

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 22, 2004

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE - Cameron Aadahl, a 2nd-grade student at Norge Elementary School

D. HIGHWAY MATTERS

E. PRESENTATION

1. 2004 The Year of the Neighborhoods - Neighborhood of the Quarter - Burnt Ordinary

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes - June 8, 2004, Regular Meeting
2. Amending the Membership of the Colonial Services Board
3. Grant Appropriation - Clerk of the Circuit Court
4. 2004 The Year of the Neighborhoods - Neighborhood of the Quarter - Burnt Ordinary
5. Revenue Bond Financing for the Association for the Preservation of Virginia Antiquities

H. PUBLIC HEARINGS

1. Case Nos. Z-15-03/MP-13-03/HW-2-03. Stonehouse Station at Norge (Continued from May 25, 2004)
2. Amendments to the FY 2004 Special Projects/Grants Budget
3. Ordinance to Amend and Reordain Chapter 1, General Provisions; Section 1-13, Courthouse Maintenance; Court Security and Jail Processing Fees
4. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic; Article I, In General; Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of any Drug; Section 13-28, Adoption of State Law, Generally

- CONTINUED -

5. Ordinance to Amend and Reordain Chapter 20, Taxation; Article I, In General; Section 20-4, Assessment of New Buildings and Computation of Tax Thereon; When Penalty Accrues for Nonpayment

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Cable Communications Advisory Committee
 - b. Five Forks Committee
 - c. Parks and Recreation Advisory Commission
 - d. Williamsburg Regional Library Board of Trustees

M. ADJOURNMENT

062204bs.age

AGENDA ITEM NO. G-1

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF JUNE, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Chairman, Berkeley District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Melissa Knutsen, a fourth-grade student at Matthew Whaley Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Resolution of Appreciation – Gilbert A. Bartlett

Mr. Goodson presented a Resolution of Appreciation to Gilbert A. Bartlett in recognition of his service to the County through his twelve years of service on the Industrial Development Authority.

Mr. Bradshaw added words of appreciation to Mr. Bartlett for his service to the County.

Mr. Bartlett stated that he enjoyed his service to the County and working with those he served with.

2. Resolution of Appreciation – Let's be Water Smart Landscaping Challenge Partners

Mr. Goodson presented a Resolution of Appreciation to the Partners of the Let's be Water Smart Landscaping Challenge and the contest winner.

Michele LeBlanc-Pichè, contest winner; Tom Belden of Belden Landscapes, Mike Turkovich of Cooke's Gardens, Glenn Gross of Precipitation Unlimited, Inc., Keith Coulsting of Smith Turf and Irrigation & Vista Professional Lighting, Sassia Niederste-Hollenberg of ServiceMASTER LawnCare of Williamsburg,

Mason Morton of Turf Care, Bob Winters of Turf Love, and Larry Waltrip and Don Broady, Jr., of Waltrip Recycling accepted the Resolution of Appreciation.

3. Resolutions of Appreciation - Military Reservist

Mr. Goodson presented Resolutions of Appreciation to Renea L. Edwards, *in absentia*, Kenton E. Givens, *in absentia*, Wekena E. Glover, Sterling T. Perry, Darryl C. Stanton, Jr., and Irma O. Woodruff who are County and James City Service Authority employees and also reserve members of the uniformed services that were called up for active duty for an extended period of time to defend the United States of America.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that he appreciated the Memorial Day services at the Williamsburg Memorial Park and he looked forward to the presence of a bugler at the service next year.

F. CONSENT CALENDAR

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

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

1. Minutes

- a. May 25, 2004 - Work Session as amended
- b. May 25, 2004 - Regular Meeting

2. Resolution of Appreciation - Gilbert A. Bartlett

RESOLUTION

RESOLUTION OF APPRECIATION - GILBERT A. BARTLETT

WHEREAS, Gilbert A. Bartlett served as a member of the Industrial Development Authority of James City County since June 1992 and has chosen to retire from same effective July 2004; and

WHEREAS, Gilbert A. Bartlett served as Chairman of the Industrial Development Authority of James City County from January 1999 to December 2001; and

WHEREAS, throughout this period of service, Gilbert A. Bartlett gave freely of his time, his energy, and his knowledge for the betterment of his County as an active member; and

WHEREAS, Gilbert A. Bartlett consistently demonstrated those essential qualities of leadership, diplomacy, perseverance, and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Gilbert A. Bartlett and recognizes his distinguished service and dedication to the County and its citizenry.

3. Resolution of Appreciation - Let's Be Water Smart Landscape Challenge Partners

RESOLUTION OF APPRECIATION

LET'S BE WATER SMART LANDSCAPE CHALLENGE PARTNERS

WHEREAS, Basnight Land and Lawn, Belden Landscapes, Cooke's Gardens, Crafter's Market in the Outlet Mall, Heart's Ease Landscape and Garden Design, Henderson, Inc., Precipitation Unlimited, Inc., Smith Turf and Irrigation, ServiceMASTER LawnCare of Williamsburg, Turf Care, Turf Love, Virginia Cooperative Extension and James City County/Williamsburg Master Gardeners Association, Vista Professional Outdoor Lighting, Waltrip Recycling, and Wild Birds Unlimited demonstrated their commitment as Let's be Water Smart Partners (Partners) by donating materials, time, and energy in the Water Smart Landscape Challenge project and educational video; and

WHEREAS, the Partners illustrated a public/private effort for promoting responsible water usage in James City County through education and public awareness; and

WHEREAS, the Partners have shown efforts in conserving water and enhancing the community by ensuring the health of the environment for present and future generations; and

WHEREAS, the Water Smart Partners recognize the benefits to using Water Smart principles when establishing landscapes and incorporate those principles into their business practices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding dedication and partnership of the Water Smart Partners.

BE IT FURTHER RESOLVED that this resolution of recognition is presented individually to each above listed Water Smart Partners.

4. Resolution of Appreciation - Military Reservists

RESOLUTIONS OF APPRECIATION - MILITARY RESERVISTS

WHEREAS, James City County/James City Service Authority employees who are reserve members of the uniformed services were called up for active duty for an extended period of time; and

WHEREAS, these employees spent many months away from families and home while defending the United States of America; and

WHEREAS, these employees were subject to long hours, hard work, and dangerous conditions while carrying out their assignments; and

WHEREAS, the Board of Supervisors is proud and appreciative of the role these employees played in the protection of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere thanks to:

Renea L. Edwards
Kenton E. Givens
Wekena E. Glover
Sterling T. Perry
Darryl C. Stanton, Jr.
Irma O. Woodruff

for their service to our country.

5. Revisions to Chapter 3, Drug Free Workplace Policy; Section 5.4, Employee Benefits - Leave; and Chapter 8, Grievance Procedure; of the James City County Personnel Policies and Procedures Manual, as amended

RESOLUTION

REVISIONS TO CHAPTER 3, DRUG FREE WORKPLACE POLICY; SECTION 5.4, EMPLOYEE

BENEFITS - LEAVE; AND CHAPTER 8, GRIEVANCE PROCEDURE; OF THE JAMES CITY

COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

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

WHEREAS, the Drug Free Workplace policy and Grievance Procedure were revised to conform with changes in the law, to be streamlined, and to be easier to understand and to use; and

WHEREAS, portions of the Employee Benefits - Leave policy were changed to make the use of leave more equitable among employees and more supportive of employees balancing work and life demands.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures listed above are adopted effective July 1, 2004.

G. PUBLIC HEARINGS

1. Case No. SUP-12-04. Hogan Homestead Children's Nursery

Ms. Sarah Weisiger, Planner, stated that Cathrine Hogan has applied for a special use permit amendment to continue to operate a child day care establishment in her home at 233 Nina Lane on approximately 0.331-acres zoned R-2, General Residential, and further identified as Parcel No. (3-203) on James City County Real Estate Tax Map No. (32-4).

Ms. Weisiger stated that no negative impacts to the neighborhood as a result of this establishment have come to staff's attention. Ms. Weisiger also stated that the proposed conditions are in accordance with the Planning Commission's policy on child day cares located within residential neighborhoods.

At its meeting on May 3, 2004, the Planning Commission voted 7-0 to recommend approval of the special use permit.

Staff recommended approval of the application.

Mr. Goodson opened the Public Hearing.

1. Mr. John Hogan, representing the applicant, was available to answer questions from the Board, and commented on the success of the business.

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

Mr. Bradshaw recommended adoption of the resolution.

Mr. Bradshaw clarified the limitation prohibiting food preparation in the conditions associated with the resolution is designed to reflect the Health Department's definition of food preparation and it does not prohibit the preparation of snacks.

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

RESOLUTION

CASE NO. SUP-12-04. HOGAN HOMESTEAD CHILDREN'S NURSERY

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, Ms. Cathrine Hogan has applied for a special use permit to allow for a child day care center to be operated in her home at 233 Nina Lane; and

WHEREAS, the property is located on land zoned R-2, General Residential, and can be further identified as Parcel No. (3-203) on James City County Real Estate Tax Map No. (23-4); and

WHEREAS, the Planning Commission, following its Public Hearing on May 3, 2004, voted 7-0 to recommend approval of this application.

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-12-04 as described herein with the following conditions:

1. No more than eight children other than the owners' children shall be cared for at the child day care center.
2. The owner/operator of the child day care center shall reside on the property.
3. Hours of operation shall be limited from 7:00 a.m. to 1:30 p.m., Monday through Friday.
4. This special use permit shall be valid for a period of thirty-six months from the date of issuance of this special use permit.

5. No additional exterior lighting shall be permitted on the property which relates to its use as a child day care center.
6. No signage related to the day care center shall be permitted on the property.
7. No food preparation or laundry services shall be provided as part of the operation of the child day care center.
8. This special permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case Nos. Z-1-04/MP-2-04. New Town Section 5

Ms. Sarah Weisiger, Planner, stated that Greg Davis has applied on behalf of New Town Associates to rezone two parcels at 152 and 155 Tewning Road of approximately 8.87 acres from R-8, Rural Residential, and M-1, Limited Business/Industrial, with proffer to M-1, Limited Business/Industrial, with proffers; to remove the parcels from future consideration of New Town Design Review Board and Design Guidelines; and to mitigate the impact of the light industrial development on adjacent New Town sections by proffering a height limit on structures of 45 feet.

Staff found the rezoning proposal to be in accordance with the Comprehensive Plan.

At its meeting on May 3, 2004, the Planning Commission voted 7-0 to recommend approval of the rezoning and master plan.

Staff recommended approval of the applications.

Mr. Goodson opened the Public Hearing.

1. Mr. Tim Trant, Attorney with Kaufman & Canoles, applicant, provided an overview of the proposal and requested the Board approve the resolution.

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

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

CASE NOS. Z-1-04/MP-2-04 NEW TOWN SECTION 5

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-04, for rezoning approximately 8.87 acres from R-8 Rural Residential, with proffers and M-1 Limited Business/Industrial with proffers, to M-1 Limited Business/Industrial, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on May 3, 2004, recommended approval of Case Nos. Z-1-04/MP-2-04, by a vote of 7 to 0; and

WHEREAS, the properties are located at 155 and 152 Tewning Road as shown on the Master Plan MP-2-04 and further identified as Parcel Nos. (1-3) and (1-4), on James City County Real Estate Tax Map No. (38-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-1-04/MP-2-04 and accepts the voluntary proffers.

Mr. Goodson recognized Mr. Wilford Kale, Planning Commission member, in the audience.

3. Case No. SUP-17-04. James City County Communications Tower - Forge Road

Mr. Matthew D. Arcieri, Planner, stated that Richard M. Miller, Fire Chief, received approval from the Board for a special use permit to construct a communications tower at 3135 Forge Road zoned B-1, General Business, and further identified as Parcel No. (1-27) on James City County Real Estate Tax Map No. (12-3), and has applied to amend the permit to increase the height of the communications tower from 140 to 160 feet to increase the microwave signal path strength between the Emergency Operations Center and the County's Landfill.

Staff found the proposal to be generally consistent with the 2003 Comprehensive Plan and notes that, despite the increase in height, the tower will be thirty feet shorter than the existing tower and thus reduce the existing tower's negative visual impacts.

At its meeting on June 7, 2004, the Planning Commission recommended approval of the case by a vote of 7-0.

Staff recommended the Board approve the permit application with conditions.

Mr. Bradshaw inquired as to where the trees were located that were interfering with the signal strength between the towers.

Mr. Richard Miller, Fire Chief, stated that the trees are near the Emergency Operations Center and that by raising the tower height, the signal strength increases.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution as amended to include the Planning Commission recommended language.

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

RESOLUTION

CASE NO. SUP-17-04. JAMES CITY COUNTY COMMUNICATIONS TOWER - FORGE 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, antennas and towers in excess of 60 feet in height are a specially permitted use in the B-1, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on June 7, 2004, recommended approval of Case No. SUP-17-04 by a 7-0 vote to permit the construction and operation of a 160-foot-tall communication tower as part of the James City County 800-MHz trunked radio system at the James City County Emergency Operations Center (EOC) on 3135 Forge Road and further identified as Parcel No. (1-27) on James City County Real Estate Tax Map No. (12-3).

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-17-04 as described herein with the following conditions:

1. This special use permit shall be valid for a total of one tower. The maximum height of the tower shall not be greater than 160 feet. The tower site shall be developed generally in accordance with the site layout titled "Special Use Permit Plan for 140' Cellular Tower on the James City County Property" dated December 1, 2003, with the exception that the tower height may be increased to 160 feet. Additional minor changes may be approved by the Director of Planning.
2. Final building design, location, orientation, and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
3. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit, or the permit shall become void.
4. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, 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 2000 International Building Code, or any amendment thereof, have been met.
5. The tower shall have a finish that is grey in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the Federal Aviation Administration or Federal Communications Commission shall be allowed on the tower.

6. No advertising material or signs shall be placed on the tower.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. SUP-16-04. Williamsburg-Jamestown Airport - SUP Amendment

Ms. Sarah Weisiger, Planner, stated that Larry Waltrip has applied on behalf of Mary Waltrip to amend Special Use Permit No. 32-97 to develop portions of Parcel No. (1-12) on James City County Real Estate Tax Map No. (48-2), and include in the amendment Parcel Nos. (1-5A) and (1-6) on James City County Real Estate Tax Map No. (48-2) for the construction of the proposed T-hangers on Parcel No (1-12) in an area located south of Marclay Road and adjacent to the airport.

Staff found the amendment proposal will allow the development of the airport property in accordance with the Master Plan approved with Special Use Permit No. 23-97.

At its meeting on June 7, 2004, the Planning Commission voted 7-0 to recommend approval of the application.

Staff recommended approval of the amendment.

Mr. McGlennon requested verification that the proposal is to include a parcel of land that was presumed to have been included in the SUP application presented in 1997 but was not.

Ms. Weisiger confirmed that is the case.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution as amended to include language regarding the Planning Commission recommendation.

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

RESOLUTION

CASE NO. SUP-16-04. WILLIAMSBURG-JAMESTOWN AIRPORT - SUP AMENDMENT

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, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. SUP-16-04 for the purpose of amending the existing special use permit for the Williamsburg-Jamestown Airport which is located on Parcel Nos. (1-5A) and (1-6) on James City County Real Estate Tax Map No. (48-2) and zoned R-8, Rural Residential, to include a portion of Parcel No. (1-12) on James City County Real Estate Tax Map No. (48-2) as shown on the Airport Layout Plan dated May 24, 2004, that is located generally south of Marclay Road and north of Parcel No. (1-5A); and

WHEREAS, the Planning Commission, following its Public Hearing on June 7, 2004, recommended approval of Case No. SUP-16-04, by a vote of 7 to 0.

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-16-04 as described herein with the following conditions:

1. No extension of the existing runway shall be permitted. A paved safety overrun adjacent to Runway 13 (western end of runway), not to exceed 900 feet may be constructed in accordance with FAA standards. The paved safety overrun shall be marked appropriately and lights shall be installed and maintained across the width of the runway to delineate the runway and safety overrun.
2. The Williamsburg-Jamestown Airport Special Operating Procedures shall be amended such that Condition No. 5 under General Procedures which states that, "the calm wind runway (less than five knots) will be Runway 13, weather and traffic permitting" shall be deleted. The existing Williamsburg-Jamestown Airport Special Airport Operating Procedures, with the above revision noted, shall remain in effect.
3. The Williamsburg-Jamestown Airport shall review, revise, and publish, as necessary, the description of the airport and associated local rules, procedures, and warnings in the following industry publications:
 - a. Airport Facility Directory
 - b. VDOA (5010) Inspection Form - Remarks/Runway section.
 - c. Permanent NOTAM (Class II)

These publications shall indicate the established flight patterns and procedures and notify all pilots of the special established patterns to avoid the surrounding residential neighborhoods and Rawls Byrd Elementary School. This condition shall be satisfied prior to the issuance of a building permit for any of the proposed improvements contained within the Master Plan. Documentation shall also be submitted to the Community Airport Committee.

Also the following steps shall be taken:

- a. Report the basic pertinent information by UNICOM when pilots check in for takeoff and landing operations.
- b. Identify/distribute information through a published set of "Airport Rules and Regulations."
- c. Post/display Special Operating Procedures in the flight planning area and other conspicuous areas of the terminal building.

4. The Airport Procedures shall be amended to require runway preference for runway 31 for all arriving aircraft, not just twin-engine aircraft as stated in the current Airport Procedures.
5. Signs shall be erected at both ends of the runway which read as follows:

For departures on Runway 31: “Remember to turn left to avoid flying over the Elementary School.”

For departures on Runway 13: “Remember to make right turn for noise abatement.”

6. A Community Airport Committee shall be established. The Committee’s purpose is to provide a formal setting for an on-going dialogue between all interested parties (i.e., the citizens, the County, the Airport owners and operators, pilots, Williamsburg-James City County Schools, and business community). It shall be the responsibility of the Airport owners to establish the Committee. The Committee shall be a balanced representation of the following interest groups: airport owners/operators, citizens, the County, Williamsburg-James City County Schools, and pilots. The Committee shall be comprised of no fewer than five persons and no more than 10 persons. The Airport owners shall submit a list of committee members to the County for approval within six months of the approval of this Special Use Permit application. The Committee shall meet at least four times per year in open session.
7. Approval of the facilities contained in the Master Plan in no way obligates the County to approving the construction of these facilities. The proposed facilities shall undergo the typical site plan and building plan review process and receive County approval before construction of these facilities and improvements shall commence.
8. A lighting plan shall be prepared and approved by the Planning Director for each site plan submittal that contains outdoor lighting. All outdoor lighting, exclusive of lights for the runway, taxiways, and other required safety lighting, shall have recessed lenses.
9. The following size limitations shall apply to the planned facilities:

T-Hangar Units	63 units* maximum
Corporate Hangar Units	14 units* maximum
Apron Parking Tie-Downs	49 spaces maximum
Terminal Building Expansion	2,500 square feet maximum -- Total size of building shall not exceed 7,327 square feet (4,327 + 2,500)
Flight Management Building	2,500 square feet maximum

*For T-Hangars and Corporate Hangars - 1 unit is equivalent to 1 aircraft parking space.

10. The improvements labeled as “Ultimate” on the Master Plan are not approved as part of this application. A 25-foot wide paved apron shall be permitted between the helipads (Stage III) and Hangar 14 (Stage I). The purpose of this paved apron would be to provide access to hangars on the west side of the airport.
11. No GPS “straight-in” approach procedure shall be permitted at the Airport.
12. The corporate hangars may include attached accessory office space that is exclusive of the airplane storage area. The office area shall be used/occupied by the owners or tenant

of the corporate hangar to which the office/storage area is attached. The use of the office space shall be strictly limited to airport-related activities. The cumulative amount of office space attached to corporate hangars shall not exceed 5,000 square feet (i.e., five corporate hangars with 1,000 square feet office space OR two corporate hangars with 2,500 square feet -- the other three shall contain no office space, or any combination thereof not to exceed 5,000 square feet).

13. A landscaped buffer around the perimeter of the site shall be maintained or established which accomplishes the goal of screening the proposed airport improvements from adjacent properties. The Planning Director shall determine whether additional landscaping is needed to screen future improvements from adjacent properties at the time of site plan review.

5. Amended Appropriation - FY 2005 Budget

Mr. John E. McDonald, Manager of Financial and Management Services, provided an amended Resolution of Appropriation for Fiscal Year 2005 based upon the changed expectations of State revenue for the County through the adopted State budget and the approved amended transient occupancy tax.

Mr. Harrison inquired how much of the increased State revenue would be reoccurring revenue.

Mr. McDonald stated that the \$2.00/night tax will expire in 2008 and the others are subject to annual or biannual review by the General Assembly during its budget deliberations.

Mr. Goodson opened the Public Hearing.

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

Mr. Brown made a motion to adopt the resolution.

Mr. Harrison stated concern that the County needs to be mindful of reoccurring expenditures.

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

RESOLUTION

AMENDED APPROPRIATION - FY 2005 BUDGET

WHEREAS, the Board of Supervisors of James City County has been requested to amend the County's FY 2005 Operating Budget to account for adjustments caused by the passage of a State budget by the 2004 General Assembly; and

WHEREAS, a public hearing has been held this date to solicit public comments on the proposed revisions; and

WHEREAS, it is now necessary to appropriate these additional funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2004, and ending June 30, 2005.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following amounts are hereby approved as additional appropriations for the offices and activities below in the amounts shown, as follows:

PROPOSED ADDITIONS TO OPERATING REVENUES:

Other Local Taxes - Transient Occupancy Taxes		\$ 850,000
Revenue from the Commonwealth:		
State Sales Taxes	\$ 780,000	
HB599 Funding	170,000	
Compensation Board	<u>75,325</u>	<u>1,025,325</u>
TOTAL		<u><u>\$ 1,875,325</u></u>

PROPOSED ADDITIONS TO OPERATING EXPENDITURES:

Contributions - Williamsburg Convention/Visitors Bureau		\$ 850,000
Public Safety - Sheriff	\$ 34,125	
Judicial - Commonwealth's Attorney and Clerk of the Circuit Court	32,000	
Financial Administration - Treasurer and Commissioner of the Revenue	5,400	
Elections - Registrar and Board of Elections	2,300	
Community Services - Cooperative Extension	<u>1,500</u>	<u>75,325</u>
General Services - Grounds		\$ 122,000
Schools Debt Service		500,000
Nondepartmental:		
Matching Funds - Grants	\$ 30,000	
Contingency	<u>48,000</u>	<u>78,000</u>
		<u>250,000</u>
Contribution to Capital Projects		<u><u>\$1,875,325</u></u>

PROPOSED ADDITIONS TO CAPITAL REVENUES:

Contribution - General Fund	\$ 250,000
-----------------------------	------------

PROPOSED ADDITIONS TO CAPITAL EXPENDITURES:

Parks and Recreation - Freedom Park	\$ 250,000
-------------------------------------	------------

PROPOSED ADDITIONS TO DEBT SERVICE FUND REVENUES:

General Fund Contribution - Schools	\$ 500,000
-------------------------------------	------------

PROPOSED ADDITIONS TO DEBT SERVICE FUND EXPENDITURES:

Fund Reserve	\$ 500,000
--------------	------------

H. BOARD CONSIDERATIONS

1. Amended FY 2006 Operating Budget

Mr. John E. McDonald, Manager of Financial and Management Services, presented a resolution to amend the FY 2006 Operating Budget to acknowledge the additional State revenues, the proceeds of the amended transient occupancy tax, and the addition of recurring expenditures from FY 2005; and that the FY 2006 Budget with amendments is to be used for planning purposes only.

The Board and staff discussed the capping of Personal Property Tax reimbursement to localities for vehicles by the General Assembly, the lack of capping measures for localities on assessing tax rates for Personal Property Taxes, the amount of revenue increase since 2000 for Personal Property Tax proceeds, and the potential for citizens to have to pick up the difference in reimbursement levels should the State not reimburse the localities for vehicle Personal Property Taxes.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

AMENDED FY 2006 OPERATING BUDGET

WHEREAS, the Board of Supervisors of James City County has been requested to amend the County's FY 2006 Operating Budget, for planning purposes only, to account for adjustments caused by the State FY 2005/FY 2006 Budget adopted by the 2004 General Assembly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following amounts are hereby approved as amendments to the FY 2006 Operating Budget and shall be included in the adopted budget publication for planning purposes only:

1. Reduce the State Personal Property Tax Relief Act ("Car Tax") reimbursement by \$600,000, adding that revenue to local personal property tax revenues.
2. Add \$850,000 in additional room tax proceeds and the same amount to the contribution to the Williamsburg Area Convention & Visitors Bureau.
3. Add \$79,000 in Compensation Board Salaries to both revenues and expenditures.
4. Add \$780,000 in State Sales Taxes and \$170,000 in HB599 Revenues. Allocate the additional \$950,000 to the Debt Service Reserve (\$500,000), Capital Projects - Undesignated (\$250,000), Grounds Maintenance (\$107,000), and Operating Contingency (\$93,000).

2. Creation of the Five Forks Area Study Committee

Mr. Matthew D. Arcieri, Planner, presented a resolution for the Board to endorse the formation of a Five Forks Area Study Committee to develop guiding principles in transportation, land use, and economic development for the development of the Five Forks area.

The Board and staff held a brief discussion regarding the number of members that may be appointed to the Committee and the tentative date for the first meeting being in conflict with the Jamestown Road and Route 199 Improvement Project town meeting scheduled for June 30, 2004.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CREATION OF THE FIVE FORKS AREA STUDY COMMITTEE

WHEREAS, Economic Development Action 12G of the 2003 Comprehensive Plan recommends that James City County evaluate redevelopment and land use issues in the Five Forks area; and

WHEREAS, Kimley-Horn and Associates has conducted a traffic impact analysis to assess current and projected traffic levels in the Five Forks area; and

WHEREAS, the James City County Environmental Division has provided a preliminary environmental assessment that takes into account the recommendations of the Powhatan Creek Watershed Management Plan; and

WHEREAS, staff has recommended that a study committee be created to be responsible for preparing guiding principles in transportation, land use, and economic development for the development of the Five Forks area; and

WHEREAS, these principles will be used by citizens, staff, Planning Commission, and Board of Supervisors to guide recommendations and decisions in future land use cases and other development activity in the Five Forks area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the formation of a Five Forks Area Study Committee as described herein.

3. **Contract Change Order - AMEC Earth and Environmental, Inc. - Study for the Establishment of the James City County Stormwater Utility**

Mr. Wayland N. Bass, County Engineer, made a presentation on the proposed next phase of the Stormwater Utility establishment and presented a resolution to authorize the County Administrator to execute a change order to the existing AMEC contract for AMEC to provide consulting services to establish the James City County stormwater utility.

The Board and staff held a discussion regarding the timing of the next phase and implications of adopting the resolution at this meeting.

The Board concurred to defer action on the proposal until July 27 and to hold a Work Session on the matter on June 22.

The Board directed staff to provide information at the June 22 Work Session regarding the timing opportunity in Fiscal Year 2006 for the establishment of a Stormwater Utility, be prepared to discuss the options and policy analysis for a Stormwater Utility, milestone dates/events to brief the Board on the process and progress, how the County currently handles Stormwater issues and how that would change if revenue generated by a Utility is used to address the issues, information on upcoming Capital projects that will impact Stormwater, and timing of Capital projects in regard to the creation of a Stormwater Utility, as well as current and future funding to address Stormwater concerns.

Mr. Goodson deferred action on the item until July 27, 2004, and directed staff to prepare a Work Session on the item for June 22, 2004.

4. Resolution Requesting the Circuit Court to Order an Election on Issuance of General Obligation Bonds in the Maximum Amount of \$39,820,000 for School Facilities

Mr. John E. McDonald, Manager of Financial and Management Services, requested the Board approve a resolution requesting the Circuit Court to order an election on the question of issuing general obligation bonds to finance a portion of the costs of a new high school.

The Board and staff discussed the proposed ceiling amount for the bond and the amount including consideration for inflation of steel prices and construction and on addressing the facility needs of the students including an auxiliary gym.

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY,
VIRGINIA, TO INCUR A DEBT IN THE FORM OF GENERAL OBLIGATION BONDS
AND TO REQUEST A PUBLIC REFERENDUM ON THE ISSUANCE OF
SUCH BONDS TO FINANCE A NEW HIGH SCHOOL**

WHEREAS, the Williamsburg-James City County School Board (the "School Board") has found and determined that there is a need to construct and equip a new high school in the Williamsburg-James City County area (the "Project"), to be financed in part by the issuance of general obligation bonds of James City County, Virginia (the "County"), in the maximum amount of \$39,820,000; and

WHEREAS, the School Board adopted a resolution on June 1, 2004, requesting the Board of Supervisors of the County (the "Board") to request the Circuit Court for the City of Williamsburg and the County of James City, Virginia (the "Circuit Court") to order an election on the question of contracting a debt and issuing general obligation bonds of the County in the maximum amount of \$39,820,000 for the Project; and

WHEREAS, the Board concurs in the need to undertake the Project and desires to determine the interest of the County's qualified voters in issuing debt in the form of general obligation bonds to finance a portion of the cost of such Project; and

WHEREAS, Section 15.2-2640 of the Code of Virginia of 1950, as amended (the "Code"), requires that the purposes for which the bonds are to be issued and the maximum amount of bonds to be issued be set forth in a resolution; and

WHEREAS, Sections 15.2-2610 and 15.2-2638 of the Code require that voter approval be obtained at a referendum before such bonds can be issued, and Section 15.2-2640 requires that the Board by resolution must request the Circuit Court to order an election on the question of contracting the debt and issuing the proposed bonds.

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

1. The Board finds and determines that it is necessary and expedient to undertake the Project, which will promote the public welfare of the County and its inhabitants.
2. The Board hereby determines that it is advisable to determine the interest of the qualified voters of the County on the incurrence of debt by the County in the form of the County's general obligation bonds in an amount not to exceed \$39,820,000 to finance the cost of the Project.
3. The Board hereby requests that the Circuit Court, pursuant to Sections 15.2-2610, 15.2-2611, and 24.2-684 of the Code, enter an Order requiring County election officials to conduct a special election for the qualified voters of the County on November 2, 2004, the day of the general election, and that the referendum question be placed on the ballot in substantially the following form:

QUESTION: Shall James City County, Virginia, contract a debt and issue its general obligation bonds in a principal amount not to exceed \$39,820,000 pursuant to the Public Finance Act of 1991, as amended, for the purpose of financing a portion of the costs of the construction and equipping of a new high school that will serve the residents and students of James City County?

- () YES
() NO

4. The Clerk of the Board shall certify a copy of this resolution to the Circuit Court.
5. This Resolution shall take effect immediately.

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

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

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that a public informational meeting will be held on June 30 at 6:30 p.m. at the Rawls Byrd Elementary School to provide citizens with an update on the progress of the Route 199 and Jamestown Road intersection improvement project.

L. MATTERS OF SPECIAL PRIVILEGE

Mr. Morton announced his retirement from his position as the County Attorney to be effective September 1, 2004.

Mr. Morton indicated his interest in serving in the community and perhaps on a County Board or Committee at some point in the future, stated that his 31 years with the County have been rewarding, and thanked the Board and citizens for allowing him to serve.

M. CLOSED SESSION

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

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

Mr. Goodson adjourned the Board into Closed Session at 8:41 p.m.

Mr. Goodson reconvened the Board into Open Session at 9:03 p.m.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

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

Mr. Goodson stated that the Board will defer making appointments to the Five Forks Study Committee until June 22, during which time the potential members will be contacted to verify interest in serving on the Committee.

N. AJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 9:04 p.m., Mr. Goodson adjourned the Board until 4 p.m. on June 22, 2004.

Sanford B. Wanner
Clerk to the Board

060804bs.min

MEMORANDUM

DATE: June 22, 2004
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Amending the Membership of the Colonial Services Board

The Board of Directors of the Colonial Services Board (CSB) approved a resolution on June 1, 2004, by a unanimous vote, to ask the Boards of Supervisors of James City and York Counties, and the City Councils of Williamsburg and Poquoson, to increase the membership of the CSB by one member. The new board, if approved by each of the four localities, would consist of 15 members, and the additional member would represent James City County.

This resolution is consistent with State Code and the by-laws of the CSB. The size of the Board and the representation of the four localities were last amended in 1990.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/gb
membership.mem

Attachment

RESOLUTION

AMENDING THE MEMBERSHIP OF THE COLONIAL SERVICES BOARD

WHEREAS, Chapter 10 of Title 37.1 of the Code of Virginia (1950), as amended, provides for the establishment of a community services board to deliver mental health, mental retardation, and substance abuse services; and

WHEREAS, the Board of Supervisors of James City County, with the intent of implementing provisions of Chapter 10 of Title 37.1 of the Code of Virginia, established the Colonial Services Board, hereinafter referred to as "the Board," by resolution, duly enacted on September 30, 1970; and

WHEREAS, since that date, the number of member jurisdictions has increased and the number of appointees from each jurisdiction has changed; and

WHEREAS, the original resolution enacted on September 30, 1970, was reaffirmed by the Board of Supervisors of James City County by resolution duly enacted on February 5, 1990; and

WHEREAS, since that date, the proportionate population of the member jurisdictions has changed; and

WHEREAS, Article 3, Section 2 of the Bylaws of the Colonial Services Board states:

Williamsburg, James City County, York County, and Poquoson shall be represented, as nearly as is practicable, on the Board in proportion to each jurisdiction's percentage of the overall population of the catchment area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in conjunction with the City Councils of Poquoson and Williamsburg and the Board of Supervisors of York County, desires to amend the number of board members serving on the Colonial Services Board in approximate proportion to current populations.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County does hereby amend the original resolution dated September 30, 1970, to amend the membership of the Colonial Services Board to be composed of fifteen members who shall be appointed by the Board(s) of Supervisors/City Council(s) in the following manner:

Five	from James City County
Six	from York County
Two	from Williamsburg
Two	From Poquoson

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of
June, 2004.

membership.res

MEMORANDUM

DATE: June 22, 2004
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Director of Budget and Accounting
SUBJECT: Grant Appropriation - Clerk of the Circuit Court

The State Compensation Board has awarded the Clerk of the Circuit Court two grants from the Technology Trust Fund totaling \$156,141. These grants will allow the Clerk to continue to modernize the office and its records system.

Staff recommends that the James City County Board of Supervisors approve the attached resolution authorizing a budget appropriation of \$156,141 to the Special Projects/Grants Fund.

Suzanne R. Mellen

SRM/gs
clerkgrant04.mem

Attachment

RESOLUTION

GRANT APPROPRIATION - CLERK OF THE CIRCUIT COURT

WHEREAS, the State Compensation Board has awarded the Clerk of the Circuit Court two technology grants totaling \$156,141; and

WHEREAS, there is no local match required.

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

Revenue:

State Compensation Board Technology Grant	<u>\$156,141</u>
---	------------------

Expenditure:

Clerk Technology Upgrades	<u>\$156,141</u>
---------------------------	------------------

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of June, 2004.

clerkgrant04.res

MEMORANDUM

DATE: June 22, 2004
TO: The Board of Supervisors
FROM: Barbara E. Watson, Director, Neighborhood Connections
SUBJECT: 2004 The Year of the Neighborhoods - Neighborhood of the Quarter - Burnt Ordinary

At the January 13 Board meeting, 2004 was proclaimed as The Year of the Neighborhoods. In celebration of County neighborhoods and all that they do, Neighborhood Connections is recognizing a Neighborhood of the Quarter. The neighborhood receiving that recognition for the second quarter of 2004 is the Burnt Ordinary Neighborhood Association.

Staff recommends approval of the attached resolution proclaiming the Burnt Ordinary Neighborhood Association as the James City County Neighborhood of the Quarter.


Barbara E. Watson

CONCUR:

Carol M. Luckam

BEW/gb
burntord.mem

Attachment

RESOLUTION

2004 THE YEAR OF THE NEIGHBORHOODS -

NEIGHBORHOOD OF THE QUARTER - BURNT ORDINARY

WHEREAS, the Burnt Ordinary Neighborhood Association has been a connected neighborhood with James City County's Neighborhood Connections since 1998 and consists of 80 apartments for families and 22 apartments for seniors; and

WHEREAS, the motto of the Burnt Ordinary Neighborhood Association is: "Working Together for a Better Community to Live In"; and

WHEREAS, the success of the Burnt Ordinary Neighborhood Association is due to its outstanding communication among members and working together through these efforts:

- Monthly Newsletters;
- Monthly Senior Bingo;
- 4-H Youth Group;
- Youth-Senior Projects;
- Youth Vegetable Garden; and
- Burnt Ordinary Community Day.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the Burnt Ordinary Neighborhood Association the Neighborhood of the Quarter for June 2004 in connection with the celebration of the 10th Anniversary of Neighborhood Connections.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of June, 2004.

MEMORANDUM

DATE: June 22, 2004
TO: The Board of Supervisors
FROM: Keith A. Taylor, Secretary, Industrial Development Authority
SUBJECT: Revenue Bond Financing for the Association for the Preservation of Virginia Antiquities

At the June 15, 2004, regular meeting of the Industrial Development Authority (IDA) the IDA Board of Directors passed a Resolution of Inducement for the Association for the Preservation of Virginia Antiquities (APVA) for up to \$6 million worth of revenue bonds to finance the costs of:

1. Constructing and equipping an "Archaearium" (state-of-the-art museum, which will interpret the archaeology and history of Jamestown);
2. Renovating Dale House (for planning, design, construction, and interpretive exhibits); and
3. Landscaping, mobile exhibits, and the James Fort area interpretive design.

A signed copy of that resolution, a fiscal impact statement, and a summary of statements made at the IDA's duly advertised public hearing on this matter are attached.

The bonds do not carry the full faith and credit of James City County or its IDA. Staff recommends approval of the attached resolution.

Keith A. Taylor

KAT/gs
APVAjtwm.mem

Attachments

RESOLUTION

REVENUE BOND FINANCING FOR THE

ASSOCIATION FOR THE PRESERVATION OF VIRGINIA ANTIQUITIES

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the "Authority"), has considered the application of the Association for the Preservation of Virginia Antiquities (the "APVA"), requesting the issuance of the Authority's revenue bonds in a principal amount not to exceed \$6,000,000 (the "Bonds"). The proceeds of the Bonds will be used to assist the APVA in financing or refinancing: 1) the construction, equipping, and development of a 7,500-square-foot building to be called the "Archaearium"; 2) the renovation, equipping, and development of an existing building known as the "Dale House"; 3) the acquisition, construction, and equipping of mobile units for exhibit space and other improvements at Historic Jamestowne (together, the Archaearium, the Dale House, the mobile units, and the other improvements are the "Project"); and 4) the costs of issuing the Bonds. The Archaearium will exhibit a portion of the APVA's archeological collections, as well as certain historical exhibits that will demonstrate the life of the early settlers at the original Jamestown Settlement. The Dale House will be used for visitor support services, including food services and retail space. The Project will be located on the 22.5 acres of land owned by the APVA in the southwest portion of Jamestown Island, which is at the western end of the Colonial Parkway in the County of James City, Virginia (the "County"). The balance of the land on Jamestown Island is owned by the National Park Service. Visitors to the National Park Service property may cross onto the land owned by the APVA and may also visit APVA facilities, including the Archaearium, the Dale House, the mobile units, and participate in APVA activities. The Project will be owned by the APVA and will be used by the APVA in furtherance of its mission to preserve, interpret, and promote property relating to the history and people of Virginia; and

WHEREAS, the APVA is a nonprofit Virginia nonstock corporation that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). It has its principal place of business at 204 West Franklin Street, Richmond, Virginia 23220; and

WHEREAS, Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") provide that the highest-elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Bonds will be issued by the Authority on behalf of the County and the Project will be located in the County. The Board of Supervisors of the County of James City, Virginia (the "Board") constitutes the highest-elected governmental unit of the County; and

WHEREAS, The Authority adopted an inducement resolution on June 15, 2004, (the "Inducement Resolution"), immediately following a Public Hearing held by the Authority on such date. In the Inducement Resolution, the Authority approved the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project and recommended and requested that the Board approve of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project. A copy of the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Authority's Public Hearing, and the APVA's Fiscal Impact Statement have been filed with the Board.

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

1. The recitals made in the first and second paragraphs of this resolution are hereby adopted as a part of this resolution. The Board accepts the documents submitted to it by the Authority.
2. The Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$6,000,000 and approves the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project. The Bonds may be issued in one or more series and from time to time. These approvals are given for the benefit of the APVA, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and to permit the Authority to assist in the financing or refinancing of the Project.
3. The approval of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the APVA. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the County, shall be pledged thereto.
4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.
5. The County, including its elected representatives, officers, employees, and agents, shall not be liable and hereby disclaims all liability for any damage to the APVA or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
6. This resolution shall take effect immediately upon its adoption.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of
June, 2004.

APVAjtown.res

CERTIFICATION

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true, correct, and complete copy of a Resolution duly adopted by the Board of Supervisors of James City County, Virginia, at a meeting duly called and held on the 22nd day of June, 2004, and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded, or amended:

<u>Board Member</u>	<u>Present/Absent</u>	<u>Vote</u>
M. Anderson Bradshaw	_____	_____
Michael J. Brown	_____	_____
Bruce C. Goodson	_____	_____
Jay T. Harrison, Sr.	_____	_____
John J. McGlennon	_____	_____

WITNESS, my hand and the seal of the Board of Supervisors of James City County, Virginia, this _____ day of _____, 2004.

Clerk, Board of Supervisors
James City County, Virginia

(SEAL)

SUMMARY OF PUBLIC HEARING

The undersigned officer of the Industrial Development Authority of the County of James City, Virginia (the "Authority") hereby certifies as follows:

1. A meeting of the Authority was duly called and held on Tuesday, June 15, 2004, at 3:00 p.m., pursuant to proper notice given to each Director of the Authority prior to such meeting. The meeting was held in the Board Room of Building C, James City County Government Center, 101 Mounts Bay Road, Williamsburg, Virginia 23185. The meeting was open to the public. The time of the meeting and place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of the public hearing on the application of the Association for the Preservation of Virginia Antiquities (the "APVA"). A notice of the public hearing was published once a week for two successive weeks (on June 1 and June 8, 2004) in The Daily Press, a newspaper having general circulation in the County of James City, Virginia (the "Notice"). A copy of such Notice is attached hereto as **Exhibit A**.

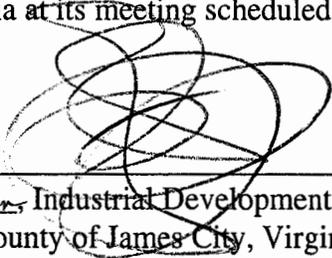
3. The individuals identified on **Exhibit B** attached hereto appeared and addressed the Authority. A reasonably detailed summary of the comments expressed at the public hearing by such individuals is included on **Exhibit B**.

4. Attached hereto as **Exhibit C** is a true, correct and complete copy of a resolution (the "Inducement Resolution") adopted by a majority of the Directors of the Authority present at such meeting, following such public hearing. The Inducement Resolution constitutes all formal action taken by the Authority at the June 15, 2004 meeting relating to matters referred to in the Inducement Resolution. The Inducement Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

5. Attached hereto as **Exhibit D** is a copy of the APVA's Fiscal Impact Statement.

6. Attached hereto as **Exhibit E** is a draft of a Resolution to be presented to the Board of Supervisors of the County of James City, Virginia at its meeting scheduled for June 22, 2004.

Dated: June 15, 2004



Chairman, Industrial Development Authority
of the County of James City, Virginia

Exhibits: A - Evidence of Publication of Notice
B - Summary of Statements Made at Public Hearing
C - Authority's Inducement Resolution
D - Fiscal Impact Statement
E - Draft Resolution of Board of Supervisors of the County of James City, Virginia

1260981v1/214845.020



- Nationwide search
- Local neighborhood search
- More listings, photos, floorplans and virtual tours!

Free service!

apartment

HAMPTON ROADS, VA. June 1, 2004 3:23 PM

Site / Archives Web

search

enhanced by Google™

Question

Currently: 84° F
 Scattered Clouds
 Humidity: 33%
 Chance of precip: 10%

FORECAST

Marketplace

- White & Yellow Pages
- Careers • Homes
- Auto Print Ads • Cars
- Classifieds • Coupons

The Daily Press

- Subscribe • Customer Service
- Place an Ad

CLASSIFIEDS

- Jobs
- Cars
- Homes
- Apartments
- Personals
- ▶ PAGE ONE
- ▶ NEWS
- ▶ BUSINESS
- ▶ SPORTS
- ▶ OBITUARIES
- ▶ LIFESTYLES
- ▶ ENTERTAINMENT
- ▶ DINING
- ▶ OPINION
- ▶ TRAVEL
- ▶ HOME & GARDEN
- ▶ HEALTH
- ▶ ABOUT US
- ▶ REGISTER
- ▶ CONTACT US
- ▶ CUSTOMER SERVICE
- ▶ SUBSCRIBE
- ▶ ADVERTISER INDEX
- ▶ INDEX

CLASSIFIEDS

1 Ad Found

Public hearing

1. NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND FINANCING BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY, VIRGINIA Notice is hereby given that the Industrial Development Authority of the County of James City, Virginia (the "Authority") will hold a public hearing on the application and plan of financing of the Association for the Preservation of Virginia Antiquities (the "APVA"), for the Authority to issue its revenue bonds in a principal amount not to exceed \$6,000,000 (the "Bonds"). The Bonds will be issued pursuant to the Virginia Industrial Development and Revenue Bond Act (the "Act"). The proceeds of the Bonds will be used to assist the APVA in financing or refinancing (1) the construction, equipping and development of a 7,500 square foot building to be called the "Archaearium," (2) the renovation, equipping and development of an existing building known as the "Dale House," (3) the acquisition, construction and equipping of mobile units for exhibit space and other improvements at Historic Jamestowne (together, the Archaearium, the Dale House, the mobile units and the other improvements are the "Project"), and (4) the costs of issuing the Bonds. The Archaearium will exhibit a portion of the APVA's archeological collections, as well as certain historical exhibits that will demonstrate the life of the early settlers at the original Jamestown settlement. The Dale House will be used for visitor support services, including food services and retail space. The Project will be located on the 22.5 acres of land owned by the APVA in the southwest portion of Jamestown Island, which is at the western end of the Colonial Parkway in the County of James City, Virginia (the "County"). The balance of the land on Jamestown Island is owned by the National Park Service. Visitors to the National Park Service property may cross onto the land owned by the APVA and may also visit APVA facilities, including the Archaearium, the Dale House and the mobile units, and participate in APVA activities. The Project will owned by the APVA and will be used by the APVA in furtherance of its mission to preserve, interpret, and promote property relating to the history and people of Virginia. The APVA is a nonprofit Virginia nonstock corporation that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. It has its principal place of business at 204 West Franklin Street, Richmond, Virginia 23220. The public hearing, which may be continued or adjourned, will be held at 3:00 p.m. on Tuesday, June 15,

Pub. 6/1-6/1

Mark Ad:

care



HO
the f

hampto
W
weeke
a FRE
e-ma
tic

2004 in the Board Room of Building C, James City County Government Center, 101 Mounts Bay Road, Williamsburg, Virginia 23185. The Authority's offices are at the County's Office of Economic Development at 101-C Mounts Bay Road, Post Office Box 8784, Williamsburg, Virginia 23187 and written comments to the Authority may be sent to such address. As required by the Act, the Bonds will not pledge the credit or the taxing power of the Commonwealth of Virginia, the County or the Authority, but will be payable solely from revenues derived from or on behalf of the APVA and pledges therefor. Any person interested in the issuance of the Bonds or the location or nature of the Project may appear and be heard. Industrial Development Authority of the County of James City, Virginia

[View Marked Ads](#)
[Clear Marked Ads](#)

Perform a new search within the categories you selected:

Keywords:

Find ads containing: All of the keywords Any of the keywords

Display:  ads per page

[Search other categories.](#)

[news](#) | [local](#) | [state](#) | [national](#) | [sports](#) | [business](#) | [opinion](#) | [cars](#) | [homes](#) | [jobs](#) | [weather](#) | [archives](#) | [entertainment](#) | [dining](#) | [obituaries](#) | [classifieds](#) | [site index](#) | [customer service](#) | [privacy policy](#)

Copyright ©2004 The Daily Press



HAMPTON ROADS, VA. June 8, 2004 11:08 AM

Site / Archives Web

search

enhanced by Google™

Questi

Currently: 73° F
Mist
Humidity: 94%
Chance of precip: 10%

FORECAST

Marketplace

- White & Yellow Pages
- Careers • Homes
- Auto Print Ads • Cars
- Classifieds • Coupons

The Daily Press

- Subscribe • Customer Service
- Place an Ad

CLASSIFIEDS

- Jobs
- Cars
- Homes
- Apartments
- Personals
- ▶ PAGE ONE
- ▶ NEWS
- ▶ BUSINESS
- ▶ SPORTS
- ▶ OBITUARIES
- ▶ LIFESTYLES
- ▶ ENTERTAINMENT
- ▶ DINING
- ▶ OPINION
- ▶ TRAVEL
- ▶ HOME & GARDEN
- ▶ HEALTH
- ▶ ABOUT US
- ▶ REGISTER
- ▶ CONTACT US
- ▶ CUSTOMER SERVICE
- ▶ SUBSCRIBE
- ▶ ADVERTISER INDEX
- ▶ INDEX

CLASSIFIEDS

1 Ad Found

Public hearing

1. NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND FINANCING BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY, VIRGINIA Notice is hereby given that the Industrial Development Authority of the County of James City, Virginia (the "Authority") will hold a public hearing on the application and plan of financing of the Association for the Preservation of Virginia Antiquities (the "APVA"), for the Authority to issue its revenue bonds in a principal amount not to exceed \$6,000,000 (the "Bonds"). The Bonds will be issued pursuant to the Virginia Industrial Development and Revenue Bond Act (the "Act"). The proceeds of the Bonds will be used to assist the APVA in financing or refinancing (1) the construction, equipping and development of a 7,500 square foot building to be called the "Archaearium," (2) the renovation, equipping and development of an existing building known as the "Dale House," (3) the acquisition, construction and equipping of mobile units for exhibit space and other improvements at Historic Jamestowne (together, the Archaearium, the Dale House, the mobile units and the other improvements are the "Project"), and (4) the costs of issuing the Bonds. The Archaearium will exhibit a portion of the APVA's archeological collections, as well as certain historical exhibits that will demonstrate the life of the early settlers at the original Jamestown settlement. The Dale House will be used for visitor support services, including food services and retail space. The Project will be located on the 22.5 acres of land owned by the APVA in the southwest portion of Jamestown Island, which is at the western end of the Colonial Parkway in the County of James City, Virginia (the "County"). The balance of the land on Jamestown Island is owned by the National Park Service. Visitors to the National Park Service property may cross onto the land owned by the APVA and may also visit APVA facilities, including the Archaearium, the Dale House and the mobile units, and participate in APVA activities. The Project will owned by the APVA and will be used by the APVA in furtherance of its mission to preserve, interpret, and promote property relating to the history and people of Virginia. The APVA is a nonprofit Virginia nonstock corporation that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. It has its principal place of business at 204 West Franklin Street, Richmond, Virginia 23220. The public hearing, which may be continued or adjourned, will be held at 3:00 p.m. on Tuesday, June 15,

Pub. 6/8-6/8

Mark Ad:



hampto
W
weeke
a FRt
e-ma
fic

S
OC

v
No

2004 in the Board Room of Building C, James City County Government Center, 101 Mounts Bay Road, Williamsburg, Virginia 23185. The Authority's offices are at the County's Office of Economic Development at 101-C Mounts Bay Road, Post Office Box 8784, Williamsburg, Virginia 23187 and written comments to the Authority may be sent to such address. As required by the Act, the Bonds will not pledge the credit or the taxing power of the Commonwealth of Virginia, the County or the Authority, but will be payable solely from revenues derived from or on behalf of the APVA and pledges therefor. Any person interested in the issuance of the Bonds or the location or nature of the Project may appear and be heard. Industrial Development Authority of the County of James City, Virginia

[View Marked Ads](#)

[Clear Marked Ads](#)

Perform a new search within the categories you selected:

Keywords:

Find ads containing: All of the keywords Any of the keywords

Display: ads per page

[Search other categories.](#)

[news](#) | [local](#) | [state](#) | [national](#) | [sports](#) | [business](#) | [opinion](#) | [cars](#) | [homes](#) | [job:](#)
[weather](#) | [archives](#) | [entertainment](#) | [dining](#) | [obituaries](#) | [classifieds](#)
[site index](#) | [customer service](#) | [privacy policy](#)

Copyright ©2004 The Daily Press

SUMMARY OF STATEMENTS MADE AT PUBLIC HEARING

Elizabeth Kostelny, Sandra Wahl and Louis Malon, of the Association for the Preservation of Virginia Antiquities (the "APVA") and Sandra Jones McNinch, of Troutman Sanders LLP, the APVA's Bond Counsel, reviewed the application materials previously submitted to the Authority by or on behalf of the APVA, including information regarding the APVA's plans for financing or refinancing (1) the construction, equipping and development of a 7,500 square foot building to be called the "Archaearium," (2) the renovation, equipping and development of an existing building known as the "Dale House," (3) the acquisition, construction and equipping of mobile units for exhibit space and other improvements at Historic *Jamestowne* (together, the Archaearium, the Dale House, the mobile units and the other improvements are the "Project"), and (4) the costs of issuing the Bonds.

Ms. Kostelny, Ms. Wahl, Mr. Malon and Ms. McNinch addressed questions raised by the Directors of the Authority regarding the Project and the application materials.

No other members of the general public made any comments, whether oral or written, at the public hearing.

**INDUCEMENT RESOLUTION OF THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE COUNTY OF JAMES CITY, VIRGINIA**

The Industrial Development Authority of the County of James City, Virginia (the "Authority") is empowered by the Industrial Development and Revenue Bond Act (the "Act") to issue its revenue bonds for the purposes of, among other things financing or refinancing facilities for use by organizations (other than organizations organized and operated exclusively for religious purposes) which are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), thereby promoting the safety, health, welfare, convenience and prosperity of the residents of the Commonwealth of Virginia (the "Commonwealth").

The Authority has received a request from the Association for the Preservation of Virginia Antiquities, a Virginia nonstock corporation which is exempt from taxation pursuant to Section 501(c)(3) of the Code (the "APVA"), requesting that the Authority issue its revenue bonds to assist in financing or refinancing (1) the construction, equipping and development of a 7,500 square foot building to be called the "Archaearium," (2) the renovation, equipping and development of an existing building known as the "Dale House," (3) the acquisition, construction and equipping of mobile units for exhibit space and other improvements at Historic Jamestowne (together, the Archaearium, the Dale House, the mobile units and the other improvements are the "Project"), and (4) the costs of issuing the Bonds. The Archaearium will exhibit a portion of the APVA's archeological collections, as well as certain historical exhibits that will demonstrate the life of the early settlers at the original Jamestown settlement. The Dale House will be used for visitor support services, including food services and retail space. The Project will be located on the 22.5 acres of land owned by the APVA in the southwest portion of Jamestown Island, which is at the western end of the Colonial Parkway in the County of James City, Virginia (the "County"). The balance of the land on Jamestown Island is owned by the National Park Service. Visitors to the National Park Service property may cross onto the land owned by the APVA and may also visit APVA facilities, including the Archaearium, the Dale House and the mobile units, and participate in APVA activities. The Project will be owned by the APVA and will be used by the APVA in furtherance of its mission to preserve, interpret, and promote property relating to the history and people of Virginia.

A preliminary proposal for the Project has been described to the Authority by representatives of the APVA. After careful study of the nature of such proposal, the Authority has determined that its assistance will further the purposes of the Act, thereby benefiting the inhabitants of the County, the surrounding communities and the Commonwealth.

The APVA has advised the Authority that the estimated cost of acquiring, constructing, renovating, equipping, developing and financing or refinancing the Project will require an issue of revenue bonds in an aggregate principal amount now estimated not to exceed \$6,000,000.

Just prior to the consideration of this Inducement Resolution, a public hearing was held by the Authority on the Project and the issuance of such revenue bonds, following reasonable public notice, as required by, and in compliance with, Section 147(f) of the Code and Section 15.2-4906 of the Act. The Authority desires to recommend approval of the Project and the issuance of such revenue bonds to the Board of Supervisors of the County of James City, Virginia (the "Board").

NOW, THEREFORE, BE IT RESOLVED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY, VIRGINIA:

1. It is hereby found and determined that the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project will promote the safety, health, welfare, convenience and prosperity of the inhabitants of the Commonwealth by enhancing the ability of the APVA to provide its services to the inhabitants of the Commonwealth.

2. As a further inducement to the APVA to acquire, construct, renovate, equip and develop the Project in the County, the Authority hereby agrees to assist the APVA in every reasonable way to finance or refinance the acquisition, construction, renovation, equipping and development of the Project and to undertake the issuance of its qualified 501(c)(3) revenue bonds or notes in an aggregate principal amount now estimated not to exceed \$6,000,000 (the "Bonds") upon terms and conditions mutually agreeable to the Authority and the APVA. The proceeds of the Bonds shall be loaned to the APVA pursuant to a loan agreement, the terms of which loan agreement shall obligate the APVA to make payments to or on behalf of the Authority sufficient to pay interest on, premium (if any), and principal of the Bonds and to pay all other expenses in connection with the Project. The Bonds will be issued pursuant to documents satisfactory to the Authority and a bond trustee or the purchaser of the Bonds which (a) will set forth the form and terms of the Bonds and (b) as security for the Bonds, will assign the Authority's rights to payments under the loan agreement with the APVA to the bond trustee or the purchaser of the Bonds. The Bonds may also be secured by other collateral. The Bonds shall be issued after the Authority has received the approving opinion of bond counsel as to the qualification of the Bonds under the Act. The Bonds may be issued at one time or from time to time in one or more series.

Principal of and premium, if any, and interest on the Bonds shall be limited obligations of the Authority payable solely from the revenues and receipts derived by the Authority under the loan agreement and the security therefor. The principal of and premium, if any, and interest on the Bonds shall not be deemed to constitute a debt or pledge of the faith and credit of the Commonwealth or any political subdivision thereof, including the Authority and the County. Neither the Commonwealth nor any political subdivision thereof, including the Authority and the County, shall be obligated to pay the principal of or premium, if any, or interest on the Bonds or other costs incident thereto except from payments received pursuant to the loan agreement and the security therefor, and neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the Authority and the County, will be pledged to the payment of the principal of or premium, if any, or interest on the Bonds or other costs incident thereto. No covenant, condition or agreement contained in the Bonds or in any financing instrument executed and delivered in connection therewith shall be deemed to be a covenant, condition or agreement of any past, present or future director, officer, employee or agent of the Authority in his or her individual capacity, and no officer of the Authority executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

3. It having been represented to the Authority that it is necessary to proceed

immediately with the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project, the Authority hereby agrees that the APVA may proceed to develop further plans for the Project, enter into contracts for the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project and take such other steps, including interim borrowing, as the APVA may deem appropriate in connection therewith, including the location of a purchaser or purchasers for the Bonds; *provided* that nothing herein shall be deemed to authorize the APVA to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Project or the Bonds. The Authority agrees that the APVA may be reimbursed from the proceeds of the Bonds for all expenditures so made and costs so incurred, insofar as such expenditures and costs are properly reimbursable under the Act and applicable state and federal laws.

4. All fees, costs and expenses in connection with the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project, including the Authority's annual administrative fee and the other fees and expenses of the Authority, bond counsel and Authority counsel, shall be paid from the proceeds of the Bonds or from moneys provided by the APVA. If for any reason such Bonds are not issued, it is understood that all such expenses shall be paid by the APVA and that the Authority shall have no responsibility therefor.

5. By submitting this Inducement Resolution to the Authority, the APVA has agreed to indemnify and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the Project or the Bonds. Further, by submitting this Inducement Resolution to the Authority, the APVA has agreed to pay the Authority the fees set forth in the Authority's application materials.

6. The Authority hereby recommends and requests that, within sixty days hereof, the Board approve the issuance of the Bonds and the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project. The Authority hereby directs the Secretary or Assistant Secretary of the Authority to submit to the Board this Inducement Resolution, the APVA's Fiscal Impact Statement, and a summary of the comments made at the public hearing held by the Authority.

7. As requested by the APVA, the Authority approves the use of Troutman Sanders LLP as bond counsel for the Bonds.

8. Neither the Authority, including its officers, directors, employees and agents, nor the County shall be liable and hereby disclaim all liability to the APVA and all other persons or entities for any damages, direct or consequential, resulting from the failure of the Authority to issue the Bonds for any reason.

9. All other acts of the Authority that are in conformity with the purposes and intent of this Inducement Resolution and in furtherance of the issuance and sale of the Bonds and the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project are hereby ratified, approved and confirmed.

10. This Inducement Resolution shall take effect immediately upon its adoption. This Inducement Resolution will expire one year after the date that the Board approves the issuance of the Bonds, as described in Paragraph 6 above, unless it is extended by the Authority or unless some of the Bonds are issued by such date.

Adopted: June 15, 2004.

CERTIFICATE

The undersigned Secretary of the Industrial Development Authority of the County of James City, Virginia (the "Authority"), certifies that:

1. A meeting of the Authority was held on June 15, 2004, at the time and place established and noticed by the Authority, at which the following members were present and absent:

PRESENT/ABSENT:

Gilbert A. Bartlett	<u> </u> / <u> </u> ✓
John Berkenkamp	<u> </u> / <u> </u> ✓
Alvin J. Bush	<u> </u> / <u> </u> ✓
Vincent A. Campana, Jr.	<u> </u> / <u> </u> ✓
Virginia B. Hartmann	<u> </u> / <u> </u> ✓
Bernard H. Ngo	<u> </u> / <u> </u> ✓
Mark G. Rinaldi	<u> </u> / <u> </u> ✓

2. The foregoing Inducement Resolution was adopted by a majority of the quorum of the Authority present by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Gilbert A. Bartlett	<u> </u>
John Berkenkamp	<u> </u>
Alvin J. Bush	<u>aye</u>
Vincent A. Campana, Jr.	<u>aye</u>
Virginia B. Hartmann	<u>aye</u>
Bernard H. Ngo	<u> </u>
Mark G. Rinaldi	<u>aye</u>

3. The foregoing Inducement Resolution is a true and correct copy of such Inducement Resolution as adopted on June 15, 2004. The foregoing Inducement Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the Industrial Development Authority of the County of James City, Virginia, this 15th day of June, 2004.


Secretary, Industrial Development Authority of
the County of James City, Virginia

(SEAL)

1261016v2
214845.020

FISCAL IMPACT STATEMENT

Public Hearing: June 15, 2004

**INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE COUNTY OF JAMES CITY, VIRGINIA**

**FINANCING FOR:
ASSOCIATION FOR THE PRESERVATION OF VIRGINIA ANTIQUITIES
IMPROVEMENTS AT HISTORIC JAMESTOWNE**

1. Maximum amount of financing sought	\$ 6,000,000
2. Estimated taxable value of the facility's real property in James City County	\$ 4,000,000
3. Estimated real property tax per year in James City County using present tax rates	\$ 0
4. Estimated personal property tax per year in James City County using present tax rates	\$ 0
5. Estimated merchants' capital tax per year in James City County using present tax rates	\$ 0
6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within James City County	\$ 200,000
(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within James City County	\$ 100,000
(c) Estimated dollar value per year of services that will be purchased from Virginia companies within James City County	\$ 70,000
(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within James City County	\$ 25,000
7. Estimated number of regular employees on year round basis	35
8. Average annual salary per employee	\$ 22,500

**INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE COUNTY OF JAMES CITY, VIRGINIA***

By _____
Chairman

* The information on this Fiscal Impact Statement was supplied to the Authority by the Association for the Preservation of Virginia Antiquities. The information on items 6 – 8 relates to the Association's operations at Historic Jamestowne, not including archaeological activities.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF JAMES CITY, VIRGINIA
REGARDING A REVENUE BOND FINANCING FOR THE
ASSOCIATION FOR THE PRESERVATION OF VIRGINIA ANTIQUITIES**

The Industrial Development Authority of the County of James City, Virginia (the "Authority"), has considered the application of the Association for the Preservation of Virginia Antiquities (the "APVA"), requesting the issuance of the Authority's revenue bonds in a principal amount not to exceed \$6,000,000 (the "Bonds"). The proceeds of the Bonds will be used to assist the APVA in financing or refinancing (1) the construction, equipping and development of a 7,500 square foot building to be called the "Archaearium," (2) the renovation, equipping and development of an existing building known as the "Dale House," (3) the acquisition, construction and equipping of mobile units for exhibit space and other improvements at Historic Jamestowne (together, the Archaearium, the Dale House, the mobile units and the other improvements are the "Project"), and (4) the costs of issuing the Bonds. The Archaearium will exhibit a portion of the APVA's archeological collections, as well as certain historical exhibits that will demonstrate the life of the early settlers at the original Jamestown settlement. The Dale House will be used for visitor support services, including food services and retail space. The Project will be located on the 22.5 acres of land owned by the APVA in the southwest portion of Jamestown Island, which is at the western end of the Colonial Parkway in the County of James City, Virginia (the "County"). The balance of the land on Jamestown Island is owned by the National Park Service. Visitors to the National Park Service property may cross onto the land owned by the APVA and may also visit APVA facilities, including the Archaearium, the Dale House and the mobile units, and participate in APVA activities. The Project will be owned by the APVA and will be used by the APVA in furtherance of its mission to preserve, interpret, and promote property relating to the history and people of Virginia.

The APVA is a nonprofit Virginia nonstock corporation that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). It has its principal place of business at 204 West Franklin Street, Richmond, Virginia 23220.

Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Bonds will be issued by the Authority on behalf of the County and the Project will be located in the County. The Board of Supervisors of the County of James City, Virginia (the "Board") constitutes the highest elected governmental unit of the County.

The Authority adopted an inducement resolution on June 15, 2004 (the "Inducement Resolution"), immediately following a public hearing held by the Authority on such date. In the Inducement Resolution, the Authority approved the issuance of the Bonds and the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project and recommended and requested that the Board approve of the issuance of the Bonds

and the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project. A copy of the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Authority's public hearing and the APVA's Fiscal Impact Statement have been filed with the Board.

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

1. The recitals made in the first and second paragraphs of this Resolution are hereby adopted as a part of this Resolution. The Board accepts the documents submitted to it by the Authority.
2. The Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$6,000,000 and approves the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project. The Bonds may be issued in one or more series and from time to time. These approvals are given for the benefit of the APVA, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and to permit the Authority to assist in the financing or refinancing of the Project.
3. The approval of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development and financing or refinancing of the Project does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the APVA. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the County, shall be pledged thereto.
4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this Resolution shall remain in effect for a period of one year from the date of its adoption.
5. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to the APVA or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
6. This Resolution shall take effect immediately upon its adoption.

Adopted: June 22, 2004

CERTIFICATION

The undersigned Clerk of the Board of Supervisors of the County of James City, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of the County of James City, Virginia at a meeting duly called and held on the 22nd day of June, 2004 and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended:

<u>Supervisor</u>	<u>Present/Absent</u>	<u>Vote</u>
M. Anderson Bradshaw	_____	_____
Michael J. Brown	_____	_____
Bruce C. Goodson	_____	_____
Jay T. Harrison, Sr.	_____	_____
John J. McGlennon	_____	_____

WITNESS, my hand and the seal of the Board of Supervisors of the County of James City, Virginia, this ____ day of June, 2004.

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

(SEAL)

1261017v1
214845.020

**REZONING 15-03/MASTER PLAN 13-03/HEIGHT LIMITATION WAIVER 2-03.
Stonehouse Station at Norge
Staff Report for the June 22, 2004, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

February 2, 2004, 7:00 p.m.

March 1, 2004, 7:00 p.m.

April 13, 2004, 7:00 p.m.

May 11, 2004, 7:00 p.m.

May 25, 2004, 7:00 p.m.

June 22, 2004, 7:00 p.m.

July 13, 2004, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Ms. Lou Rowland, Stonehouse Station, L.P.

Land Owner:

Sixty-Four Associates

Proposal:

To rezone a total of approximately 10.167 acres to allow for the construction of up to 104 apartments which, by proffer, are proposed to be affordable in rent. A height limitation waiver is also requested from the Board of Supervisors as the proposed apartment buildings exceed 35 feet in height.

Location:

7721 Croaker Road

Tax Map/Parcel No.:

(13-4)(1-21)

Parcel Size:

10.167 acres

Proposed Zoning:

R-5, Multifamily Residential, with proffers

Existing Zoning:

B-1

Comprehensive Plan:

Moderate-Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has finalized the shared driveway agreement. Due to the high number of deferrals, staff requests deferral of this case until the July 13, 2004, Board of Supervisors meeting in order to readvertise.

Staff contact:

Matthew Arcieri, Planner

Phone: 253-6685

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/gb
z15-03_mp13-03_hlw2-03.wpd

MEMORANDUM

DATE: June 22, 2004
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Director of Budget and Accounting
SUBJECT: Amendments to the FY 2004 Special Projects/Grants Budget

The State Code requires a public hearing prior to any budget amendment exceeding \$500,000.

The attached budget amendment appropriates estimated reimbursements from Federal Emergency Management Agency (FEMA), the Commonwealth of Virginia, and insurance proceeds totaling \$2,525,000 to cover estimated eligible costs associated with Hurricane Isabel, in addition to James City County's share of costs.

Staff recommends approval of the attached resolution.

Suzanne R. Mellen

SRM/gb
spgrants04.mem

Attachment

RESOLUTION

AMENDMENTS TO THE FY 2004 SPECIAL PROJECTS/GRANTS BUDGET

WHEREAS, the Board of Supervisors of James City County has adopted a budget for the year ending June 30, 2004 (FY 2004), and has been requested to amend the Special Projects/Grants Budget to accommodate the anticipated revenues and spending related to Hurricane Isabel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Special Projects/Grants Budget with the following appropriation:

Revenues:

Federal Government	\$1,950,000
State Government	475,000
Insurance Proceeds	(50,000)
From the General Fund	<u>150,000</u>
Total:	<u>\$2,525,000</u>

Expenditure:

Storm Costs	<u>\$2,525,000</u>
-------------	--------------------

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of June, 2004.

spgrants04.res

MEMORANDUM

DATE: June 22, 2004
TO: The Board of Supervisors
FROM: Leo P. Rogers, Deputy County Attorney
SUBJECT: Ordinance to Amend and Reordain Chapter 1, General Provisions; Section 1-13, Courthouse Maintenance; Court Security and Jail Processing Fees

Attached is a proposed ordinance which deletes the July 1, 2004, expiration date of the courthouse maintenance, court security, and jail processing fees. When these fees were originally authorized by the General Assembly, the State Code section contained a July 1, 2004, expiration date. The General Assembly recently deleted the expiration date. The proposed ordinance modifies the County Code to match the recent State Code amendment.

In addition, the proposed ordinance adopts another recent State Code change allowing the Sheriff to request that revenue from the fees be used for equipment and personal property used in connection with courthouse security.

Staff recommends adoption of the proposed ordinance.

Leo P. Rogers

CONCUR:

Frank M. Morton, III

LPR/gs
courthouse.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 1-13, COURTHOUSE MAINTENANCE; COURT SECURITY AND JAIL PROCESSING FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-13, Courthouse maintenance; court security and jail processing fees.

Chapter 1. General Provisions

Sec. 1-13. Courthouse maintenance; court security and jail processing fees.

(b) A fee of \$5.00 shall be assessed as part of the costs incident to each criminal or traffic case prosecuted in the district or circuit courts for the City of Williamsburg and County of James City in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard and shall be remitted to the treasurer of the county. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors to the county sheriff's office for the funding of courthouse security personnel. ~~The provisions of this subsection shall expire on July 1, 2004.~~ *and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.*

Ordinance to Amend and Reordain
Chapter 1. General Provisions
Page 2

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of June, 2004.

courthouse1-13.ord

MEMORANDUM

DATE: June 22, 2004

TO: The Board of Supervisors

FROM: Leo P. Rogers, Deputy County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic; Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally

The attached ordinance incorporates by reference into the James City County Code, the 2004 amendments made by the General Assembly to the D.W.I. and traffic laws. County police are charging traffic offenders under the County Code, which must be amended to reflect the State's changes to the applicable D.W.I. and traffic laws. To continue this procedure, it is necessary that the ordinance be amended.

In addition, the proposed ordinance adds Section 13-7(b). This paragraph expresses the Board's intent to incorporate new changes to the State Code without formal amendment. Although this provision is permitted by State law, staff still intends to bring annual updates to the Board.

Staff recommends adoption of the attached ordinance.

Leo P. Rogers

CONCUR:

Frank M. Morton, III

LPR/gs
DWIord4.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 13-7, Adoption of state law; and Article II, Driving Automobiles, etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of state law, generally.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

(a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and in force on July 1, ~~2003~~ 2004, except those provisions and requirements the violation of which constitutes a felony and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person,

within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.

(b) It is the intent of the board of supervisors that all future amendments to sections of the Code of Virginia incorporated by reference in the provisions of this article be included in this article automatically upon their effective date, without formal amendment of this article by the board of supervisors.

State law reference - Authority to adopt state law on the subject, Code of Va., § 46.2-1313 *and § 1-13.39.2.*

Article II. Driving Automobiles, Etc., While Intoxicated
or Under the Influence of any Drug*

Sec. 13-28. Adoption of state law, generally.

Article 9 (section 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (section 18.2-266 et seq.) of Chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, ~~2003~~ *2004*, are hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

***State law reference** - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

This Ordinance shall become effective on July 1, 2004.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of June, 2004.

04mtrveh.ord

MEMORANDUM

DATE: June 22, 2004

TO: The Board of Supervisors

FROM: Richard J. Sebastian, Director of Real Estate Assessments

SUBJECT: Ordinance to Amend and Reordain Chapter 20, Taxation, Article I, In General; Section 20-4, Assessment of New Buildings and Computation of Tax Thereon; When Penalty Accrues for Nonpayment

Attached for consideration is a proposed change to County Ordinance, Section 20-4, Assessment of new buildings and computation of tax thereon; when penalty accrues for nonpayment. This change is necessary to modify the dates of the existing ordinance to correspond to the months of the fiscal year, July 1 to June 30, rather than the current ordinance, which refers to dates of a calendar year cycle. No operational changes will be needed as we are currently performing assessments, using the correct fiscal year dates.

Staff recommends adoption of the attached ordinance.

Richard J. Sebastian

CONCUR:

John E. McDonald

RJS/gs
ordassess.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-4, ASSESSMENT OF NEW BUILDINGS AND COMPUTATION OF TAX THEREON; WHEN PENALTY ACCRUES FOR NONPAYMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article I, In General, Section 20-4, Assessment of new buildings and computation of tax thereon; when penalty accrues for nonpayment.

Chapter 20. Taxation

Article I. In General

Sec. 20-4. Assessment of new buildings and computation of tax thereon; when penalty accrues for nonpayment.

The board of supervisors hereby resolves that all new buildings substantially completed or fit for use and occupancy prior to ~~November~~ *May* 1 of the year of completion shall be assessed when so completed or fit for use and occupancy, and the commissioner of the revenue of the county shall enter in the books the fair market value of such building. No partial assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the office of the official authorized to collect taxes on real property and made available for public inspection. The total tax on any such new building for that year shall be the sum of the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and the tax upon the assessment of such new building as it existed on

~~January~~ *July* 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year. With respect to any assessment made under this section after ~~September~~ *March* 1 of any year, the penalty for nonpayment by ~~December~~ *June* 5 shall be extended to ~~February~~ *August* 5 of the succeeding year.

State law reference - Similar provisions, Code of Va., § 58.1-3292.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of June, 2004.

Chpt20_4ArtI.ord