

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF MARCH, NINETEEN HUNDRED NINETY-SEVEN, AT 5:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Robert A. Magoon, Jr., Chairman, Jamestown District  
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District  
Perry M. DePue, Powhatan District (Absent)  
Stewart U. Taylor, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. WORK SESSION**

1. Williamsburg Area Visitors Shuttle

Mr. Magoon called the meeting to order and Mr. Wanner introduced Mr. Anthony Conyers, Jr., Manager of Community Services, and Mr. Doug Powell, Assistant Manager of Community Services, who presented the background, funding, operations, marketing and schedules for the Williamsburg Area Visitors Shuttle, scheduled to start on Memorial Day. Board and staff also discussed the Memorandum of Agreement that would be considered at the James City County Transit Company meeting scheduled for later in the evening.

Mr. Magoon recessed the Board for a James City County Transit Company Board of Directors' meeting.

Mr. DePue arrived at 5:45 p.m.

Mr. Magoon reconvened the Board and recessed for dinner at 5:47 p.m.

Mr. Magoon reconvened the Board at 7:00 p.m.

**C. PRESENTATION**

1. Fire Service, Fire Chief Richard Miller

Mr. Richard Miller, Fire Chief, presented a report on fire service showing the number of times called, increase in response time, improvements in effectiveness, safety program, types of incidences and proposed fire station for Greensprings Road area.

**D. MINUTES -** February 16, 1997, Special Meeting  
February 24, 1997, Executive Session  
February 25, 1997, Regular Meeting

Mr. Magoon asked if there were additions or corrections to the minutes.

Mr. Edwards made a motion to approve the three sets of minutes.

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

**E. CONSENT CALENDAR**

Mr. Magoon asked if a Board member wished to remove any items from the Consent Calendar.

Mr. Sisk asked that Item No. 6 be removed.

Mr. DePue asked that Item No. 2 be removed.

Mr. Edwards made a motion to approve Item Nos. 1, 3, 4, and 5 on the Consent Calendar.

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

**1. Eligibility Worker Appreciation Week**

**RESOLUTION**

**ELIGIBILITY WORKER APPRECIATION WEEK**

WHEREAS, Virginia's landmark welfare reform legislation has significantly impacted the services provided by local eligibility workers, calling upon them to creatively promote individual self-sufficiency and personal responsibility; and

WHEREAS, James City County's eligibility workers have been at the forefront of public efforts to meet that need, steadily maintaining a high rate of application processing to ensure that those qualified for social services receive them; and

WHEREAS, more than 3,000 James City County residents are served monthly through the Food Stamp, Medicaid, and Temporary Assistance to Needy Families programs, and depend on the dedication and commitment of eligibility workers who handle their cases in an accurate and timely manner.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of James City County, Virginia, does hereby commend all eligibility workers in James City County for a job well done and recognizes the week of March 16-22, 1997, in James City County as Eligibility Worker Appreciation Week, calling upon all of our citizens to join in acknowledging their public service and contributions.

**3. Budget Amendment - Communications and Neighborhood Connections**

**RESOLUTION**

**BUDGET AMENDMENT - COMMUNICATIONS AND NEIGHBORHOOD CONNECTIONS**

WHEREAS, James City County has been granted a donation of \$500 by Old Point National Bank for the Neighborhood College.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation of additional monies within the FY 97 Operating Budget:

Revenues

Neighborhood Connections \$500

Expenditures

Recognition - 001-034-0311 \$500

4. Temporary Appointment of Zoning Administrator

**RESOLUTION**

**TEMPORARY APPOINTMENT OF ZONING ADMINISTRATOR**

WHEREAS, pursuant to Section 20-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator; and

WHEREAS, a temporary appointment is necessary beginning November 1, 1996, and ending May 31, 1997; and

WHEREAS, the Director of Development Management recommends that Allen J. Murphy, Jr., be temporarily appointed in this position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Allen J. Murphy, Jr., as Zoning Administrator for the interim period specified herein.

5. Grove Housing Site Development - Community Development Block Grant Application

**RESOLUTION**

**GROVE HOUSING SITE DEVELOPMENT**

**COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant Program (VCDBG); and

WHEREAS, two public hearings have been held regarding this application, in compliance with VCDBG citizen participation requirements; and

WHEREAS, James City County wishes to apply for \$500,000 in VCDBG funds to be used in undertaking the Grove Housing Site Development Project; and

WHEREAS, \$674,000 in local funds are allocated to the project and will be expended on this project; and

WHEREAS, the project is anticipated to benefit 60 households of which 42 will be low- and moderate-income households by providing sites for affordable housing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to file an application including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development and to provide such additional information as may be required by the Department.

BE IT FURTHER RESOLVED that the County Administrator be authorized to accept a grant award for the Grove Housing Site.

2. Recognition of March as Purchasing Month

Mr. DePue stated that the Purchasing Department was holding a series of meetings with local vendors to exchange information and ideas. Mr. DePue encouraged local businesses to participate.

Mr. DePue made a motion to approve the resolution.

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

**PROCLAMATION**

**MARCH 1997 AS PURCHASING MONTH**

WHEREAS, the purchasing and materials management profession plays a significant role in the quality, efficiency, and profitability of all business and government throughout the United States; and

WHEREAS, in addition to the simple purchase of goods and services, the purchasing and materials management profession engages in or has direct responsibility of executing, implementing and administering contracts; developing procurement strategies; supervision and/or monitoring the flow and storage of materials; and developing working relationships with suppliers and other departments within the organizational unit; and

WHEREAS, the persons engaged in the purchasing and materials management profession generally subscribe to the highest ideals of ethical behavior; and believe in the dignity and worth of the services rendered by the organization.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, do hereby proclaim the month of March 1997 as Purchasing Month and encourage all citizens to join us in commemorating this observance.

6. Contribution - Williamsburg Land Conservancy

Mr. Sisk made a motion to appropriate the funds from Green Space funds rather than Operating Contingency.

Staff responded that the Green Space fund should be preserved in its entirety for forthcoming acquisition of properties and that the contribution was an ongoing operational item for Operating Contingency funds.

On a roll call, the vote was: AYE: Taylor, Sisk (2). NAY: Edwards, DePue, Magoon (3).

Mr. Sisk made a motion to approve the resolution as written.

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

## RESOLUTION

### CONTRIBUTION - WILLIAMSBURG LAND CONSERVANCY

WHEREAS, the Board of Supervisors of James City County has been requested to provide funds in the amount of \$10,000 to the Williamsburg Land Conservancy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contribution of \$10,000 and the following budget transfer to appropriate the payment:

From:

Operating Contingency	<u>\$10,000</u>
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To:

Williamsburg Land Conservancy	<u>\$10,000</u>
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Mr. Magoon read and presented the Eligibility Worker Appreciation Week resolution to Diana Hutchens, Director of Social Services, and Vivian VanHolten, Eligibility Supervisor, Social Services.

Ms. Hutchens and Ms. VanHolten thanked the Board.

#### F. PUBLIC HEARINGS

1. Case No. SUP-33-96. Sharon Dennis Day Care Center

Mr. Gary Pleskac, Planner, stated that Ms. Sharon Dennis had applied for a special use permit to operate a child day care center in a facility owned by the Williamsburg Unitarian Universalist Church, zoned R-8, Rural Residential, located at 3051 Ironbound Road, further identified as Parcel No. (1-65A) on James City County Real Estate Tax map No. (47-1).

Mr. Pleskac explained the proposed use, access and traffic impacts, and stated staff had determined that the proposed use was compatible with surrounding land uses and consistent with the Comprehensive Plan.

In concurrence with staff, the Planning Commission by a 7-0 vote recommended approval of the application with conditions listed in the resolution.

Mr. Magoon opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the resolution.

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

**RESOLUTION**

**CASE NO. SUP-33-96. SHARON DENNIS DAY CARE CENTER**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain land uses requiring a special use permit; and

WHEREAS, James City County Planning Commission following its public hearing on February 3, 1997, vote 7-0 to approve SUP-33-96 to permit the operation of a child day care center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does permit the issuance of SUP-33-96 as described herein with the conditions listed below:

1. The proposed use shall have no more than thirty children at this facility at any one time. Additional children above the number of 30 will require an additional special use permit. Any physical expansion of the proposed facility will require an additional site plan amendment to SP-93-94.
2. The proposed use shall take occupancy of the facility within one year of the date of issuance of the special use permit or the special use permit shall become void.

2. Case No. SUP-11-96. Virginia Metronet/360° Communications (Brick Bat Road (Continued from February 25, 1997))

Mr. Pleskac stated that Mr. M. E. "Dick" Gibson had applied on behalf of Virginia Metronet, Inc., doing business as 360° Communications Company for a special use permit to allow construction of a cellular telecommunications tower facility on approximately .3 acres, consisting of a 185-foot free-standing tower and two 12 foot x 28 foot equipment huts at 3470 Brick Bat Road, zoned A-1, General Agricultural, further identified as a portion of Parcel No. (1-18) on James City County Real Estate Tax Map No. (44-2).

Mr. Pleskac stated that the applicant requested deferral at the February 25, 1997, Board of Supervisors' meeting to allow time to modify his proposal to conform to proposed County policies and implementation measures pertaining to wireless communications towers. He further stated that the applicant had revised his proposal regarding recommended 100-foot buffers around site; 110 percent setback of tower height; bond for removal of tower; area for more than one tower; and use of a stealth tower design.

Staff determined that the revised site plan would accommodate another tower and conformed to all aspects of the new policies regarding wireless telecommunications facilities and met the intent of the new policies and implementation measures. Staff recommended approval of the special use permit with conditions listed in the resolution.

Mr. Magoon opened the public hearing.

1. Mr. M. E. "Dick" Gibson, applicant, stated the deficiencies of the application had been addressed to bring it into conformity with the policies. He listed as positive factors: reduced visibility from residents, elimination of need for lighting with 180-foot tower, and provision of second site available for future needs. He asked the Board to approve the special use permit.

Board, staff and the applicant discussed exact height of tower, and with addition of antenna on top.

2. Mr. Arthur C. Hilstrom, 3724 Brick Bat Road, asked the Board to help the residents by not approving the telecommunications towers.

3. Mr. Stanley R. Milton, 136 Saw Mill Road, strongly opposed the towers and asked the Board to consider relocating them to another less visible site.

4. Mr. James Skinner, One Mile Course, stated the towers were unnecessary and would devalue property. He emphasized the permit, if approved, should contain a condition that the tower would be dismantled when no longer in use.

Mr. Magoon closed the public hearing.

Mr. DePue made a motion to deny the special use permit.

Mr. Taylor stated he had signed and filed a disclosure statement because a company had approached him about a tower site on his property. He stated that the Commonwealth's Attorney determined that he did not have a conflict and could vote on the case.

Board and staff discussed the responsibility for finding another site in the County less intrusive to residents since the need for towers are in this specific area, and the ability to provide service may be a requirement of the Telecommunications Act of 1996.

Mr. Edwards made a motion to defer action until the next Board of Supervisors' meeting.

Individual Board members requested another balloon test at this site, perhaps check Geographic Information System maps for alternative sites, and obtain technical information about telecommunications towers from an independent party.

Mr. Magoon asked the applicant if the telecommunications industry would consider providing a Master Plan which showed impact of towers on private property.

Mr. Sisk made a motion to reconsider the time limit on the motion to defer, and to defer indefinitely and readvertise a public hearing when the case was brought forward.

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

Mr. Magoon declared a recess at 9:20 p.m.

Mr. Magoon reconvened the Board at 9:27 p.m.

3. Case No. SUP-17-96. PrimeCo Personal Communications/Stonehouse, Inc. (Continued from February 25, 1997)

Mr. Paul D. Holt, III, Planner, stated that the applicant had asked for a deferral of the case until the March 25, 1997, Board of Supervisors' meeting to allow additional time to comply with new policies and implementation measures.

Staff concurred with the applicant's request for deferral.

Mr. DePue suggested a balloon test particularly if the site was moved.

Mr. Magoon opened the public hearing.

1. Mr. Ed Hoopes, 204 Sand Drive West, stated the site should be moved to the other side of Interstate 64 and asked whether the towers create a safety issue for health.

2. Ms. Annie Penn, 115 Sand Hill Road, stated the towers should have to be removed at the time satellites are available, balloon tests should be done to produce evidence of visibility, and applicant should find more suitable place for towers.

Staff noted that balloon test photographs are available for citizens who wish to view them.

3. Ms. Alice Walton, 133 Sand Hill Road, stated that towers would be a significant intrusion on the neighborhood and questioned the meaning of stealth design.

4. Mr. James Penn, 115 Sand Hill Road, spoke in opposition for safety reasons of children in neighborhood and the need to widen road for truck traffic and equipment.

Mr. Sisk asked the applicant to consider sites on the north side of Interstate 64.

Without objection, Mr. Magoon continued the public hearing until the March 25, 1997, Board of Supervisors' meeting.

4. Case No. SUP-19-96. Virginia Metronet, Inc. (Centerville Road) (Continued from February 25, 1997)

Mr. Holt stated that Mr. M. E. "Dick" Gibson, Attorney for Virginia Metronet, Inc., doing business as 360° Communications Company, had applied on behalf of Sleepy Hollow Corporation of Toano for a special use permit to allow construction of a 250-foot communications tower and related equipment, zoned A-1, property located off Centerville Road, approximately 1/2 mile north of Longhill Road, further identified as Parcel No. (1-84) on James City County Real Estate Tax Map No. (31-1).

Mr. Holt further stated that the conceptual site plan addressed each of the issues and conformed to all aspects of the new policies regarding wireless telecommunication facilities. He requested addition of language to the resolution in Condition 12 to read ...said portion remains unused "as a wireless communication facility or unused as a facility that supports public safety antenna" for a period...

Staff recommended approval of the case with conditions listed in the amended resolution.

Mr. Magoon opened the public hearing.

1. Mr. M. E. Gibson, Esq., on behalf of the applicant, stated the site was ideal and strategically located for towers in the County, and asked the Board to approve the special use permit.

Mr. Magoon closed the public hearing.

Mr. DePue made a motion to approve the resolution.

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

**RESOLUTION**

CASE NO. SUP-19-96. VIRGINIA METRONET/360° COMMUNICATIONS

(CENTERVILLE ROAD)

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 following its public hearing on October 7, 1996, voted to recommend the Board defer the request until the completion of a revised ordinance or master plan for the placement of personal wireless communication facilities in the County; and

WHEREAS, the applicant has requested a special use permit to allow for the construction of a 250 foot communications tower and related equipment at the Massie Mineral Reserve Recovery Area, on property further identified as Parcel No. (1-84) on James City County Real Estate Tax Map No. (31-1).

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-19-96 as described herein with the following conditions:

1. All towers shall be designed and constructed for at least four (4) users and shall be certified to that effect by an engineering report prior to the site plan approval.
2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval. Where the tower meets the structural criteria outlined above, the minimum side and rear yard setback may be consistent with the corresponding zoning district requirement. In the event the tower does not meet the above requirements, then the minimum setback requirement from the base of the tower to any property line shall be equal to one hundred and ten (110) percent of the height of the tower. Additionally, no tower shall be located closer than two hundred (200) feet from an existing residential structure, regardless of the district in which the structure is located. However, in no case, shall setbacks or tower design be such that a collapsed tower will fall outside a property line as documented in the aforementioned report and all setbacks shall be a minimum of 110 percent of the collapse radius documented in that report. The tower shall also be setback from any existing public or planned street right-of-way a minimum distance equal to one-half the height of the structure, including any accessory structures or attachments.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or serving the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
4. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
5. Towers shall be located on the site in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities. Access drives shall be designed in a manner that provides

no view of the tower's base or related facilities. A minimum buffer of 100 feet in width shall be maintained around the tower. Where existing vegetation on the site is not of a sufficient depth to provide this buffer, an enhanced buffer shall be provided that is as wide as is practicable. A screening plan for the enhanced buffer shall be provided for approval by the Planning Director or his Designee.

6. The applicant shall allow other users to locate on the tower and site and shall provide the County upon request verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.
7. The tower shall have a finish that is grey in color.
8. Maximum height of all towers shall not exceed 250 feet.
9. Lighting, beacons and other similar devices shall be prohibited unless required by the FCC or FAA. When required by the FCC or FAA, a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
10. No advertising material or signs shall be placed on the tower.
11. Prior to the installation of equipment other than that of the applicant's, an intermodulation study, prepared by a licensed engineer, shall be submitted to, and approved by, the Planning Director or his designee, indicating that no interference with County operated emergency communications equipment will take place.
12. If the use of the tower or portions of the tower above the level of the uppermost equipment ceases and the tower or said portion remains unused as a wireless communication facility or unused as a facility that supports public safety antenna for a period of six (6) months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of any unused facility or part thereof prior to final site plan approval.
13. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option and negotiate in good faith with the County to install public communications equipment on the tower. Evidence of good faith negotiations shall include, but not be limited to documented and executed lease agreements for similar agreements for public use on a privately owned tower. The County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.
14. A Permanent Certificate of Occupancy shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.
15. The tower shall be freestanding and shall not use guylines for support.

16. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material and/or color to that generally used on a single family residence and shall be approved by the Planning Director. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
17. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan prepared by the Timmons Group titled "360° Communications - Ford's Colony Site," dated June 7, 1996. Such lease area shall remain free of all structures until such time a second tower is constructed and the additional tower shall be subject to an administrative approval only.
18. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.

5. Peninsula Public Sports Facility Authority

Mr. Sanford B. Wanner, County Administrator, stated that in November 1996, the Board adopted a resolution expressing its intent to adopt a resolution providing for the creation of the Peninsula Public Sports Facility Authority, which would have the purpose to acquire, purchase, lease, construct, improve, extend, finance, operate and maintain projects. He further stated that the resolution for consideration established the Authority, terms of office for initial Board members, and annual minimum per capita for each member jurisdiction of \$0.05 for general administrative expenses.

Staff recommended approval of the resolution.

Mr. Magoon opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

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

## RESOLUTION

### PENINSULA PUBLIC SPORTS FACILITY AUTHORITY

WHEREAS, it is the intention of the Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James City and York to form the Peninsula Public Sports Facility Authority.

NOW, THEREFORE, BE IT RESOLVED by the Councils of the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the Boards of Supervisors of the Counties of James City and York:

1. That the County of James City, Virginia, has found and determined and does hereby declare that the County together with the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the County of York desire to establish a public recreational facility authority pursuant to the provisions of the Virginia Public Recreational Facilities Authorities Act, being Chapter 29, Title 15.1, Code of Virginia, as amended, in the manner and for the purposes set forth therein.

- 2. That the articles of incorporation for the Peninsula Public Sports Facility Authority shall be as follows:

**ARTICLES OF INCORPORATION  
OF  
PENINSULA PUBLIC SPORTS FACILITY AUTHORITY**

The Councils of the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the Boards of Supervisors of the Counties of James City and York, having signified their intention to create an authority pursuant to the Virginia Public Recreational Facilities Authorities Act, Chapter 29, Title 15.1, Code of Virginia, as amended (the Act), which shall be a public body politic incorporate, hereby certify:

- (a) The name of the authority shall be "Peninsula Public Sports Facility Authority" and the address of its principal office shall be c/o County Administrator, Post Office Box 532, 224 Ballard Street, Yorktown, Virginia 23690.
- (b) The names of the incorporating political subdivisions are the Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James City and York.
- (c) The powers of the authority shall be exercised by a board consisting of six (6) members, one from each of the incorporating political subdivisions. The names and addresses of the first members, the alternates, the names of the appointing political subdivisions, and the year of expiration of the terms of the first members are as follows:

<u>Name and Address</u>	<u>Appointing Political Subdivision</u>	<u>Expiration of Term</u>
Robert J. O'Neill, Jr. Alternate: Joseph H. Spencer, II 22 Lincoln Street Hampton, Virginia 23669	City of Hampton	2000
Edgar E. Maroney Alternate: Aubrey H. Fitzgerald 2400 Washington avenue Newport News, Virginia 23607	City of Newport News	2000
Judy Wiggins 830 Poquoson Avenue Poquoson, Virginia 23662	City of Poquoson	2000
Jackson C. Tuttle 401 Lafayette Street Williamsburg, Virginia 23185	City of Williamsburg	2000

<p>Sanford B. Wanner          Alternate:          Robert A. Magoon, Jr.          County Government Center          101-C Mounts Bay Road          Williamsburg, Virginia 23187</p>	<p>James City County</p>	<p>2000</p>
<p>Daniel M. Stuck          Alternate:          Jere M. Mills          224 Ballard Street          Yorktown, Virginia 23690</p>	<p>County of York</p>	<p>2000</p>

The governing body of each member political subdivision may appoint an alternate who may attend meetings of the Authority but who shall be entitled to vote only in the absence of the designated member for which such alternate is serving.

The terms of the first members shall begin on the date of the issuance to the Authority of a certificate of incorporation by the State Corporation Commission, and shall expire on December 31 in the year set forth above. The successor of each member shall be appointed for a term of four years by the governing body of the political subdivision by which he or she was appointed, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Members shall hold office until their successors shall have been appointed and qualify, and any member shall be eligible for reappointment to succeed himself. The members may receive as compensation for each meeting attended such amount as may be determined from time to time by resolution of the governing bodies of their member political subdivision, and shall be reimbursed for any actual expenses necessarily incurred in the performance of their duties.

- (d) The purposes for which the Authority are to be formed are to acquire, purchase, lease, construct, reconstruct, improve, extend, finance, operate and maintain projects, as the term is defined in the Act, and to exercise those powers given such an Authority by the Act.
- (e) Specific projects will be identified by the Authority and implemented through agreements with and among the member jurisdictions. Each member jurisdiction shall have the option of participating in a particular project of the Authority, as defined by § 15.1-1272(g) of the Code of Virginia, as amended, and only the jurisdictions participating in such project shall be obligated to fund it, and the non-participating jurisdictions shall not incur any financial obligation therefrom.
- (f) The Authority shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.
- (g) Unless the member jurisdictions agree otherwise, the general administrative costs of the Authority that are not allocated to specific projects shall be shared on a per capita basis; an annual minimum of \$0.05 per capita shall be contributed by each member jurisdiction. General administrative costs shall include general operating costs such as salaries, rent, automobiles, supplies,

attorney's fees, audit and accounting costs and the cost of any general studies undertaken by the Authority.

- (h) This Authority is created under the Public Recreational Facilities Authorities Act, Chapter 29, Title 15.1, of the Code of Virginia.

IN WITNESS WHEREOF, the Councils of the Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Boards of Supervisors of the Counties of James City and York have caused these articles of incorporation to be executed on their behalf by their presiding officers and their seals to be affixed and attested by their Clerks, this \_\_\_\_ day of \_\_\_\_\_, 1997.

- 3. That in accordance with the requirements of § 15.1-1273 of the Code of Virginia, 1950, as amended, this resolution has been published in a newspaper of general circulation in the incorporating political subdivisions, and a duly constituted public hearing has been held thereon.
- 4. That this resolution shall take effect from the date of its adoption.

Public hearings on the adoption of the proposed resolution will be held by each of the respective jurisdictions at the times, dates and the locations stated below:

City of Hampton  
 Time: 7:30 p.m.  
 Date: March 12, 1997  
 Location: City Council Chambers  
 Hampton City Hall

City of Newport News  
 Time: 7:30 p.m.  
 Date: March 11, 1997  
 Location: City Council Chambers,  
 Newport News City Hall

City of Poquoson  
 Time: 7:00 p.m.  
 Date: March 10, 1997  
 Location: Auditorium, Poquoson High School  
 51 Odd Street  
 Poquoson, Virginia

City of Williamsburg  
 Time: 2:00 p.m.  
 Date: March 13, 1997  
 Location: Council Chambers  
 Williamsburg/James City County Courthouse

County of James City  
 Time: 7:00 p.m.  
 Date: March 11, 1997  
 Location: James City County Supervisors Board Room  
 101-C Mounts Bay Road

County of York  
 Time: 7:00 p.m.  
 Date: March 5, 1997  
 Location: Courts and Board Room  
 District Courts Building  
 120 Alexander Hamilton Boulevard  
 Yorktown

6. Proposed Issuance of General Obligation Bonds for Capital Projects for School Purposes

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Bond Resolution authorized Virginia Public School Authority to issue bonds on behalf of the County to partially finance four school projects: Lafayette High School Phase II, Rawls Byrd Elementary School, Matthew Whaley Elementary School, and Jamestown High School.

Staff recommended approval of the resolution.

Mr. Magoon opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the resolution.

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

G. **BOARD CONSIDERATIONS**

1. 1997 Primary and Interstate Highway Priority Projects

Mr. John T. P. Horne, Manager of Development Management, stated that the report outlining requests for funding the County's priority Primary and Interstate Highway projects would be forwarded to the Virginia Department of Transportation for evaluation and determination of appropriate funding levels for each.

Staff recommended approval of the resolution.

Mr. DePue made a motion to approve the resolution.

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

**RESOLUTION**

**1997 PRIMARY ROAD PRIORITIES**

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

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

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

WHEREAS, public hearings for the corridor selection of Route 199 were successful completed in 1979 and again in 1986, and the access point for the Grove Interchange on Interstate 64 was approved in 1979; and

WHEREAS, the Commonwealth Transportation Board has included funding for the Grove Interchange in the Six-Year Improvement Program in recognition of the need for improved traffic circulation in the vicinity of Busch Gardens and the need to provide improved access to major developing industrial and commercial areas in James City County and Newport News; and

WHEREAS, the adopted Comprehensive Plan of James City County designates new roadway construction bypassing hazardous portions of Pocahontas Trail (Route 60 East) and providing access to a major future industrial area.

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

- o funding for design and construction of **Route 60 Relocation**;
- o full funding for the widening of the existing sections of **Route 199** to four lanes in those areas where only two lanes presently exist;
- o Commitment to sufficient funds for the design, construction, and completion of **Route 199** from Interstate 64 West to John Tyler Highway (Route 5) as a full four-lane facility over the next six-year period.
- o full funding for the design and construction of the **Grove Interchange** on Interstate 64 as programmed in the adopted in the Six-year Improvement Program;
- o funding for design and construction of turn lanes at six intersections as interim improvements to **Pocahontas Trail (Route 60 East)**.
- o construction of a left hand turn lane on **Route 5** at Greensprings Road.

Mr. DePue left the meeting at 10:20 p.m.

2. Cost Share Agreement for Pedestrian Bridge Connecting Patriot's Colony and the County's Public Use Site

Mr. Matthew W. Maxwell, Senior Planner, stated that Patriot's Colony would construct a public pedestrian trail along its entire Route 5 frontage to the County six-acre public use site located adjacent to Route 5 and separated from the western border of Patriot's Colony by a ravine. He further stated that an agreement to equally share the cost of constructing a bridge across the ravine had been reached so that the bridge, as a part of a larger trail network, could be constructed partially with private funding.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.



On a roll call, the vote was: AYE: Edwards, Sisk, Magoon (3). NAY: Taylor (1). ABSENT: DePue.

## RESOLUTION

### COST SHARE AGREEMENT FOR THE PEDESTRIAN BRIDGE CONNECTING

#### PATRIOT'S COLONY AND THE COUNTY'S PUBLIC USE SITE

- WHEREAS, a ravine divides the Patriot's Colony site and the County's public use site; and
- WHEREAS, the County and Riverside Retirement Services seek to connect their sites with a public access trail; and
- WHEREAS, the County and Riverside Retirement Services, Inc., have reached an agreement to equally share the cost of constructing a pedestrian bridge across the ravine.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the agreement.

#### 3. James City County Revenue Sharing Program, FY 98

Mr. Horne stated that the County must notify the Virginia Department of Transportation of its intentions to participate in the Revenue Sharing Program. He further stated the amount could not exceed \$500,000. The Revenue Sharing Program would help fund construction projects such as an additional two lanes on the section of existing Route 199 from Route 60 East to Tutter's Creek, and use of public funds would be determined at a later date depending on private funding for Ironbound Road.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to amend the chart to show \$50,000 for landscaping intersections on Route 199.

On a roll call, the vote was: AYE: Edwards, Sisk, Magoon (3). NAY: Taylor (1). ABSENT: DePue.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Edwards, Sisk, Magoon (3). NAY: Taylor (1). ABSENT: DePue.

## RESOLUTION

### JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING

- WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for fiscal year FY 97-98; and
- WHEREAS, VDOT requires written notification of the County's intent to participate by March 21, 1997.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for FY 97-98, in an amount not to exceed \$500,000.

**H. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, circulated a photograph of trash in his neighborhood.

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner thanked citizens, staff, volunteers and Board members who attended the very successful Neighborhoods Conference - The Fabric of Our Community, on Saturday, March 8, 1997, at James Blair Middle School. He announced that citizens desiring a neighborhood connection should contact Ms. Ronnie Nowak or Ms. Barbara Watson at 229-7630.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Edwards asked staff to contact Board members of time and dates when the balloon tests were scheduled.

Mr. Sisk asked staff to contact Virginia Department of Transportation to accelerate resurfacing of Moses Lane.

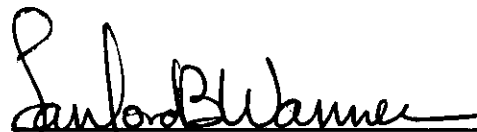
Mr. Magoon commended all who gave up time to attend and participate in the Neighborhood Connections program.

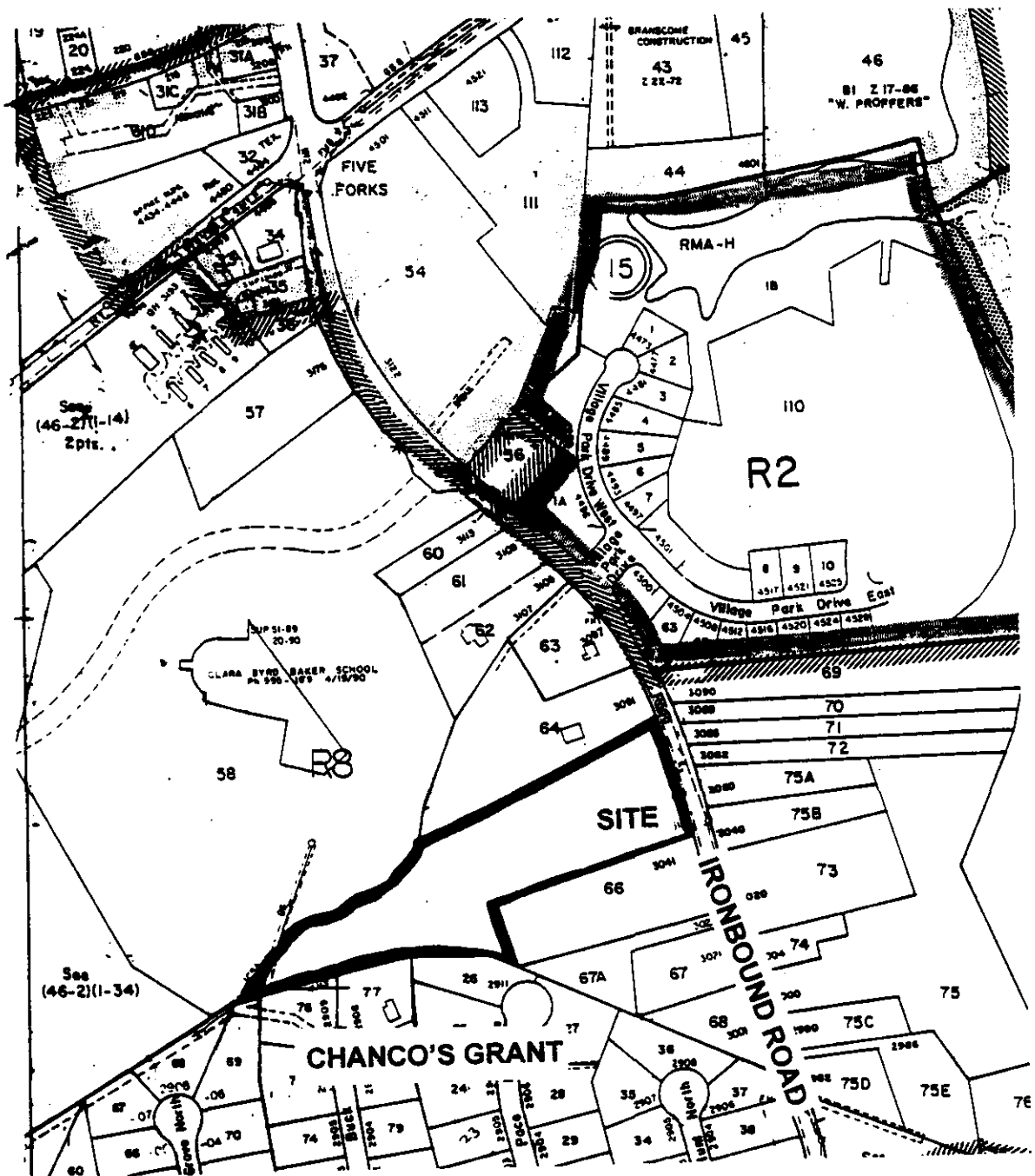
Mr. Wanner announced Arbor Day, March 14, 1997, 2:00 p.m. and Open House at the Community Video Center on March 17, 1997, 4:00 p.m. to 6:00 p.m.

Mr. Taylor made a motion to recess until 5:00 p.m., March 25, 1997, for a work session on drainage.

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

The Board recessed at 10:40 p.m.

  
Sanford B. Wanner  
Clerk to the Board



SCALE 1"=400 Feet



Case No: SUP-33-96  
 Name: SHARON DENNIS DAY CARE CENTER



PLANNING DIVISION

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED  
\$18,800,000 GENERAL OBLIGATION SCHOOL BONDS  
OF JAMES CITY COUNTY, VIRGINIA, SERIES 1997 A,  
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), has determined that it is necessary and expedient to borrow not to exceed \$18,800,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the County held a public hearing, duly noticed, on March 11, 1997, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.1-227.8.A, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds;

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

1. **Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$18,800,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at par upon the terms established pursuant to this Resolution. The Chairman or Vice Chairman of the Board, the County Administrator, and such officer or officers of the County as either may designate are each hereby authorized and directed to enter into a Bond Sale Agreement dated as of March 25, 1997, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. **Details of the Bonds.** The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 1997 A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 1997 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal

Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed eight percent (8%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A. On twenty (20) days written notice from the VPSA, the County shall deliver, at its expense, the Bonds in marketable form in denominations of \$5,000 and whole multiples thereof, as requested by the VPSA, in exchange for the temporary typewritten Bond.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, 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.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

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

7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2008, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2008, are not subject to

prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2008, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2008, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2008, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2008 to July 14, 2009, inclusive.....	103%
July 15, 2009 to July 14, 2010, inclusive.....	102
July 15, 2010 to July 14, 2011, inclusive.....	101
July 15, 2011 and thereafter.....	100

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. **Execution of the Bonds.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are each authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds 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 premium, if any, and the interest on the Bonds as such principal, premium, if any, 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.

10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman or Vice Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are each hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply

with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer and Manager of Financial Management Services to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman or Vice Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are each hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Chairman or Vice Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are each hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12.


13. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the City of Williamsburg and the County of James City, Virginia.

14. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

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

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on March 11, 1997, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present.

WITNESS MY HAND and the seal of the Board of Supervisors of James City County, Virginia, this 11<sup>th</sup> day of March, 1997.



Clerk, Board of Supervisors of  
James City County, Virginia

[SEAL]

#386708



## EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TR-1

\$18,800,000

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
JAMES CITY COUNTY, VIRGINIA  
General Obligation School Bond  
Series 1997 A

JAMES CITY COUNTY, VIRGINIA (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC SCHOOL AUTHORITY the principal amount of EIGHTEEN MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$18,800,000), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 1998 and annually on July 15 thereafter to and including July 15, 2017 (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 1997 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, Crestar Bank, Richmond, Virginia, as bond registrar (the "Bond Registrar"), shall make all payments of principal, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to

the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.1-227.25 of the Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be 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.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 5.1, Title 15.1, Code of Virginia 1950, as amended, and resolutions duly adopted by the Board of Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost at the office of the Bond Registrar for an equal aggregate principal amount of bonds in definitive form having maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid, issuable in fully registered form in denominations of \$5,000 and whole multiples thereof. On twenty (20) days written notice from the Virginia Public School Authority, the County shall deliver, at its expense, this Bond in marketable form, in exchange for the temporary typewritten Bond.

This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2008 and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2008, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2008, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2008, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2008, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2008 to July 14, 2009, inclusive.....	103%
July 15, 2009 to July 14, 2010, inclusive.....	102
July 15, 2010 to July 14, 2011, inclusive.....	101
July 15, 2011 and thereafter.....	100;

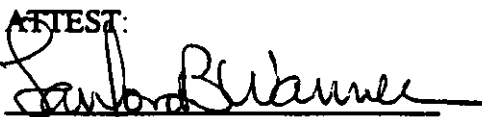
Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.


IN WITNESS WHEREOF, the Board of Supervisors of James City County, Virginia has caused this Bond to be issued in the name of James City County, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated April \_\_, 1997.

**JAMES CITY COUNTY, VIRGINIA**

(SEAL)

ATTEST:  
  
 Clerk, Board of Supervisors  
 of James City County, Virginia

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

  
 Chairman, Board of Supervisors  
 of James City County, Virginia

AGREEMENT TO SHARE COST OF SIDEWALK BRIDGE

THIS AGREEMENT is made this 5th day of December, 1996 by and between the County of James City, Virginia ("County") and Riverside Healthcare Association, Inc., a Virginia Corporation ("Riverside").

RECITALS

A. The County is the owner of a 6 +/- acre public use site located in the Greensprings Development along Route 5 in James City County designated as Parcel (45-1) on County Real Estate Tax Map (1-18) commonly known as 3100 John Tyler Highway, James City County, Virginia (the "Public Use Site"); and

B. Greensprings Plantation, Inc., a Virginia Corporation ("Greensprings") recently conveyed the Public Use Site to the County as required under Paragraph No. 4 of the Amended and Restated Greensprings Proffer Agreement dated April 30, 1992 and recorded in the James City County Circuit Court Clerk's Office in Deed Book 562 beginning at Page 794 (the "Proffers"); and

C. Riverside purchased from Greensprings an 89.4 +/- acre of parcel of real property, it being apportion of Parcel (1-1) on County Real Estate Map (46-1) (the "Riverside Property") in order to develop a retirement community; and

D. Riverside is required under the Proffers to build a pedestrian and bicycle path, trail, sidewalk or bikeway accessible to the public as a requirement of site plan approval; and

E. The County has certain funds available for its Capital Improvement Program Account No. 0130200400 for the construction of bikeways, et cetera; and

F. The County and Riverside wish to cooperate and equally share the cost of constructing a pedestrian bridge or boardwalk to connect a path, trail, sidewalk and bikeway between their properties, to be constructed at such time as the path, trail, sidewalk and bikeway has been constructed on both the Riverside property and the Public Use Site.

NOW, THEREFORE, in consideration for the mutual covenants and promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. As part of Phase 1 construction and prior to the completion of the adjoining land bay, Riverside shall construct at its own expense the portion of the Route 5 frontage trail extending from the entrance of Patriot's Colony to the ravine bordering the western edge of the Riverside property.

2. Attached as Exhibit A and made a part of this Agreement is a plan agreed to by the parties for constructing a pedestrian and bicycle bridge or boardwalk between the Riverside property and the Public Use Site, to be constructed at such time as the path, trail, sidewalk and bikeway has been constructed on both the Riverside property and the Public Use Site. The design and specifications for the pedestrian and bicycle bridge or boardwalk may be changed at any time by mutual agreement of the parties.

3. Anytime after the County executes a contract to construct the improvements identified in this Agreement, the County may request payment from Riverside. The County shall send its request for payment by certified mail to Riverside Healthcare Association, Inc., 606 Denbigh Boulevard, Suite 601, Newport News, Virginia 23608 or such other address as Riverside may designate in writing. Riverside shall pay the County its equal share for construction of the bridge within 30 days of receipt of the notice. In the event Riverside fails to pay within the 30 day period the County shall be entitled to receive interest of 10% per annum on the outstanding amount from the date of request until paid in full plus reasonable attorney's fees of 25% of the amount due.

4. All maintenance to any improvements to be constructed under this Agreement shall be the responsibility of the property owner on which such improvements are located.

5. Any financial obligation of the County under this Agreement is subject to the appropriation of funds by the County Board of Supervisors.

6. This Agreement shall run with the Property and the parties and any successor or assign thereof shall construct improvements identified in this Agreement. The improvements may be relocated or redesigned upon the agreement of the responsible parties.

IT WITNESS WHEREOF, each of the undersigned, being the first duly authorized, executed this Agreement as of the date first above written.

RIVERSIDE HEALTHCARE ASSOCIATION, INC.

By D. Michael Mendi

COUNTY OF JAMES CITY, VIRGINIA

By Sanford B. Warner

APPROVED AS TO FORM

Law P. Rogers  
COUNTY ATTORNEY

STATE OF VIRGINIA

CITY of NEWART LEWS to-wit:

I, PATRICIA J. HUGHES, a Notary Public in and for the CITY and State aforesaid whose commission expires on the 2<sup>nd</sup> day of June, 1998, do hereby certify that F. MICHAEL MARTIN, an authorized agent of Riverside Retirement Services, Inc. whose name is signed to the foregoing has acknowledged the same before me in my CITY and State aforesaid.

GIVEN under my hand this 10<sup>th</sup> day of December, 1996.

Patricia J. Hughes  
Notary Public

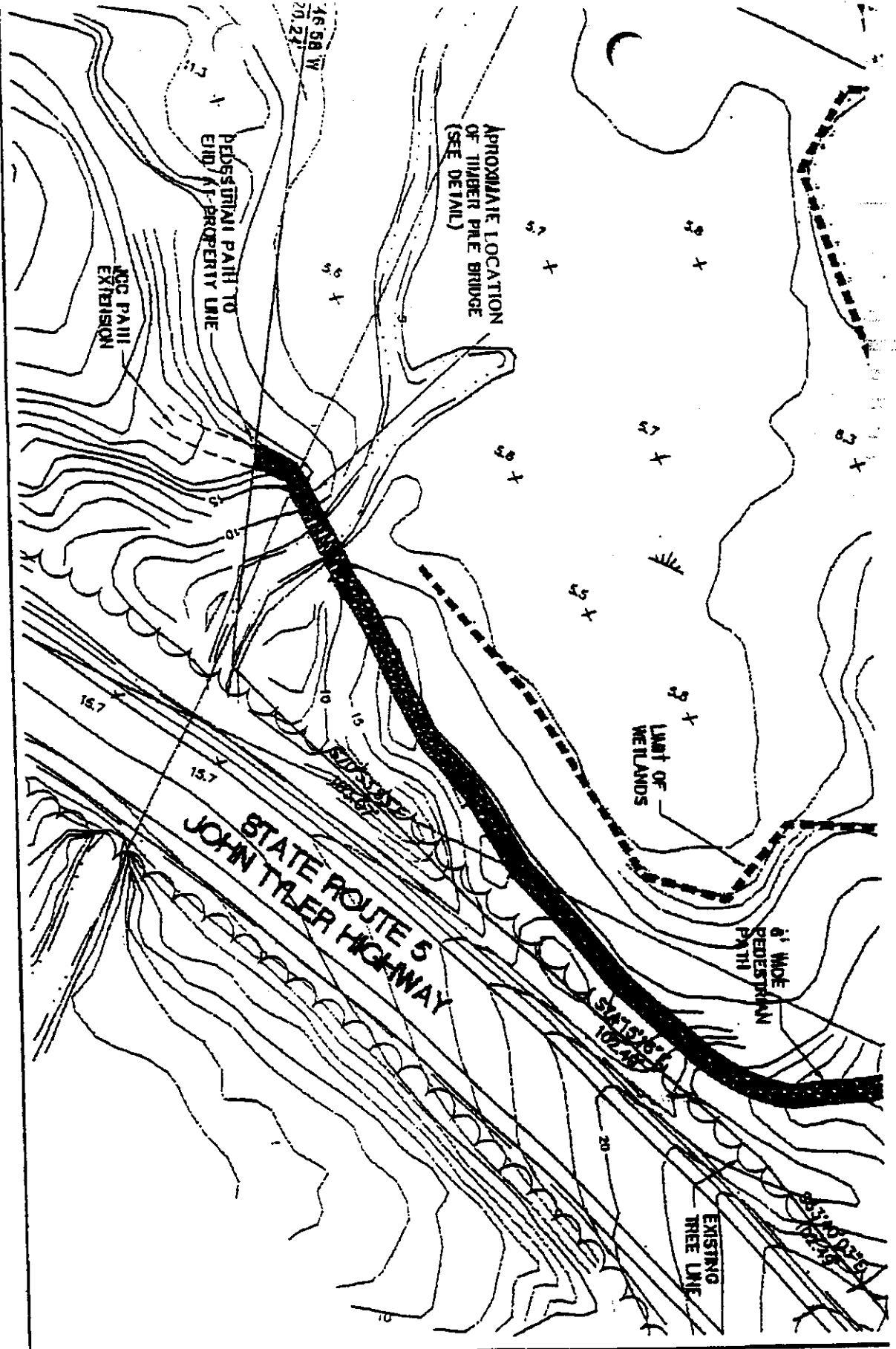
STATE OF VIRGINIA

County of James City to-wit:

I, MARY FRANCES RIEGER, a Notary Public in and for the County of James City and State aforesaid whose commission expires on the 31<sup>st</sup> day of October, 1997, do hereby certify that SANFORD B. WARNER, County Administrator for James City County, Virginia, whose name is signed to the foregoing has acknowledged the same before me in my County and State aforesaid.

GIVEN under my hand this 13<sup>th</sup> day of MARCH, 1996<sup>7</sup>.

Mary Frances Rieger  
Notary Public



PEDESTRIAN PATH PLAN	
PATRIOTS COLONY	
CONTINUING CARE RETIREMENT COMMUNITY	
DEVELOPER: AVONDAE RETIREMENT SERVICES, INC.	
DATE	10/1
BY	11/23
SCALE	1" = 40'
PROJECT NO.	100-1



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