

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF DECEMBER, NINETEEN HUNDRED NINETY-THREE, AT 7:01 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Judith N. Knudson, Chairman, Jamestown District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
David L. Sisk, Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION - Employee Outstanding Service Awards

Ms. Knudson congratulated the recipients and presented Award of Excellence plaques to Police SWAT Team members: Charles M. Braman, David A. Daigneault, Franklin E. Frazier, Brian K. Staton, Dennis J. Clarcq, Ricardo C. Wright, Stephen A. Rubino, David B. Collins, Patrick E. Murray, Wayne S. Warren, David C. Luchard, and John T. Fitzpatrick; and to Landfill employees: C. Wesley Saunders, Woodrow Hockaday, Jr., Charles E. Silvers, Phillip M. Davidson, L. Edward Kerns, Jr., and James M. Bostick.

C. MINUTES - November 15, 1993

Ms. Knudson asked if there were corrections or additions to the minutes.

Mr. Sisk made a motion to approve the minutes.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Sisk, Knudson (5).
NAY: (0).

D. CONSENT CALENDAR

Ms. Knudson asked if any Board member wished to remove an item from the Consent Calendar.

Ms. Knudson made a motion to approve the Consent Calendar.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Sisk, Knudson (5).
NAY: (0).

1. Dedication of Streets in Bradshaw Ordinary, Sections 1 and 2; Chisel Run, Sections 3A, 3B, and 4

RESOLUTIONDEDICATION OF STREETS IN BRADSHAW ORDINARY, SECTIONS 1 AND 2

WHEREAS, the following roads in Bradshaw Ordinary, Sections 1 and 2 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Bradshaw Ordinary, Sections 1 and 2 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following roads in Bradshaw Ordinary, Sections 1 and 2, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Bradshaw Drive, 50-foot Right-of-Way
From: Route 615 (Ironbound Road)
To: End of T-turnaround
Distance: 2,051 feet (0.39 mile)
2. Brannan Lane, 40-foot Right-of-Way
From: Bradshaw Drive
To: End of T-turnaround
Distance: 145 feet (0.03 mile)
3. Kathleen Way, 40-foot Right-of-Way
From: Bradshaw Drive
To: End of T-turnaround
Distance: 164 feet (0.03 mile)
4. Ernest Lane, 40-foot Right-of-Way
From: Bradshaw Drive
To: End of T-turnaround
Distance: 177 feet (0.03 mile)
5. Knott Place, 40-foot Right-of-Way
From: Bradshaw Drive
To: End of T-turnaround
Distance: 193 feet (0.04 mile)

The unencumbered rights-of-way of 40 and 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Bradshaw Ordinary, Section 1, recorded in Plat Book 53, Pages 24, 25, and 26, dated November 14, 1990; and Bradshaw Ordinary, Section 2, recorded in Plat Book 58, Page 49, dated October 27, 1993.

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

R E S O L U T I O N

DEDICATION OF STREETS IN CHISEL RUN, SECTIONS 3A, 3B, AND 4

WHEREAS, the following roads in Chisel Run, Sections 3A, 3B, and 4 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Chisel Run, Sections 3A, 3B, and 4 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following roads in Chisel Run, Sections 3A, 3B, and 4, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Chisel Run Road, 50-foot Right-of-Way
 From: Route 1511 (King Henry Way)
 To: End of cul-de-sac
 Distance: 2,215 feet (0.42 mi)

The unencumbered rights-of-way of 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Street Dedication Plat for Chisel Run Road, recorded in Plat Book 57, Page 76, dated January 1, 1992, (revised June 10, 1993).

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

2. Underground Fuel Storage TanksR E S O L U T I O NUNDERGROUND STORAGE TANKS

WHEREAS, the Board of Supervisors of James City County has solicited bids to remove and replace existing underground fuel storage tanks in order to comply with both Federal and State law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the award of a contract for the removal and replacement of underground storage tanks to Southside Tank Service, Inc., in the amount of \$176,861.

E. PUBLIC HEARINGS1. Case No. SUP-33-93. Spencer Brothers Builders - Duplex

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Kenneth C. Spencer had applied on behalf of Spencer Brothers Builders, Inc., for a special use permit to allow construction of a two-family dwelling on .35 acres, zoned R-2, General Residential, located off Strawberry Plains Road, further identified as Parcel (1-9) on James City County Real Estate Tax Map No. (39-3).

Mr. Sowers further stated that the project was consistent with the Comprehensive Plan and surrounding development and zoning.

In concurrence with staff, the Planning Commission unanimously recommended approval with conditions listed in the resolution.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Sisk, Knudson (5).
NAY: (0).

R E S O L U T I O NCASE NO. SUP-33-93. SPENCER BROTHERS BUILDERS - DUPLEX

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following a public hearing on November 9, 1993, voted 9-0 and recommended approval of Case No. SUP-33-93 to

permit a duplex in the R-2, General Residential District, on property identified as Parcel (1-9) on James City County Real Estate Tax Map No. (39-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-33-93 as described herein with the following conditions.

1. This special use permit shall remain in affect for a period of 18 months from the date of issuance. If within this time building permits are issued, the special use permit shall remain in affect for the term of those permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
2. The site shall be limited to one two-family dwelling.
3. The property shall be limited to one entrance on Strawberry Plains Road.

2. Case No. Z-9-93. Five Forks Associates

3. Case No. SUP-31-93. Five Forks Associates

Ms. Elizabeth R. Friel, Senior Planner, advised the Board that David Papenfuse, Williamsburg-James City County Schools, on behalf of the Williamsburg-James City County School Board, had requested deferral of these cases for two weeks to allow time to review impact of service entrance to development being located directly across from entrance to Clara Byrd Baker Elementary School. Staff concurred with deferral request.

Ms. Friel stated that Mr. C. Lewis Waltrip, II, had applied on behalf of Five Forks Associates to rezone approximately 8.8 acres from B-1, General Business, with proffers, to B-1, General Business, with revised proffers, and 1.8 acres from B-1, General Business, to B-1 General Business, with proffers, located at the southeast intersection of Ironbound Road and Route 5, further identified as the northern portion of Parcel (1-54) and Parcels (1-40), (1-41), and (1-42) on James City County Real Estate Tax Map No. (47-1).

Ms. Friel further stated that Mr. Waltrip had applied to rezone adjacent property from R-2, General Residential, with proffers, to R-2, General Residential, with revised proffers, located south of the above mentioned B-1 site on Ironbound Road, further identified as Parcel (1-54) on James City County Real Estate Tax Map No. (47-1).

In addition, Ms. Friel stated that Mr. Waltrip had applied for a special use permit to allow commercial development in excess of 10,000 square feet to accommodate a commercial proposal on property zoned B-1, General Business.

Ms. Friel explained the revised proffers, traffic impacts, 50-foot buffer on Route 5, phasing of development, and stated the rezoning was consistent with the Comprehensive Plan and surrounding residential development and zoning.

In concurrence with staff, the Planning Commission unanimously recommended approval of Case No. Z-9-93 with revised proffers, and Case No. SUP-31-93 with conditions listed in the resolution.

Ms. Knudson opened the public hearing.

1. Mr. Vernon Geddy, III, Esq., described an attractive commercial development, in phases, with emphasis on the scenic nature of Route 5. He asked for approval of the cases.

Mr. Edwards suggested that the applicant reconsider the importance of having fast-food restaurants on out parcels.

Mr. Geddy responded in the affirmative.

2. Mr. George Wright, 148 Cooley Road, President of the Historic Route Five Association, reiterated his statement made to the Planning Commission that the Historic Route Five Association appreciated efforts to preserve a green look at the Five Forks intersection. He urged the Board to make every effort to ensure quality development along Route 5.

With Board agreement, Ms. Knudson continued the public hearing, and deferred the cases until the December 20, 1993, Board of Supervisors' meeting.

4. Ordinance Amendment, Chapter 13, Offenses, Miscellaneous Discharge of Firearms In or Near Recorded Subdivision

Mr. Leo P. Rogers, Assistant County Attorney, stated that the proposed ordinance amendment would allow, as an exception, the discharge of a firearm in or near a recorded subdivision as part of controlled wildlife reduction. He further stated that Virginia Department of Game and Fisheries would issue a permit for a hunt, which would be conducted during regular hunting season and approved by James City County Chief of Police.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Ms. Knudson made a motion to approve the Ordinance amendment.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Sisk, Knudson (5).
NAY: (0).

F. BOARD CONSIDERATIONS

1. Proposed Virginia Public School Authority Bond Refunding

Mr. John E. McDonald, Manager of Financial and Management Services, stated that Virginia Public School Authority (VPSA) had refinanced major bond issues and proposed to return part of the savings to localities who have sold debt to VPSA.

Staff recommended approval of the resolution authorizing the refunding.

Ms. Knudson made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Sisk, Knudson (5).
NAY: (0).

2. Richmond Road Signalization Study

Mr. Sowers stated that the Hampton Roads Planning District Commission, in cooperation with Virginia Department of Transportation and James City County Planning Division,

had conducted a signalization study to determine the effects of additional traffic signals on Richmond Road and identify locations for future signals. He introduced Ms. Dee Ann Abel from Hampton Roads Planning District Commission.

Staff recommended endorsement of the study as an objective, systematic means to preserve Richmond Road's arterial function, through-traffic handling capabilities and provide local access demand, and as a guide when considering development applications.

Ms. Knudson made a motion to approve the resolution.

The Board noted the benefits of the study as a planning tool.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Sisk, Knudson (5).

NAY: (0).

R E S O L U T I O N

RICHMOND ROAD SIGNALIZATION STUDY

WHEREAS, additional traffic signals on Richmond Road are projected to be needed in the future; and

WHEREAS, the study offers means to preserve Richmond Road's arterial function, while providing local access.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Richmond Road Signalization Study is accepted as a study to be used in considering development applications.

Mr. Sisk left the meeting at 8:00 p.m.

G. PUBLIC COMMENT

1. Mr. John Edgerton, 226 Rolfe Road, Williamsburg, Commander of the Disabled American Veterans, Chapter 34, asked the Board to include a special category for disabled veterans when considering the ordinance amendment for a special personal property tax rate for disabled persons.

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

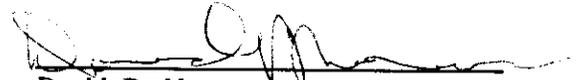
Ms. Knudson made reference to a Reading File memorandum from John T. P. Horne, Manager of Development Management, regarding appointment of a citizen-at-large to the Regional Issues Committee at the January 1994 organizational meeting.

Ms. Knudson stated she had spoken to the Registrar about concerns of parking and access for citizens who vote at the Williamsburg Jamestown Airport hangar, and asked staff to review the State Code relative to a potential move of Jamestown District Precinct B polling place from Williamsburg Jamestown Airport to Clara Byrd Baker Elementary School by next year's fall election.

Mr. Taylor made a motion to adjourn.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Knudson (4). NAY: (0). ABSENT: Sisk (1).

The Board adjourned at 8:10 p.m.



David B. Norman
Clerk to the Board

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ORDINANCE NO. 56A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 13-36, SAME-DISCHARGE OF FIREARMS, ETC., IN OR NEAR RECORDED SUBDIVISION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 13-36, Same-discharge of firearms, etc., in or near recorded subdivision.

Chapter 13. Offenses - Miscellaneous

Section 13-36. Same--Discharge of firearms, etc., in or near recorded subdivision.

(a) It shall be unlawful for any person to discharge any firearms or air-operated or gas-operated weapons in or within three hundred (300) feet of the boundaries of any recorded subdivision located in the county.

(b) For purposes of this section, recorded subdivision shall mean any subdivision a plat of which has been recorded in the clerk's office for the circuit court of the county.

(c) The prohibition contained in this section shall not apply to the following:

(1) The discharge of guns in a private basement, cellar or like target range.

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Chapter 13. Offenses - Miscellaneous
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- (2) The discharge of weapons in defense of one's life or to kill any dangerous animal.
- (3) The discharge of weapons by any duly authorized peace officer or law enforcement official acting in the performance of his duties.
- (4) *The discharge of a weapon by any person participating in a hunt for which a permit for controlled wildlife reduction has been issued by the Virginia Department of Game and Inland Fisheries; such hunt shall also be approved by the James City County Chief of Police who shall review the action plan for such a hunt to provide for the health, safety and welfare of residents and participants. Such review shall include, but not be limited to, the area in which the weapons may be discharged; the caliber of the weapons to be used; measures to be implemented to keep nonparticipants in the hunt from entering the area; the number of participants; and the days and hours of such a hunt.*

State law reference - see Code of Va., Sections 15.1-518, 15.1-518.1.

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Judith N. Knudson, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 6th day of
December, 1993.

FirearmO.Ord

Resolution No. _____

RESOLUTION AUTHORIZING THE ISSUANCE OF \$23,960,000 GENERAL OBLIGATION SCHOOL BOND, REFUNDING SERIES 1994 A OF THE COUNTY OF JAMES CITY, VIRGINIA, TO BE ISSUED IN EXCHANGE FOR AN AGGREGATE LIKE PRINCIPAL AMOUNT OF CERTAIN OUTSTANDING BONDS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD, AND A LUMP SUM CASH PAYMENT TO BE MADE, BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND SETTING FORTH THE FORM AND DETAILS OF SUCH REFUNDING BOND.

WHEREAS, the Board of Supervisors (the "Board") of the County of James City, Virginia (the "County") has received a written offer dated October 29, 1993 from the Virginia Public School Authority (the "Authority") to exchange certain outstanding general obligation school bonds of the County held by the Authority for (i) an aggregate like principal amount of non-callable bonds of the same tenor and (ii) a lump sum cash payment, and the Board has determined to accept such offer and to issue its general obligation school refunding bond in exchange for an aggregate like principal amount of certain outstanding bonds of the County held, and a lump sum payment to be made, by the Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA:

1. **Authorization of the Refunding Bond.** The Board hereby determines that it is advisable to issue its refunding bond in the amount of \$23,960,000 (the "Refunding Bond") for the purpose of refunding an aggregate like principal amount of outstanding general obligation school bonds of the County the principal terms of which are set forth in Exhibit A (the "Refunded Bonds"). The issuance of the Refunding Bond in exchange for the Refunded Bonds and a lump sum cash payment upon the terms established pursuant to this Resolution is hereby authorized.

2. **Details of the Bonds.** The Refunding Bond shall have the principal provisions set forth in, and shall be issued as a single, typewritten bond substantially in the form attached hereto as, Exhibit C. On twenty (20) days written notice from the Authority, the County shall deliver, at its expense, the Refunding Bond in marketable form in denominations of \$5,000 and whole multiples thereof, as requested by the Authority, in exchange for the typewritten Refunding Bond.

3. **Payment: Paying Agent and Bond Registrar.** The following provisions shall apply to the Refunding Bond:

(a) For as long as the Authority is the registered owner of the Refunding Bond, all payments of principal of, premium, if any, and interest on the Refunding Bond shall be made in immediately available funds to the Authority at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, if applicable, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, if applicable.

(b) All overdue payments of principal or interest shall bear interest at the applicable interest rate or rates on the Refunding Bond.

(c) Crestar Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Refunding Bond.

4. **Execution of the Bonds.** The Chairman or Vice-Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Refunding Bond in the principal amount of \$23,960,000 and to affix the seal of the County thereto.

5. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and interest on the Refunding Bond authorized by this Resolution as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and each year while the Refunding Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on the Refunding Bond as such principal and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

6. **Tax Covenant.** The County covenants to take all action, and to refrain from taking any action, necessary under the Internal Revenue Code of 1986, as amended, to ensure that interest on the Refunding Bond will remain excludable from gross income for Federal income tax purposes to the same extent as it is excludable on the date of issue thereof.

7. **Certificate.** The appropriate officers and agents of the County are hereby authorized and directed to execute and deliver the Certificate substantially in the form attached hereto as Exhibit D, including the Form 8038-G appended thereto.

8. **Exchange of the Bonds.** It is determined to be in the best interests of the County to issue the Refunding Bond to the Authority in exchange for the Refunded Bonds and the lump

sum cash payment set forth in Exhibit B. The appropriate officers of the County are hereby authorized and directed to exchange the Refunding Bond with the Authority for the Refunded Bonds and the lump sum cash payment. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Administrator to participate in the State Non-Arbitrage Program in connection with the expenditure of the lump sum cash payment.

9. **Certification and Filing.** The Clerk of the Board is hereby authorized and directed to file a certified copy of this Resolution with the Circuit Court of the County.

10. **Further Actions.** Each Supervisor and all other officers, employees and agents of the County are authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and exchange of the Refunding Bond for the Refunded Bonds and the lump sum cash payment and to accept and comply with the terms of the offer of the Authority.

11. **Effective Date.** This Resolution shall take effect immediately.

* * * *

The undersigned Clerk of the Board of Supervisors of the County of James City, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of the resolution adopted by the Board of Supervisors at a regular meeting, during which a quorum was present, and that said resolution has not been amended, modified or rescinded since its adoption and remains in full force and effect as of this date.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of James City, Virginia, this 6th day of December, 1993.


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

[SEAL]