

Mr. Sowers stated there were no plans for bike lanes on either side at this time and that this bike lane would serve through-traffic bicycles.

Mr. Bradshaw asked where bikes were traveling now.

Mr. Sowers stated bicycles traveled in the right-hand lane or through traffic as a motor vehicle did, or on the sidewalk where available.

Mr. Bradshaw stated this was not the best place, but this would be an isolated segment of a bike path, which does not interrupt a current bike path and only provided about 150 feet of bike lane.

Mr. Sowers stated this was correct and the lane would consist of approximately 150 feet for the length of the turn lane and about 150 feet for the taper; thus it was an isolated section.

Mr. McGlennon asked why there was a disconnect between the construction of the turn lane and the bike lane.

Mr. Sowers deferred this question to a representative of the School Board.

Mr. Icenhour asked what the actual cost would be for the bike lane.

Mr. Sowers indicated this was also a question for a representative of the School Board.

Mr. Alan Robertson, WJCC Schools Facilities Manager, stated the need for flexibility to build because the entrance was needed now, but there was no funding in the budget to complete the bike lane as the bike lane is at this time, as the budget was \$160,000 and the bike lane would incur an additional \$25,000.

Mr. Richard Costello from AES Consulting Engineers stated they had experienced a cascading effect that has increased the price of installing the bike lane.

Mr. McGlennon expressed concern that the WJCC Schools and AES did not want to construct the bike lane at all.

Mr. Costello stated due to construction costs and budget constraints, the bike lane could not be built until funds are available within two years, the WJCC Schools would build the bike lane even if it required having the sidewalk moved. He stated they could not avoid implementation of the bike plan.

Mr. McGlennon asked the cost of the whole project.

Mr. Robertson stated the project cost would be around \$200,000, much more than anticipated. He stated the cost was calculated in pieces as the bike lane was not originally projected with the rest of the project. He stated the schools needed the approval for the additional entrance first so construction could begin.

Mr. Harrison clarified that the bus entrance construction was Phase I of II.

Mr. Costello stated the Virginia Department of Transportation (VDOT) had been asked to amend the regulations to reduce bus/car interference with a temporary slip left lane like in Prime Outlets.

Mr. Robertson stated the bike lane would not be neglected, but construction must proceed to fix the entrance in order to spread traffic for safety and then the leftover funds would be used for the bike lane after initial construction is completed.

Mr. Costello stated the two phases consisted of: 1) a bus lane; then, 2) a bike lane.

Mr. Harrison stated concern that that school projects would not get all the facts beforehand and a better process was necessary to know what funding and construction was needed ahead of time. He stated there must be a better way to handle the process because developers would not be given changes like this.

Mr. Robertson stated that the facts regarding the bike lane were not available at the beginning of the project, but the WJCC Schools did approach VDOT for a different bike cut-across and there were many possibilities.

Mr. McGlennon thought the agencies involved needed to discuss the matter to avoid evasion of policy by discussing all the facts before approval.

Mr. Icenhour stated that some aspects of this matter were still not settled and there may have to be a cut-through in the median for left turn movement based on the response from VDOT, so he felt the Board was having to make an approval in the absence of complete information.

Mr. Costello stated he was unaware when the budget was set, and there were still different planning solutions and add-ons, but the school desired to have the entrance installed before the next school year.

Mr. Icenhour expressed his understanding of the desire to complete the bus lane but was worried about having to reconsider this case.

Mr. Bradshaw made a motion to approve the resolution despite the two-year delay in completion of the bike lane.

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

RESOLUTION

CASE NO. SUP-31-06. TOANO MIDDLE SCHOOL BUS ENTRANCE

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. Bruce Abbott of AES Consulting Engineers has applied on behalf of Williamsburg-James City County Schools for an SUP to allow for a second right-in/right-out bus entrance onto Richmond Road for Toano Middle School; and

WHEREAS, the proposed entrance is shown on a conceptual layout, entitled "Cafeteria Expansion and Bus Entrance: Toano Middle School," drawn by AES Consulting Engineers and dated October 23, 2006; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as James City County Real Estate Tax Map/Parcel No. (12-4)(1-51); and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 7, 2007, 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, after a public hearing, does hereby approve the issuance of Special Use Permit No. 31-06 as described herein with the following conditions:

1. This SUP shall be valid for the construction of a bus entrance at Toano Middle School, located at 7817 Richmond Road ("Property"). This entrance shall be developed generally in accordance with the conceptual layout submitted with the application titled "Cafeteria Expansion and Bus Entrance: Toano Middle School" and dated October 23, 2006 ("Master Plan") with only changes thereto that the Planning Director determines do not change the basic concept or character of the development.
2. Only two entrances shall be allowed onto Route 60, as generally shown and located on the Master Plan. The entrance labeled "Proposed Bus Entrance" on the Master Plan shall be a right-in/right-out bus entrance only.
3. The applicant shall provide signage, which restricts the proposed entrance to bus traffic only. Such restriction shall be in effect during school hours, and include the one hour prior to the beginning of school and one hour after the end of the school day. The location and details of the required signage shall be included on the site plan and are subject to approval by the Planning Director or his designee prior to final site plan approval.
4. The applicant shall construct a full-width right-turn lane and all other necessary entrance improvements off Route 60 east into the proposed bus entrance as shown on the Master Plan to the Virginia Department of Transportation (VDOT) standards which shall be approved by VDOT prior to final site plan approval. The turn lane shall be constructed to include a shoulder bike lane as approved by the Planning Director. The bike lane shall be constructed within two years of approval of this SUP.
5. The sidewalk located within the Route 60 right-of-way shall be maintained or adjusted if new construction interferes with its current location. If adequate right-of-way is not available to accommodate the sidewalk, it shall be donated. The sidewalk shall meet all VDOT standards.
6. An enhanced landscaping plan providing under-story shrubs along the area of the school's frontage on Route 60 between the southwestern property line and the existing entrance shall be approved by the Planning Director or his designee and the Chief of Police or his designee prior to final site plan approval. Enhanced landscaping shall be defined as 125 percent of the size of the Zoning Ordinance landscape requirements. Landscaping shall be installed within six months of final site plan approval unless otherwise determined by the Planning Director or his designee.
7. A 50-foot buffer shall be provided adjacent to all property zoned or used for residential purposes. The buffer shall remain undisturbed and in its natural state except as approved by the Development Review Committee.

8. Any new exterior site 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 is not visible from the side. Pole-mounted fixtures shall not be mounted in excess of 30 feet in height above the finished grade beneath them. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
9. This SUP is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

3. Ordinance to Authorize James City County to Join the Williamsburg Area Transit Authority

Mr. Doug Powell, Community Services Manager, presented an ordinance authorizing the County to join the Williamsburg Area Transit Authority as discussed at the Board's Work Session on February 27, 2007, with minor changes to binding arbitration.

Staff recommended Board approval of the ordinance alone at this meeting and stated staff would bring back the service agreement and bylaws for approval after all partners have agreed.

Mr. Goodson clarified that only the ordinance was valid for this meeting.

Mr. McGlennon opened the Public Hearing.

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

Mr. Goodson made a motion for approval of the ordinance.

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

Mr. Bradshaw made a second motion to appoint Doug Powell to three years and Larry Foster to two years on this Board.

Mr. Bradshaw made a motion to approve.

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

4. Employer Assisted Home Ownership Program Applications

Ms. Kelly Morton, Senior Personnel Analyst, presented ordinances for eight additional employees to receive matching grants of \$3,000 each through the Employer Assisted Home Ownership Program, which would bring the total number of recipients up to 21 employees.

Mr. McGlennon asked if, as of July 1, 2007 due to General Assembly action, Board approval on this matter would not be necessary.

Mr. Rogers stated this was pending the Governor's approval, but there was reason to believe that it was not correct.

Mr. McGlennon opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired as to the meaning of a “forgivable loan.”

Mrs. Morton stated that it was forgivable after a period of time and is an incentive to employees to continue employment with the County. Mrs. Morton commented that the employee must pay back a prorated portion of the money if they left the County in less than 60 months.

Mr. McGlennon stated that over time it becomes a grant.

Mrs. Morton stated that the time period was five years.

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

Mr. Icenhour made a motion to approve the ordinances.

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

5. Case No. HW-5-06. New Town Section 9 - Settler’s Market

Mr. Marvin Sowers, Planning Director, stated that the application was for a height waiver for certain architectural structures in Section 9 of New Town. He stated some rooftops and chimneys had been added to the plan since this application was submitted, so a deferral was requested by the applicant in order to address all the height waivers together at the April 10, 2007 Board meeting.

Mr. McGlennon asked if it would need to be readvertised.

Mr. Sowers responded that it would not need to be readvertised if the Public Hearing was continued.

Mr. Harrison asked if this deferral was setting precedence because of the significance of the change and asked if this should be referred back to the Planning Commission.

Mr. Bradshaw asked if their concerns would be passed on to the applicant.

Mr. Sowers responded that they would, and before the application came back before the Board, these questions would be addressed.

Mr. Goodson referred to the New Town Design Review Committee and thought Mr. Harrison was correct in his previous comment.

Mr. McGlennon clarified that this was for a height waiver which does not require Planning Commission approval.

Mr. McGlennon stated he would encourage input from the Planning Commission if Mr. Billups, member of the Planning Commission, could take this issue to the Planning Commission for consideration.

Mr. Goodson asked staff to copy the Planning Commission on all further changes.

Mr. Icenhour asked if there were any other height waivers besides the Courthouse in New Town and stated concerned that the significance of this change was not well known to the public, preventing feedback from citizens.

Mr. Sowers stated that he was aware of the Courthouse but not familiar with any others.

Mr. McGlennon asked about the number of height waivers.

Mr. Wanner mentioned there were some height waivers for churches.

Mr. Goodson stated there was an office building near the water tanks that has been granted a height waiver.

Mr. Sowers mentioned height waivers for Busch Gardens.

Mr. Icenhour asked for confirmation that the waivers were not generally for buildings but rather for architectural features.

Mr. Harrison stated there was another one near the water tower.

Mr. Goodson clarified that this application was mainly for architectural features.

Mr. Sowers stated some of the roof planes were over the height limit, and the structures that would be a good deal higher than the height limit would be architectural features, such as cupolas and chimneys.

Mr. Goodson stated the applications for height waivers were not intended as exceptions to the rule but were submitted to allow more scrutiny.

Mr. McGlennon opened the Public Hearing stating it would remain open until April 10, 2007, for citizens to review the application and come back with questions.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that he had contacted Senator Norment and the General Assembly regarding a "rights of way fee" for telecommunications charged by Cox Communications and Verizon; suggested that he did not feel he should be paying this fee twice; and stated he has been working with Mr. Rogers to get an answer from Cox Communications. Mr. Oyer also stated that the statute was clear that he should not have to pay this fee.

Mr. Rogers stated that he was working with Mr. Oyer and Cox Communications on how the charge was being introduced, and a possible opt-out provision from the original General Assembly bill.

Mr. McGlennon mentioned that there was a one-time telecommunications refund possible that citizens should take advantage of on their federal tax returns.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Emergency Communications Center (ECC) has been completed and was brought in under budget with all the latest technology. He stated the 911 Center crossover was virtually flawless and these emergency facilities should serve the County well into the future. Mr. Wanner noted the system was part of the 800-MHz system, which was a regional effort.

Mr. Wanner recommended the Board recess into Closed Session for the consideration of the disposition of a parcel(s) of property for public use, pursuant to § 2.2-3711(A)(2) of the Code of Virginia, and

that consideration of a specific legal matter requiring the provision of legal advice, specifically the School contract, pursuant to § 2.2-3711(A)(7) of the Code of Virginia, after a recess for a meeting of the Williamsburg Area Transport Company Board of Directors. He stated when the Board completed its business it should adjourn until 4 p.m. on March 27, 2007, for a Work Session on Stormwater Utility, and then proceed to its regular meeting at 7 p.m.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that he had become aware that the dam at Kingspoint was under distress and needed engineering attention. He also stated that it was not unreasonable for citizens to voice these concerns, but that a formal policy was needed for how the Board should handle these issues. He stated for the Kings Point Dam, there was a question of ownership with County interest and he knew this would not be the last case on this matter.

Mr. Harrison mentioned the stormwater drainage issues at Fieldcrest and beaver issues.

Mr. McGlennon stated the ECC technology mentioned by Mr. Wanner was to give special attention to our Fire Department when applying for grants. He stated the Fire Department had received half a million dollars per year over the last few years as an alternative to property taxes in order to stretch County revenues and improve emergency services. He also commended Cox Communications as it would be implementing Channel 39 as the Mid-Atlantic sports channel on March 28, 2007.

Mr. McGlennon recessed the Board for a meeting of the Williamsburg Area Transport Company Board of Directors.

K. ADJOURNMENT

Mr. Goodson made a motion to move to Closed Session.

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

At 8:40 p.m., Mr. McGlennon recessed the Board into Closed Session.

At 9:06 p.m., Mr. McGlennon reconvened the Board into Open Session.

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

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (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)(2), consideration of the disposition of a parcel(s) of property for public use; and Section 2.2-3711(A)(7), consideration of a specific legal matter requiring the provision of legal advice.

Mr. Icenhour made a motion to adjourn.

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

At 9:07 p.m., Mr. McGlennon adjourned the Board until 4 p.m. on Tuesday, March 27, 2007.

Sanford B. Wanner
Clerk to the Board

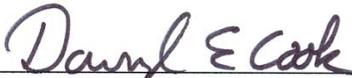
031307bos.min

MEMORANDUM

DATE: March 27, 2007
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Streets in Greensprings West, Phases 1, 2, and 3

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

Staff recommends adoption of the attached resolution.



Darryl E. Cook

DEC/gb
GreenspringsW.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN GREENSPRINGS WEST, PHASES 1, 2, AND 3

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions 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.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2007.

GreenspringsW.res

In the County of James City

By resolution of the governing body adopted March 27, 2007

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

Greensprings West, Phases 1, 2, 3

Type of Change: **Addition**

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

Reason for Change: **New subdivision street**
Pursuant to Code of Virginia **§33.1-229**

Route Number and/or Street Name

Colonial Crescent, State Route Number 1261

Description: **From:** Route 1260 (Manor Gate Drive)

To: Route 1262 (Longview Landing)

A distance of: 0.26 miles.

Right of Way Record: Filed on 1/7/2000 in the Land Records Office, with a width of 80' - 50'.
Recordation Reference: DOC #000000576

Manor Gate Drive, State Route Number 1260

Description: **From:** Route 614 (Centerville Road)

To: Route 1261 (Colonial Crescent)

A distance of: 0.05 miles.

Right of Way Record: Filed on 1/7/2000 in the Land Records Office, with a width of 100'.
Recordation Reference: DOC #000000576

Longview Landing, State Route Number 1262

Description: **From:** Route 1260 (Manor Gate Drive)

To: Route 1261 (Colonial Crescent)

A distance of: 0.06 miles.

Right of Way Record: Filed on 1/7/2000 in the Land Records Office, with a width of 100' - 50'.
Recordation Reference: DOC #000000576

Longview Landing, State Route Number 1262

Description: **From:** Route 1261 (Colonial Crescent)

To: Route 1263 (Windsor Ridge)

A distance of: 0.07 miles.

Right of Way Record: Filed on 1/7/2000 in the Land Records Office, with a width of 100' - 50'.
Recordation Reference: DOC #000000576

Report of Changes in the Secondary System of State Highways

Longview Landing, State Route Number 1262

Description: From: Route 1263 (Windsor Ridge)

To: Route 1263 (Windsor Ridge)

A distance of: 0.14 miles.

Right of Way Record: Filed on 1/11/2000 in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #000000657

Longview Landing, State Route Number 1262

Description: From: Route 1263 (Windsor Ridge)

To: Route 1268 (Thorngate Drive)

A distance of: 0.11 miles.

Right of Way Record: Filed on 1/11/2000 in the Land Records Office, with a width of 70' - 50'.
Recordation Reference: DOC #000000657

Eagles Watch (s), State Route Number 1267

Description: From: Route 1266 (Oak Tree Crest)

To: End Of Cul-de-sac

A distance of: 0.07 miles.

Right of Way Record: Filed on 5/9/2002 in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #020011081

Windsor Ridge, State Route Number 1263

Description: From: Route 1262 (Longview Landing)

To: Route 1262 (Longview Landing)

A distance of: 0.16 miles.

Right of Way Record: Filed on 1/11/2000 in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #000000657

Windsor Ridge South, State Route Number 1264

Description: From: Route 1262 (Longview Landing)

To: Route 1265 (Shadow Lane)

A distance of: 0.24 miles.

Right of Way Record: Filed on 3/16/2001 in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #010004527

Windsor Ridge South, State Route Number 1264

Description: From: Route 1265 (Shadow Lane)

To: Route 1271 (Sunrise Court)

A distance of: 0.05 miles.

Right of Way Record: Filed on 3/16/2001 in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #010004527

Windsor Ridge South, State Route Number 1264

Description: From: Route 1266 (Oak Tree Crest)

To: Route 1271 (Sunrise Court)

A distance of: 0.15 miles.

Right of Way Record: Filed on 3/16/2001 in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #010004527

Report of Changes in the Secondary System of State Highways

Sunrise Court, State Route Number 1271

Description: **From:** Route 1264 (Windsor Ridge South)
To: End Of Cul-de-sac
A distance of: 0.04 miles.

Right of Way Record: Filed on **3/16/2001** in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #010004527

Oak Tree Crest, State Route Number 1266

Description: **From:** Route 1264 (Windsor Ridge South)
To: Route 1267 (Eagles Watch)
A distance of: 0.06 miles.

Right of Way Record: Filed on **5/9/2002** in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #020011081

Manor Gate Drive, State Route Number 1260

Description: **From:** Route 1261 (Colonial Crescent)
To: Route 1262 (Longview Landing)
A distance of: 1.26 miles.

Right of Way Record: Filed on **1/7/2000** in the Land Records Office, with a width of 100'.
Recordation Reference: DOC #000000576

Thorngate Drive, State Route Number 1268

Description: **From:** Route 1262 (Longview Landing)
To: Route 1269 (Westover Ridge)
A distance of: 0.04 miles.

Right of Way Record: Filed on **1/11/2000** in the Land Records Office, with a width of 75' - 50'.
Recordation Reference: DOC #000000657

Thorngate Drive, State Route Number 1268

Description: **From:** Route 1269 (Westover Ridge)
To: Route 1270 (Rock Landing Way)
A distance of: 0.15 miles.

Right of Way Record: Filed on **1/11/2000** in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #000000657

Thorngate Drive, State Route Number 1268

Description: **From:** Route 1270 (Rock Landing Way)
To: Route 1269 (Westover Ridge)
A distance of: 0.15 miles.

Right of Way Record: Filed on **1/11/2000** in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #000000657

Thorngate Drive, State Route Number 1268

Description: **From:** Route 1269 (Westover Ridge)
To: End Of Cul-de-sac
A distance of: 0.24 miles.

Right of Way Record: Filed on **1/11/2000** in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #000000657

Report of Changes in the Secondary System of State Highways

Westover Ridge, State Route Number 1269

Description: **From:** Route 1268 (Thorngate Drive)
To: Route 1270 (Rock Landing Way)
A distance of: 0.28 miles.

Right of Way Record: Filed on 1/11/2000 in the Land Records Office, with a width of 50'
Recordation Reference: DOC #000000657

Westover Ridge, State Route Number 1269

Description: **From:** Route 1270 (Rock Landing Way)
To: Route 1268 (Thorngate Drive)
A distance of: 0.16 miles.

Right of Way Record: Filed on 1/11/2000 in the Land Records Office, with a width of 50'
Recordation Reference: DOC #000000657

Rock Landing Way, State Route Number 1270

Description: **From:** Route 1268 (Thorngate Drive)
To: Route 1269 (Westover Ridge)
A distance of: 0.07 miles.

Right of Way Record: Filed on 1/11/2000 in the Land Records Office, with a width of 50'
Recordation Reference: DOC #000000657

Eagles Watch (n), State Route Number 1267

Description: **From:** Route 1267 (Oak Tree Crescent)
To: End Of Cul-de-sac
A distance of: 0.07 miles.

Right of Way Record: Filed on 5/9/2002 in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #020011081

Shadow Lane, State Route Number 1265

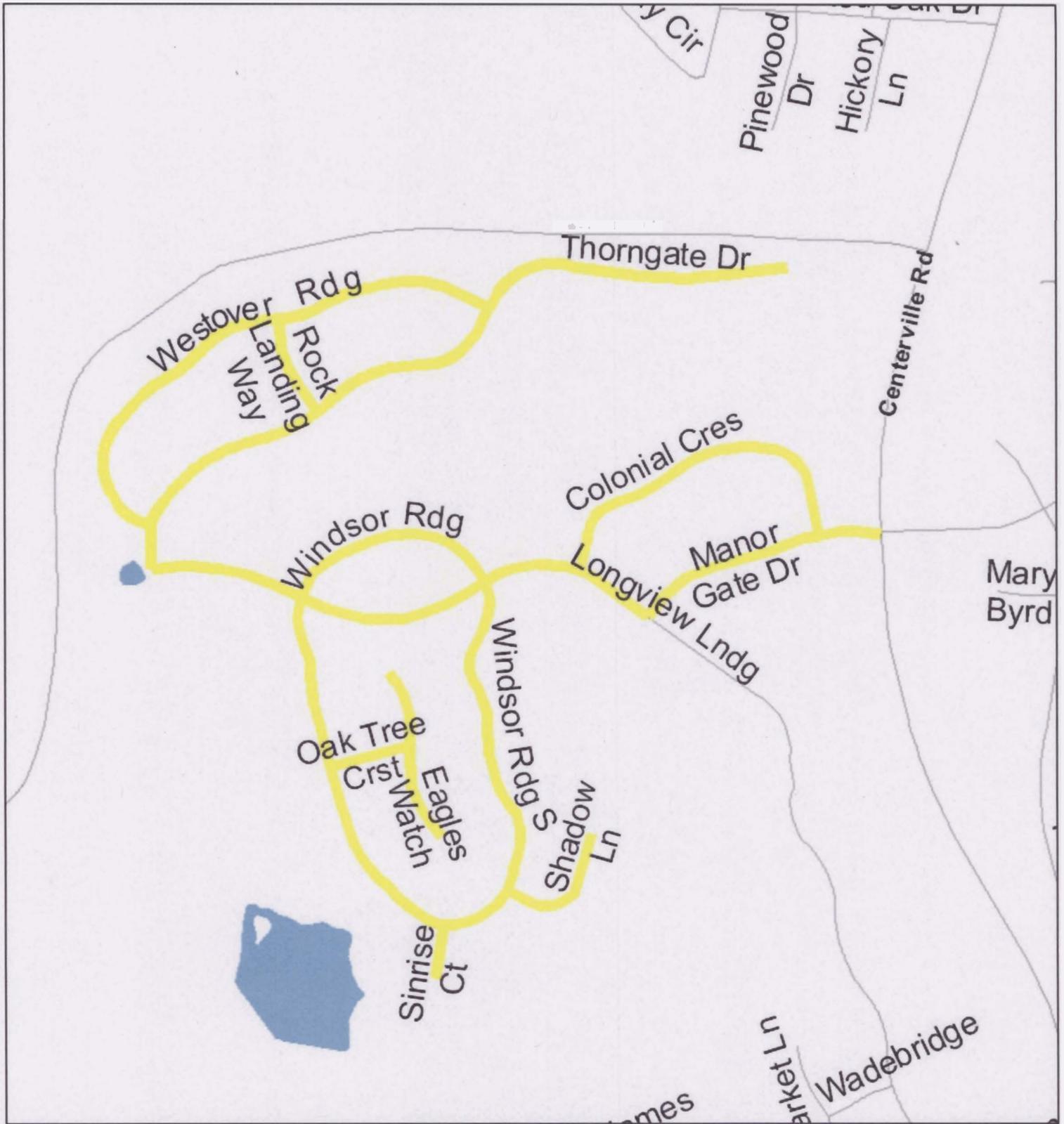
Description: **From:** Windsor Ridge South
To: Shadow Lane (Loop)
A distance of: 0.05 miles.

Right of Way Record: Filed on 12/4/2003 in the Land Records Office, with a width of 50'.
Recordation Reference: DOC #030037973

Shadow Lane, State Route Number 1265

Description: **From:** Shadow Lane (Loop)
To: Shadow Lane (Loop)
A distance of: 0.13 miles.

Right of Way Record: Filed on 12/4/2003 in the Land Records Office, with a width of 50'
Recordation Reference: DOC #030037973



DEDICATION OF STREETS IN GREENSPRINGS WEST, PHASES 1, 2, 3

 Streets Being Dedicated

0 250 500 1,000 1,500 Feet



MEMORANDUM

DATE: March 27, 2007

TO: The Board of Supervisors

FROM: Jane Townsend, Satellite Services Administrator

SUBJECT: Petty Cash - James City County Satellite Services and DMV Select

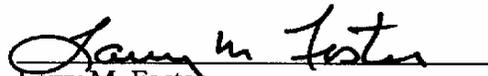
The attached resolution authorizes the Treasurer to create a petty cash fund of \$100 for the James City County DMV Select Account for the purpose of making change. In addition, it increases the petty cash fund for Satellite Services from \$200 to \$400. The increase in the Satellite Services petty cash fund is to facilitate making cash exchanges for the growing number of citizens paying for County services with cash.

It will also result in a savings of money paid to staff through the mileage reimbursement fund by reducing driving to the Government Complex to replenish cash. This will also avoid a shortage of staff assisting the growing number of citizens visiting the Satellite Services/DMV Select offices who currently must close their station to go to the bank for change.

Staff recommends approval of the attached resolution.

Jane Townsend

CONCUR:


Larry M. Foster

JT/nb
PettyCsh.mem

RESOLUTION

PETTY CASH - JAMES CITY COUNTY SATELLITE SERVICES AND DMV SELECT

WHEREAS, the Board of Supervisors of James City County has been requested to authorize a petty cash fund of \$100 for the James City County DMV Select Account and increase the petty cash fund of Satellite Services from \$200 to \$400.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Treasurer to create petty cash of \$100 for the James City County DMV Select and to increase petty cash at Satellite Services to the amount of \$400.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of
March 2007.

PettyCsh.res

MEMORANDUM

DATE: March 27, 2007
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Amended and Restated Contract for the Joint Operation of Schools

The school contract has been renegotiated between the City of Williamsburg and James City County in accordance with the provision of the existing contract. The new contract commences July 1, 2007, and ends June 30, 2012. The key amendments of the new contract are as follows:

- The calculation of the City and County shares of the operating budget has been modified from a “stair step” declining multiplier to a relatively stable multiplier over the five-year period:
FY 2008, 2009, 2010 - 1.15
FY 2011 and 2012 - 1.14
- The operating formula will also be used for capital spending except for the construction of new schools where the City share is set at 3.25 percent of total costs.
- The School Board shall continue to be permitted to retain year-end operating surplus funds. An amount up to \$500,000 may be used for any purpose and any excess can be invested in any school capital project included in the City and County adopted budgets.
- City and County have agreed to appropriate funds to school capital projects exceeding \$1 million in two phases. Phase I is primarily design and Phase II is construction. The Phase II appropriation will follow a City/County review of design plans, including value engineering, constructability, peer review, and capital impacts of redistricting.
- The School Board shall be allowed to reinvest capital project budget balances, up to \$500,000, in any school capital project included in the City and County adopted budget.

All other provisions of the existing contract remain in place.

This new contract continues the partnership that exists between the City of Williamsburg and James City County in supporting public education. The attached joint resolution approves the contract and authorizes the Chairman to sign the agreement on behalf of the Board of Supervisors.

I recommend the Board approve the attached resolution.


Sanford B. Wanner

SBW/gb
SchContract.mem

Attachment

RESOLUTION #
JOINT RESOLUTION TO AMEND THE RESTATED
CONTRACT FOR THE JOINT OPERATION OF SCHOOLS,
CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY

DATE OF DOCUMENT: March 27, 2007

PREAMBLE

By Agreement dated October 9, 1980, the County School Board of James City County, Virginia, and the County of James City, parties of the first part and the School Board of the City of Williamsburg, Virginia and the City of Williamsburg, Virginia, parties of the second part entered into a restated contract for the operation of a joint school system, hereinafter referred to as the "Restated Contract."

By Resolution dated October 9, 1980, the City of Williamsburg (hereinafter referred to as "City") and the County of James City (hereinafter referred to as "County") and their respective school boards amended the funding formula as set forth in the Restated Contract.

By Resolution dated February 27, 1989, the City of Williamsburg and County of James City and their respective school boards, further amended the Restated Contract to provide that James City County would fully pay all costs of constructing three schools as described therein and that the County would have all ownership equity in such schools.

By Resolution dated December 12, 1991, by the City, December 16, 1991, by the County, and December 17, 1991, by the School Boards, (hereinafter referred to as "1991 Resolution") the parties

further amended the Restated Contract by repealing in its entirety the October 9, 1980, Restated Contract and substituting therefore new provisions for all aspects of the contract.

By Resolution dated April 11, 1996, by the City and April 30, 1996, by the County (hereinafter referred to as the "1996 Resolution"), the parties amended the Restated Contract.

By Resolution dated October 9, 2001, by the County, and October 11, 2001, by the City (hereinafter referred to as the "2001 Resolution,") the parties amended the restated contract.

By Resolution dated November 14, 2006, by the County and November 9, 2006, by the City (hereinafter referred to as the "2006 Amendment"), the parties amended the restated contract.

By Resolution dated March 27, 2007, by the County, and April 12th, 2007, by the City (hereinafter referred to as the "2007 Amendment,") the parties amended the restated contract.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that effective July 1,-2007, the funding formula of the *Restated Contract* is amended as follows:

1. Operational Costs. Beginning Fiscal Year 2007/2008, City's contribution toward annual operational costs of the joint school system shall be:

a. A portion of the total operational costs jointly approved by County and City for each fiscal year which portion shall be equivalent to the percentage of City students enrolled in

the joint system determined as hereinafter set forth times an add-on factor that varies by year as follows:

<u>Year</u>	<u>Factor</u>
FY 2008	1.15
FY 2009	1.15
FY 2010	1.15
FY 2011	1.14
FY 2012	1.14

b. For the purposes of calculating the percentage of City students under subparagraph a above, the average school division daily membership shall be computed as of September 30 of the preceding fiscal year which date is here defined as the “determination date.” The percentage thus obtained shall be used in applying the formula to the next fiscal year; provided, certain City/County student populations will be excluded from the funding formula set forth in 1a above as follows:

- Nonresidents (children living in other localities)
- Residents of halfway houses, group homes, detention centers, mental hospitals, or other institutions with no home address in either the City or County.
- Children for whom the school division cannot assign a home address in City or County.

Both City and County shall be entitled to review all pertinent school enrollment records to verify such calculations. Should either City or County, after reviewing such records wish to contest the accuracy of the calculation for any year, it must elect to do so by December 31 immediately following the September 30 calculation cutoff date. The contesting party shall give written notice to the other on or

before December 31 specifying the basis of its disagreement. Upon receipt of such notice, the parties shall meet together as soon as is reasonable practicable and shall in good faith attempt to resolve the dispute. Should such efforts fail, each party shall appoint a certified public accountant as its arbitration representative. Such representatives shall choose an attorney at law duly licensed to practice in Virginia as a third arbitrator. The decision of the arbitrators shall bind both parties. Each party shall compensate its own accountant and the fees of the attorney shall be equally shared by the parties.

“Operational Costs” are all costs of operating the joint school system other than Capital Project Costs and shall include, but not be limited to: Administration, operation of school plants, routine maintenance of school plants, instructional costs, F.I.C.A. taxes and other employer funded employment benefits, repair and replacement of furnishing and equipment.

c. The School board shall be permitted to retain and determine the use of any year-end surplus operating funds up to an amount equal to \$500,000. Any operating funds that exceed that amount shall be dedicated to, the Capital Budget for the following year for projects appearing in the adopted five-year capital improvement programs of both the City and the County.

d. City and County shall pass through any and all of their shares of the State Sales Tax for schools to the schools. The School Board shall determine how such funds shall be used.

e. City and County shall have a responsibility to their respective citizens to assure that funding provided to the school system is spent wisely and efficiently in achieving quality of education for the students.

The funding formula calculated for operational costs in Section 1, above, shall be used to determine the funding by City and County for all Capital Project Costs approved by their respective

governing bodies, except that the City's share of funding for the fourth middle school, ninth elementary school, and any school additions primarily of classroom space shall be three and one quarter percent (3 1/4%) of the Capital Project costs. The foregoing notwithstanding, if any new school other than the fourth middle school and the ninth elementary school are to be contracted for during the five-year term of this agreement, none of which are currently contemplated by the parties, the City and County shall negotiate their respective participation at that time.

"Capital Project Costs" shall include: (a) All costs of land acquisition; all costs of land lease having a term of at least ten (10) years, including but not limited to rents and lease negotiation fees and costs; (b) all construction costs of new buildings including all architectural, engineering, consultation and other design and development costs related thereto; (c) all costs of equipping new buildings, building additions and renovations and other structures or facilities; (d) all construction costs for major renovations of and/or additions to existing buildings, structures and facilities, including all architectural, engineering, consultation and other design and development costs related thereto ("major" being defined for purposes of subsections (d), (e), and (f) as an expenditure in excess of \$50,000); (e) all major studies such as engineering, feasibility, etc., related to existing or proposed school facilities, sites, properties, equipment, etc., (f) all costs for acquisition of major equipment and mechanical systems whether new or replacement; (g) expansion of existing school bus fleet.

City and County agree, for any School capital project with an estimated cost of \$1 million or more, to appropriate funds to the project in two phases:

Phase 1 shall include site acquisition and sufficient engineering and design services to produce reliable cost estimates. Constructability, peer review and value engineering reports shall be reviewed and critically evaluated. The expected capital improvement impact of any required school

attendance zone redistricting shall also be evaluated during Phase 1. This includes identification of additional buses or design changes to existing school facilities to meet new zone requirements.

Phase 2 shall come at the conclusion of Phase 1 and shall result in an appropriation of sums sufficient for construction.

Any capital project balance not to exceed \$500,000 may be retained by the School Board if these funds are invested in a capital project included in the adopted five-year capital improvement programs of both City and County. Project balances exceeding \$500,000 shall be returned to the City and County in the same proportion as they were contributed.

FURTHER RESOLVED that paragraphs 3 through 6 of the Restated Contract are hereby amended and restated as follows:

3. Termination. Either the Williamsburg City Council or the James City County Board of Supervisors may elect to terminate this contract at any time by giving written notice to the other. Unless City and County shall agree otherwise, termination shall become effective at the close of the school year next following the school year during which notice was given.

In the event of termination, the City shall have one hundred percent (100%) equity in all school facilities located within the City's corporate limits and the County shall have one hundred percent (100%) equity in all school facilities located in the County; provided, however, that the non-situs locality shall have an equity interest in any real property located in the other locality which was used for school purposes, equal to all capital contributions made by the non-situs locality for the erection or improvement of buildings on such real property subsequent to July 1, 1997; provided, however, that 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 City's equity position in Warhill High School or any other currently operating school buildings chosen by City. City relinquishes all equity interest in Matoaka Elementary School and the unnamed fourth middle and ninth elementary schools effective November 1, 2006.

In event that any building previously used for educational purposes under this contract ceases to be used as such, and is declared surplus by a resolution of the School Board, then full ownership of such building, the land upon which it is located, together with all other related facilities, shall vest in the locality in which the building is located; provided, however, that the non-situs locality shall have an equity interest in such building and land, equal to all capital contributions made by the non-situs locality for the erection or improvement of such building subsequent to July 1, 1997.

"Facilities" shall include all real and personal property located at a school site. School-owned real property not identified with a specific school site and owned as of June 30, 2002, shall be distributed 26% to City and 74% to County. Real property acquired after June 30, 2002, shall be distributed based on the proportional funding at the time the acquisition/construction is made. Personal property not identified with a specific school site shall be distributed between City and County on a formula that represents the average operating budget funding percentage as calculated using the five most recent annual budgets. Such non school site property includes, but is not limited to, central administration and operations real and personal property, school buses, vehicles and equipment not used primarily at a particular school.

In applying the above percentages to non school site property, the current values of such properties shall be determined as follows:

Real Property - Fair market value based on comparable sales and highest and best use.

School Buses - As shown in most recent issue of valuation booklet for school buses, "Yellow Book" published by Yellow School Buses, P.O. Box 261, Los Angeles, CA 90078 or if out of publication, as determined by other mutually agreeable method.

Other Personal - Acquisition cost depreciated over five (5) years with ten percent (10%) salvage value.

4. School Board Membership. Effective July 1, 1993, City's School Board shall consist of two (2) members and County's School Board shall consist of five (5) members. The two School Boards shall serve as one Board for all decisions regarding operation of the joint school system including the hiring and firing of the superintendent.

5. Review of Contract. The Restated Contract as here amended shall be reviewed by City and County prior to the fiscal year beginning July 1, 2012, and every fifth (5th) year thereafter. Each review shall commence not later than January of the previous fiscal year. The parties intend that any subsequent amendments to the Restated Contract shall result from the regularly scheduled reviews, and each party represents to the other its intent to withhold requests for further amendments until the time of such scheduled reviews unless urgent necessity dictates otherwise.

6. Effective Date of Amendments. All future amendments to the Restated Contract as here amended shall become effective on the July 1 following the fiscal year in which the parties reach written agreement as to such amendment.

IN WITNESS WHEREOF, Pursuant to resolution duly adopted, the City of Williamsburg, Virginia, on this 12th day of April, 2007; the County of James City on the 27th day of March, 2007.

COUNTY OF JAMES CITY

By: John J. Mc Glennon
Chairman

ATTEST:

Sanford Warner
Clerk

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

CITY OF WILLIAMSBURG

By: Heaven Rodde
Mayor

ATTEST:

Shelia Y. Crist
Clerk