

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 17TH DAY OF JUNE, NINETEEN HUNDRED NINETY-ONE, AT 1:09 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas K. Norment, Jr., Chairman, Roberts District
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District (absent)
Jack D. Edwards, Berkeley District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, Assistant County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - June 3, 1991

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

Mr. Taylor made a motion to approve the minutes.

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

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer, reported on the completion of the left-turn lane into Colony Square Shopping Center on Jamestown Road, the July 1, 1991, scheduled completion of Route 611 into the Landfill, and the overlay of road between Lightfoot and Williamsburg and between the Anheuser-Busch Brewery and Route 199.

Ms. Knudson asked that the yellow traffic lines near Whitehall Gallery be monitored for travel safety; that consideration of a left-turn lane for the entrance to Lakewood, a speed study to lower the speed limit for that road and consideration of installing a blinking light to warn of the hidden intersection; and noted that there are no street signs for Lake and Ware Roads, located in the back of the subdivision.

Mr. Norment asked on behalf of Mr. DePue that a no-passing lane on Route 5 be lengthened and that VDOT work with Larry Foster to investigate the drainage problem in James Terrace.

Mr. Taylor asked for an investigation of the possibility of double yellow lines ("no passing") for Route 5 between Heritage Landing and Governor's Land.

D. CONSENT CALENDAR

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

Mr. Norment made a motion to approve both items on the Consent Calendar.

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

RESOLUTIONLANDFILL ROLL-OFF CONTAINER TRUCK CONTRACT

WHEREAS, funds are appropriated in the FY 1991 Landfill Operating Budget to purchase a new roll-off container truck at the Landfill; and

WHEREAS, requests for bids were issued, responses evaluated and the lowest bid meeting the critical specification and being in the best interest of the County was determined; and

WHEREAS, it has been determined that the bid submitted by Tidewater Mack, Inc., for a 1992 Mack DM690S in the amount of \$64,100 meets the critical specifications and was the lowest responsible/responsive bidder in the best interest of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the Assistant County Administrator to enter into a contract with Tidewater Mack, Inc., for the purchase of a Mack DM690S roll-off container truck for the sum of \$64,100.

RESOLUTIONREVISION OF SECTION 9.3 OF THE COUNTYPERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the retention and destruction of official records are governed by the Virginia State Library and Archives' Records Retention and Disposition Schedule in accordance with the Virginia Public Records Act and applicable Federal laws; and

WHEREAS, changes to the schedule are monitored and records appropriately retained or disposed of by the County's Office of Records Management.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision to Section 9.3 of the Personnel Policies and Procedures Manual so that it accurately reflects our practices while minimizing the need to update the policy.

Mr. DePue arrived at 1:50 p.m.

E. PUBLIC HEARINGS

1. Comprehensive Plan Update

Mr. Norment opened the public hearing.

1. Mr. Calvin Davis, 21 Yeardley's Grant, referred to the text in the Comprehensive Plan regarding Williamsburg Crossing and the limited access highway restriction for Route 199. He felt that Williamsburg Crossing was being singled out exclusively in denying access to Route 199.

2. Mr. R. L. Banks, 161 Sandhill Road, questioned the rural designation for his property at Croaker/Rochambeau/I-64. He referred to studies that promoted its industrial-commercial potential and asked that the Board reconsider the rural designation.

3. Mr. Neil Watson, 117 Chestnut Drive, relinquished his time to Mr. Coakley.

4. Mr. R. Coakley, 110 Redbud Lane, Chairman of the Jamestown Civic Association, Jamestown District, requested that the area be listed as low-density residential.

5. Ms. Jean Miller, 103 Dogwood Drive, asked that the Board keep the Birchwood area residential.

6. Mr. Monty McCarty, 2732 Persimmon Place, Rolling Woods Homeowners Association, spoke in favor of keeping the Comprehensive Plan as presented.

7. Mr. Steve Massie, 2406 Ford's Road, questioned the lack of new large industries locating in the County. Urged the Board to become competitive in attracting companies and to acknowledge the existing businesses for their support to the County.

8. Mr. George Berger, 116 Underwood Road, questioned the cost to each taxpayer with the projected growth possible with the Comprehensive Plan.

9. Mr. Larry Waltrip, 100 Lands-End Drive, spoke in opposition to the updated Comprehensive Plan and stated that it was not doing the Williamsburg-James City County Airport justice. He felt that the current designation would prevent the airport from being viable by not allowing it

to put office buildings, an expanded restaurant or a flight school on the property. He asked that the Board consider a B-1 zoning with a SUP required to maintain Board control.

10. Mr. Grant Olson, 105 Holman Road, spoke in favor of the Comprehensive Plan and stated that he hoped for early adoption.

Mr. Norment closed the public hearing.

2. Ordinance Amendment, Chapter 11, Motor Vehicles and Traffic, Articles I and II.

Mr. Leo P. Rogers, Assistant County Attorney, presented the amendments to the D.W.I. laws made by the General Assembly, effective July 1, 1991, to be incorporated into the James City County Code. He responded affirmatively to Mr. Taylor's inquiry that the local ordinance would then conform with the State Ordinance.

Mr. Norment opened the public hearing. There being no comment, Mr. Norment closed the public hearing.

Ms. Knudson made a motion to approve the ordinance.

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

3. Ordinance Amendment, Chapter 1, Section 1-13, Courthouse Maintenance Fee.

Mr. Rogers presented the ordinance to readopt Section 1-13 of the County Code, due to expire July 1, 1991, to continue the \$2.00 criminal and/or traffic case fee used for Courthouse maintenance.

Mr. Norment opened the public hearing. There being no comment, Mr. Norment closed the public hearing.

Mr. Norment made a motion to approve the ordinance.

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

4. VPSA School Bonds

Mr. Walter C. Schmidt, Assistant Manager of Financial and Management Services, stated that the VPSA School Bonds resolutions had to be readopted because of an error in advertising the April 1, 1991, public hearing and that the appropriated \$2,730,000 would be used for the Clara Byrd Baker addition and the Maintenance/Operations Center. The Maintenance/Operations Center funding was originally appropriated from the County's General Fund before the now estimated shortfalls in revenue this fiscal year. Mr. Schmidt answered Ms. Knudson's query that this would not put back construction of the addition.

Mr. Norment opened the public hearing. There being no comment, Mr. Norment closed the public hearing.

Mr. DePue made a motion to approve all three resolutions.

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

R E S O L U T I O N

VIRGINIA PUBLIC SCHOOL AUTHORITY SCHOOL BONDS

WHEREAS, the Board of Supervisors has authorized school bonds in the amount of \$2,730,000 for the purposes of financing needed school improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the proceeds of the Spring, 1991 VPSA Bond Sale, as follows:

School Maintenance/Operations Center	\$1,585,000
Clara Byrd Baker Elementary School Addition	
Phase I	830,000
Phase II	<u>315,000</u>
	<u>\$2,730,000</u>

BE IT FURTHER RESOLVED that an appropriation of \$811,292 for the Maintenance/Operations Center, made from the General Fund Contribution to the Capital Projects Budget, be eliminated.

F. BOARD CONSIDERATIONS

1. Case No. SUP-49-90. Williamsburg Crossing

Mr. R. Patrick Friel, Senior Planner, stated that this case had been postponed at the June 3, 1991, meeting to allow staff to review traffic issues with access alternatives to the shopping center and the intersection of Route 199/Route 5. He stated that the new plans showed a cul-de-sac at the end of Kings Way and that the Route 199/Route 5 interchange offered several options to access this interchange project. Mr. Friel outlined the buffer requirements in response to Mr. DePue's inquiry.

Mr. Frank Hall, responded to Mr. Edwards that a 1997 completion date for the Route 199/Route 5 realignment is accurate.

Mr. Friel responded to Mr. Edwards that staff projected 45 additional cars would travel through Canterbury Hills during the peak hours.

Mr. Taylor suggested that additional studies be done to develop a clearer path of action since realignment could be at least 10 years away.

Mr. Bill Cashman, Transportation Planner, Langley and MacDonald, concurred with Ms. Knudson's request for a dedicated right-turn lane, to be put in at the time of signalization, to handle peak hour traffic.

Mr. DePue made a motion to approve the special use permit with amendments to Condition No. 2 (buffer requirements) and Condition No. 7 (addition of a dedicated right-turn lane at time of signalization).

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

Mr. Norment stated that he would support the special use permit with amendments to Condition No. 5 (Certificate of Occupancy upon completion of Route 199/Route 5 intersection), Condition No. 7 as described by Mr. DePue, and retention of Condition No. 2 (buffer requirements) as originally presented.

Mr. Edwards made a motion to approve the special use permit with an amendment to Condition No. 6 (relocation of the main entrance to Kings Way, deleting the 567,390-square foot development boundary).

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

Mr. Norment made a motion to approve the special use permit with amendments to Condition No. 5 (Certificate of Occupancy), Condition No. 6 (relocation of the main entrance), and Condition No. 7 (addition of a dedicated right-turn lane).

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

R E S O L U T I O N

CASE NO. SUP-49-90. WILLIAMSBURG CROSSING

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

WHEREAS, the Planning Commission of James City County, following its public hearing on April 6, 1991, voted 9-2 and recommended approval of Case No. SUP-49-90 to permit 657,390 square feet of commercial uses in the B-1, General Business district on property identified as Parcel (1-1) on James City County Real Estate Tax Map No. (48-1) and Parcels (15-2) and (15-3) on James City County Real Estate Tax Map No. (47-2).

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-49-90 as described herein with the following conditions:

1. No more than 657,390 square feet total, including existing development shall be constructed on the site.
2. A minimum 65-foot buffer shall be provided along the southern and western boundaries of the site. The buffer shall be landscaped at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Development Review Committee. Utilities and drainage structures may be placed within the buffer if approved by the Development Review Committee. This buffer may be reduced to a width of 50 feet if enhanced landscaping approved by the Development Review Committee is provided. Such enhanced landscaping shall be far in excess of what is required by the Zoning Ordinance and shall effectively screen the adjacent property.
3. A minimum 50-foot greenbelt, free of structures and paving shall be provided along the future right-of-way Route 199 and shall contain enhanced landscaping as approved by the Development Review Committee, with the minimum landscaping in accordance with the standards contained in the Zoning Ordinance.
4. A right-turn lane, acceptable to the Virginia Department of Transportation, shall be provided on southbound Strawberry Plains Road (Route 616) at its intersection with Route 5 and Route 199. This turn lane shall be installed prior to final site plan approval for any project on the site which causes the total floor area of the Williamsburg Crossing Shopping Center (including out parcels and office development) to go beyond 211,177 square feet.
5. No Certificate of Occupancy shall be issued for any project on the site which causes the total area of the Williamsburg Crossing Shopping Center (including out parcels and office development) to go beyond 477,390 square feet until the construction of the future Route 199/Route 5 intersection has been completed.
6. The following road improvements identified by the applicant's traffic impact analysis shall be made to the Route 5/Kings Way intersection prior to issuance of any Certificate of Occupancy for any development after relocation of the main entrance to Kings Way or earlier if requested by the Virginia Department of Transportation:

Northbound Kings Way shall have the following configuration:

- 1 through/left-turn lane
- 1 right-turn lane

Southbound Kings Way (Ferncliff Drive) shall have the following configuration:

- 1 lane (current configuration)

Eastbound Route 5 shall have the following configuration:

- 1 left-turn lane
- 1 through lane
- 1 through/right-turn lane

Westbound Route 5 shall have the following configuration:

- 1 left-turn lane
- 1 through/right-turn lane

Improvements which become the developer's responsibility shall be built to dimensions and specifications as determined by VDOT at development plan submittal. VDOT may, at the time of development plan review, substitute the above improvements with equivalent improvements or not require certain improvements if deemed unnecessary. The applicant shall be responsible for any other road improvements, related to the development, if determined necessary by VDOT.

7. Signalization of Kings Way and Route 5 shall be provided by the applicant when signal warrants require signalization. Additionally, the applicant shall construct a dedicated right-turn lane at the time of signalization.
8. Lighting on the site shall be of the sodium vapor type and shall be consistent in nature and illumination characteristics with the lighting currently utilized in the Williamsburg Crossing Shopping Center.
9. A pedestrian access shall be provided to the vacant R-1, zoned parcel located to the west of the site. The location of such access shall be approved by the Development Review Committee.

2. River Drive Improvements

Mr. John T. P. Horne, Manager of Development Management, stated that the Cypress Point Civic Association was unable to execute an agreement with surety, as stipulated by the May 16, 1988, resolution, for maintenance of the dam embankment. The use of Dirt Street funds for improvements to the Beechwood Drive and Holly Lane portion of River Drive was contingent upon this stipulation. Mr. Horne recommended that River Drive Road be removed from the Dirt Street Funding Schedule until such time as they are able to meet the terms of the May 16, 1988, resolution.

Mr. Norment opened the public comment period to receive remarks.

1. Mr. Phil Hatcher, 7617 Cypress Drive, suggested that a written agreement from the Civic Association to maintain River Drive be accepted in place of a surety bond.

2. Mr. Ron Rothwell, 5008 River Drive, stated that he had deeded right-of-way and asked that the Board keep that part of River Drive on the Dirt Street Program.

Mr. Norment closed the public comment period until its proper time on the agenda.

Mr. Taylor made a motion to keep River Drive on the Dirt Street Funding list by accepting the Cypress Point Civic Association's agreement of its intent to maintain the dam embankment in lieu of the surety bond.

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

Mr. Taylor made a motion to approve the resolution as presented.

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

R E S O L U T I O N

RIVER DRIVE

WHEREAS, the Board of Supervisors has formerly approved the placement of the portion of River Drive between Beechwood Drive and Holly Lane on the Dirt Street Funding Schedule; and

WHEREAS, the use of Dirt Street funds was contingent upon the Cypress Point Civic Association executing an agreement with surety acceptable to VDOT and the County Attorney for maintenance of the dam embankment area of River Drive; and

WHEREAS, the Cypress Point Civic Association has now stated that they will not post such surety.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby removes the portion of River Drive between Beechwood Drive and Holly Lane from the Dirt Street Funding Schedule until such time as the terms of the May 16, 1988, Board resolution are fully met.

3. Animal Control Contract with Williamsburg

Mr. Sanford B. Wanner presented the provisions of the agreement between the City of Williamsburg and James City County to provide animal control services to the City, effective July 1, 1991.

Mr. Depue made a motion to approve the resolution.

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

R E S O L U T I O NANIMAL CONTROL

WHEREAS, Virginia law permits jurisdictions to contract for animal control services from another jurisdiction; and

WHEREAS, the City of Williamsburg has requested such a contract with James City County for Fiscal Year 1992.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes Sanford B. Wanner, Assistant County Administrator to execute the Animal Control Services Agreement with the City of Williamsburg.

4. Dillon Rule

Mr. Sanford B. Wanner presented the resolution stating James City County's request to the General Assembly to abolish the Dillon Rule, so that localities may better govern themselves.

Mr. Edwards noted that the specific language of the Dillon Rule was not indicated on the resolution.

Ms. Knudson made a motion to approve the resolution with the amendment to include the specific language of the Dillon Rule.

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

R E S O L U T I O NDILLON RULE

WHEREAS, the Commonwealth of Virginia operates under Dillon's Rule which espouses the rule that local government, and particularly counties, have only those powers which are expressly granted or necessarily implied from the powers expressly granted by the State; and

WHEREAS, Governor L. Douglas Wilder recently announced that serious consideration should be given to relaxing the Dillon Rule as it relates to local government; and

WHEREAS, local governments are often hampered in their abilities to function as progressive units of government by the outdated philosophy upon which the Dillon Rule is founded; and

WHEREAS, it has been the desire of Virginia's counties to become more self-sufficient and independent; and

WHEREAS, with declining revenues from the Commonwealth, localities are finding it exceedingly difficult to manage their fiscal priorities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, urges the leadership of the Commonwealth of Virginia to abolish the Dillon Rule in order to allow all of Virginia's localities to better govern themselves, particularly in these times of fiscal stress.

5. Selection of Auditors

Mr. Walter C. Schmidt, Assistant Manager of Financial and Management Services, stated that using the Virginia Procurement Code, a County committee considered the proposals for audit services and selected Robinson, Farmer, Cox Associates for the County and Service Authority auditors for the years ended June 30, 1991, through June 30, 1993.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

CONTRACT AWARD - AUDIT SERVICES

WHEREAS, the Board of Supervisors has authorized the solicitation of proposals for the provision of audit services for James City County and has received nine proposals, from whom a qualified service provider has been selected, whose negotiated fees are within the budgeted amount of \$29,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Assistant County Administrator to enter into a contract for the provision of audit services with Robinson, Farmer, Cox Associates for the years ending June 30, 1991, through June 30, 1993.

G. PUBLIC COMMENT

1. Ms. Gladys N. Jones, 2981 John Tyler Highway, presented to the Board, a copy of a petition sent to VDOT requesting the extension of the yellow no-passing line on Route 5 between the Heritage Landing and Governor's Land developments. She told the Board of an accident involving a school bus and dump truck in that section and sought the Board's support of the petition. Mr. Taylor responded that they would discuss this matter with VDOT.

2. Mr. Oliver Ulmet, 2980 John Tyler Highway, requested the no-passing zone be extended for the safety of the children boarding school buses.

3. Mr. Norman Greenleaf, Greenleaf Tack & Tackle, Toano, expressed his apprehension concerning the Parks and Recreation selling of bait at the Little Creek Reservoir and its effect on sales in his store. Mr. Norment discussed the attempts made by Ned Cheely, Director of Parks and Recreations, to contact Mr. Greenleaf to work something out. Mr. Greenleaf confirmed the fact that he did not want to work something out, he felt that the County should not be in competition with his business. Mr. Cheely stated that the bait was provided as customer service.

4. Mr. Johnny Crawford requested the Board table the Comprehensive Plan for one year. He felt the green areas and judgments were unfair if the County was not familiar with the property. Mr. Norment responded that tabling the Comprehensive Plan for one year was unlikely and that site tours were planned to familiarize the Board with the properties. Mr. DePue suggested that Mr. Crawford contact his representative, Mr. Taylor, to discuss possible alternatives for the Board to examine.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Sanford B. Wanner reported on the Hampton Roads Planning District Commission sponsored public hearing on the draft Solid Waste Management Plan scheduled for Tuesday, June 25, 1991, at 7:00 p.m. This meeting will be televised.

Mr. Wanner noted that a James City Service Authority Board of Directors meeting would be followed by a work session on industrial development. He recommended an executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County Boards and/or Commissions.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards requested information on the Williamsburg Crossing/Route 199 access decision and wanted to know why VDOT would not grant additional accesses.

Mr. Norment recessed the Board for a James City Service Authority meeting.

Mr. Norment reconvened the Board for a work session with Economic Development at 4:30 p.m.

Mr. John T. P. Horne, Manager, Development Management and Mr. Keith A. Taylor, Economic Development Coordinator, briefed the Board on the current status of the planned business park to be developed jointly by Colonial Williamsburg Foundation and the County in the Grove area. Mr. Horne presented a series of slides depicting the various components of the Master Plan which had been produced by Sasaki Associates for Colonial Williamsburg and the County. Mr. Taylor indicated that it was staff's intent to complete the full engineered plans for the business park infrastructure and install sufficient facilities to market the property in the upcoming fiscal year. After a brief discussion, Mr. Horne stated that no action was requested from the Board at this time, and staff would keep the Board informed of further progress.

Mr. Norment made a motion to convene into Executive Session as recommended above by the Assistant County Administrator, at 5:04 p.m.

Mr. Norment reconvened into open session and made a motion to approve the Executive Session Resolution.

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

R E S O L U T I O N

MEETING DATE: June 17, 1991

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive 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 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive 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 executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Norment made a motion to appoint Elwood Lewis to the Community Action Agency to fill an unexpired term and to appoint Raymond F. (Fred) Jaklitsch to a 4-year term on the Cable Television Advisory Board, term expiring July 1, 1995, and to reappoint Jon C. Nystrom to the Industrial Development Authority for a 4-year term expiring July 8, 1995, Elise Emanuel to the Thomas Nelson Community College Local Board for a 4-year term expiring July 1, 1995, and, Nancy Archibald to the Williamsburg Regional Library Board for a 4-year term expiring July 1, 1995.

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

Mr. Taylor made a motion to recess until June 29, 1991, 9:00 a.m. for a site tour as part of the Comprehensive Plan update process.

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

The Board recessed at 5:18 p.m.

A handwritten signature in cursive script, reading "Sanford B. Wanner". The signature is written in dark ink and is positioned above a horizontal line.

Sanford B. Wanner
Deputy Clerk to the Board

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CHAPTER 9RECORDS AND REPORTSSection 9.1 Personnel Transactions

All appointments, separations and other personnel transactions shall be made on forms designated by the County Administrator and maintained by the Personnel Office.

Section 9.2 Attendance Reports

Regular attendance reports shall be prepared and submitted by each department and agency of the County government as required by the County Administrator.

Section 9.3 Destruction of Records

~~Employee personnel records, either the original or microfilm copies, shall be kept for a minimum of five years. All other records, including correspondence, applications and examinations may be destroyed after two years at the discretion of the County Administrator. Affirmative action information shall be kept for a minimum of three years.~~ The retention and destruction of official records shall be governed by the Virginia State Library and Archives' Records Retention and Disposition Schedule in accordance with the Virginia Public Records Act and applicable Federal laws. Records may be kept longer than the minimum required time at the discretion of the County Administrator.

Section 9.4 Public Inspection

The following information relative to employees and former employees shall be available for public inspection at reasonable times and in accordance with such procedures as the County Administrator may prescribe: name, class title and salary. Examination records and performance rating reports shall be accessible only to the department head concerned, the Board, and the employee involved. The Privacy Act shall govern all such public availability of employee records. Other personnel information may be made available for official purposes at the discretion of the County Administrator.

Section 9.5 Employee Access

Each employee may review his or her employment file in the Personnel Office, subject only to time constraints within the Personnel Office. Documents, except those restricted by other policies or laws, may be reproduced at employee expense by the Personnel Office staff.

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JUN 17 1991

ORDINANCE NO. 66A-29

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 11-7, ADOPTION OF STATE LAW; ARTICLE II. DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 11-28. ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that effective July 1, 1991, Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 11-7, Adoption of State law; and Section 11-28. Adoption of state law, generally.

Chapter 11. Motor Vehicles and Traffic

Article I. In General

Section 11-7. Adoption of state law.

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, ~~1990~~ 1991, 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. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. For law enforcement purposes only, all private roads and private streets located within any residential development containing 100 or more lots shall be designated highways as defined by Section 46.2-100 of the Code of Virginia, as amended. 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.

State law references - General authority of County to prohibit operation of vehicles while under the influence of alcohol or drugs, Code of Va., Section 15.1-132; authority to adopt state law on the subject, Code of Va., Section 46.2-1313.


ARTICLE II. Driving Automobiles, etc., While Intoxicated
or Under the Influence of Any Drug

Section 11-28. Adoption of state law, generally.

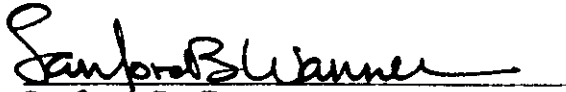
Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, ~~1990~~ 1991, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this Section.

State law references - General authority of county to prohibit operation of vehicles while under the influence of alcohol or drugs, Code of Va., 15.1-132; authority to adopt state law on the subject, Code of Va. § 46.2-1313.

The effective date of this Ordinance shall be July 1, 1991.


Thomas K. Norment, Jr.
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,
this 17th day of June, 1991.

JUN 17 1991

ORDINANCE NO. 156A-3

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

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 FEE.

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 fee.


Chapter 1. General Provisions

Section 1-13. Courthouse fee.

(a) A fee of \$2.00 shall be assessed and imposed as part of the costs incident to each criminal and or traffic case in the district or circuit courts. This fee shall be in addition to all other fees prescribed by law.

(b) The clerk of the court shall remit fees collected under this section to the Treasurer of the County. The Treasurer shall hold such funds in a separate account subject to disbursement by the Board of Supervisors for the construction, renovation or maintenance of the courthouse, jail or court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

State law reference - Virginia Code Section 14.1-133.2



Thomas K. Norment, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,
this 17th day of June, 1991.

0297U

The undersigned Deputy Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies as follows:

At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 17th day of June, 1991, at which the following members were present and absent:

PRESENT: Perry M. DePue
 Jack D. Edwards
 Judith N. Knudson
 Stewart U. Taylor
 Thomas K. Norment, Jr.

ABSENT: None

the following resolution was adopted by a majority of all members of the Board of Supervisors 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>
DEPUE	AYE
EDWARDS	AYE
KNUDSON	AYE
TAYLOR	AYE
NORMENT	AYE

RESOLUTION RESTATING AND READOPTING RESOLUTIONS ENTITLED "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,730,000 SCHOOL BONDS, SERIES OF 1991A, OF JAMES CITY COUNTY, VIRGINIA, HERETOFORE AUTHORIZED, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND SETTING FORTH THE FORM AND DETAILS THEREOF" AND "RESOLUTION RATIFYING AWARD OF \$2,730,000 SCHOOL BONDS, SERIES OF 1991A, OF JAMES CITY COUNTY, VIRGINIA, TO VIRGINIA PUBLIC SCHOOL AUTHORITY," AND AMENDING CERTAIN TERMS OF THE RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF SUCH BONDS

WHEREAS, by resolution adopted on March 4, 1991 (the "Initial Resolution"), the Board of Supervisors of James City

County, Virginia (the "County"), authorized the issuance of \$2,730,000 School Bonds, Series of 1991A (the "Bonds");

WHEREAS, by resolution adopted on April 1, 1991, attached hereto as Exhibit A (the "Bond Resolution"), the Board of Supervisors of the County provided for the issuance of the Bonds of the County to the Virginia Public School Authority (the "Authority");

WHEREAS, by resolution adopted on May 20, 1991, attached hereto as Exhibit B (the "Award Resolution"), the Board of Supervisors of the County ratified the action of the County Administrator in awarding the Bonds to the Authority;

WHEREAS, it was determined that the public hearing held on March 4, 1991, on the Initial Resolution was not preceded by newspaper publication of notice as required by Section 15.1-171.1 of the Code of Virginia of 1950, as amended (the "Code");

WHEREAS, the Board has held a public hearing and adopted a resolution on the date hereof authorizing the issuance and sale of the Bonds after newspaper publication of notice thereof in accordance with Section 15.1-171.1 of the Code;

WHEREAS, the Board desires to restate and readopt the Bond Resolution and the Award Resolution and issue the Bonds to the Authority and to amend the Bond Resolution to provide that the Deputy Clerk of the Board may execute the Bonds in place of the Clerk of the Board;

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

1. The Bond Resolution is hereby restated in its entirety and readopted.
2. The Award Resolution is hereby restated in its entirety and readopted.
3. All resolutions or part of resolutions in conflict herewith are hereby repealed.
4. The Bond Resolution is amended to provide that the Deputy Clerk of the Board may execute the Bonds in place of the Clerk.
5. This Resolution shall take effect immediately.

The undersigned Deputy Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held the 17th day of June, 1991, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of
Supervisors of James City County, Virginia, this 17th day of June
1991.

(SEAL)

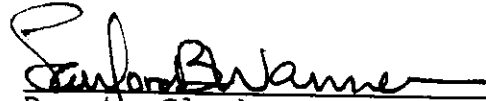

Deputy Clerk, Board of
Supervisors, James City
County, Virginia

EXHIBIT A

The undersigned Clerk of the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), hereby certifies as follows:

1. A regular meeting of the Board was held on April 1, 1991, at the time and place established by such Board for its regular meetings at its preceding annual meeting in accordance with Section 15.1-536 of the Code of Virginia of 1950, as amended, at which the following members were present and absent:

PRESENT:

	Perry M. DePue
	Stewart U. Taylor
	Jack D. Edwards
	Judith N. Knudson
	Thomas K. Norment, Jr.

ABSENT: None


2. A resolution entitled "Resolution Providing for the Issuance of \$2,730,000 School Bonds, Series of 1991A, of James City County, Virginia, Heretofore Authorized, To Be Sold To the Virginia Public School Authority, and Setting Forth the Form and Details Thereof" was adopted by a majority of all members of the Board 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>
DEPUE	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

3. Attached hereto is a true, correct and complete copy of such resolution as adopted at such meeting.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 2nd day of April, 1991.

(SEAL)


Clerk, Board of Supervisors of
James City County, Virginia

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,730,000 SCHOOL BONDS, SERIES OF 1991A, OF JAMES CITY COUNTY, VIRGINIA, HERETOFORE AUTHORIZED, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND SETTING FORTH THE FORM AND DETAILS THEREOF

WHEREAS, by resolution adopted March 4, 1991, the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), has determined that it is necessary and expedient to issue its general obligation bonds in the maximum amount of \$2,730,000 to finance capital projects for school purposes, none of which bonds have been issued and sold; and

WHEREAS, the Virginia Public School Authority, a state agency prescribed by the General Assembly of Virginia pursuant to Article VII, Section 10(b) of the Constitution of Virginia (the "VPSA"), has offered to purchase the County's school bonds in an amount not to exceed \$2,730,000 pursuant to a Bond Sale Agreement dated as of April 5, 1991 (the "Bond Sale Agreement"); and

WHEREAS, the Board of Supervisors (the "Board") of the County has determined that it is necessary and expedient to borrow an aggregate amount not to exceed \$2,730,000 and to issue its general obligation school bonds for the financing of certain capital projects for school purposes; and

WHEREAS, the County held a public hearing after due notice, on March 4, 1991, on the issuance of the Bonds, as defined below, in accordance with the requirements of Sections 15.1-1.1.1 and 15.1-504, Code of Virginia of 1950, as amended (the "Virginia Code");

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

1. **Issuance of Bonds and Use of Proceeds.** The Board has determined previously that it is advisable to contract a debt and issue and sell general obligation bonds in the maximum aggregate amount of \$2,730,000 (the "Bonds") for the purpose of financing certain capital projects for public school purposes. The Board hereby provides for the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. **Sale of Bonds.** It is determined to be in the best interest of the County to accept the offer of the VPSA to

purchase the Bonds, and to sell the Bonds to the VPSA at par upon the terms established pursuant to this Resolution. The Chairman of the Board and the County Administrator, or either of them, are hereby authorized and directed to execute the Bond Sale Agreement in substantially the form submitted to the Board at this meeting, which is hereby approved, and deliver it to the VPSA.

3. Details of Bonds. The Bonds shall be issuable in registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of their issuance and delivery; shall be designated "School Bonds, Series of 1991A;" shall bear interest payable semi-annually on June 15 and December 15 (each an "Interest Payment Date"), beginning December 15, 1991, at the rate or rates, and shall mature on December 15 in the years (each a "Principal Payment Date") and in the amounts, established in accordance with paragraph 4 of this Resolution.

Interest on each Bond shall be payable (a) from its date, if it is authenticated prior to December 15, 1991, or (b) otherwise from the June 15 or December 15 that is, or immediately precedes, the date on which it is authenticated (unless payment of interest thereon is in default, in which case such Bond shall bear interest from the date to which interest has been paid). Principal and premium, if any, shall be payable, subject to the provisions of Section 6, to the registered owners upon surrender of the Bonds as they become due at the principal corporate trust office of Crestar Bank, Richmond, Virginia, the Registrar. Subject to the provisions of Section 6, interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on registration books kept by the Registrar on the first day of the month of the interest payment date. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

4. Award of Bonds; Interest Rates. The County Administrator is hereby authorized and directed to award the Bonds to the VPSA at a price of par and at an interest rate or rates established by the VPSA, provided that no such interest rate or rates shall be more than one-tenth of one percent (1/10 of 1%) over the annual rate to be paid by the VPSA for the corresponding maturity of the bonds to be issued by the VPSA (the "VPSA Bonds"), the proceeds of which will be used to purchase the Bonds, and provided further, that no interest rate on the Bonds shall exceed nine percent (9%) per year. Principal of the Bonds shall be payable in installments in years and amounts as set forth on Exhibit A; provided, however, that the County Administrator is hereby authorized to award the Bonds to the VPSA in accordance with a principal payment schedule different from that set forth in Exhibit A as the VPSA may propose, provided that such schedule shall include for annual payments in the years 1991 through 2010, inclusive. The execution and delivery of the Bonds as described in Section 8

hereof shall conclusively evidence the same as having been approved and authorized by this Resolution.

5. **Form of Bonds When Owned by VPSA.** For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit B. Upon 20 days' written notice from the VPSA, the County shall deliver, at its expense, Bonds in marketable form in denominations of \$5,000 or any integral multiple, as requested by the VPSA, in exchange for the temporary typewritten Bond. Such Bonds in marketable form shall be in substantially the form of Exhibit B hereto, with such changes as shall be necessary or appropriate for the Bonds to be in marketable form, as are not inconsistent with the terms of this Resolution and as may be approved by the County officials executing such Bonds.

6. **Payment to VPSA; Paying Agent and Registrar.**

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

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

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

7. **Prepayment or Redemption.** The principal installments of the Bonds held by the VPSA coming due on or before December 15, 2000, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before December 15, 2000, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of the Bonds held by the VPSA coming due after December 15, 2000, and the definitive Bonds that mature after December 15, 2000, are subject to prepayment or redemption at the County's option prior to their stated maturities in whole or in part, on any date on or after December 15, 2000, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

December 15, 2000 to December 14, 2001, inclusive	
103%	
December 15, 2001 to December 14, 2002, inclusive	102
December 15, 2002 to December 14, 2003, inclusive	101
December 15, 2003 and thereafter	100

Provided, however, that while the VPSA is the registered owner of the Bonds or of the definitive Bonds for which the Bonds may be exchanged, the County shall not call the principal installments of the Bonds for prepayment or call the definitive Bonds for which the Bonds may be exchanged for redemption prior to their stated maturities as described above without first obtaining the prior written consent of the VPSA. Notice of any such prepayment or redemption shall be given by the Registrar to the registered owner by registered mail not more than ninety nor less than thirty days before the date fixed for prepayment or redemption. Notice of prepayment (but not the requirement that the VPSA give its prior written consent to prepayment or redemption) may be waived by the owner of a Bond to be prepaid.

8. Execution of Bonds. The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice-Chairman of the Board, shall be countersigned by the manual or facsimile signature of the Clerk of the Board and the Board's seal shall be affixed thereto or a facsimile thereof printed thereon; provided, however, that if both of such signatures are facsimiles, no bond shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

9. Pledge of Full Faith and Credit. For the timely payment of the principal of and the interest on the Bonds provided for by this Resolution as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding, unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Board shall levy and collect in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on the Bonds as such principal and interest shall become due, which tax shall be without limitation as to rate and amount and in addition to all other taxes authorized to be levied in the County.

10. School Board Approval. The Clerk of the Board is hereby authorized and directed to cause a certified copy of this Resolution to be presented to the School Board of Williamsburg-James City County. The Bonds authorized hereby shall not be issued by the County until the School Board of Williamsburg-James City County shall have adopted an appropriate resolution

consenting to the issuance of the Bonds.

11. **State Non-Arbitrage Program; Proceeds Agreement.** In accordance with the requirements of the VPSA, the Board hereby determines that it is in the County's best interests to participate in the State Non-Arbitrage Program in connection with the Bonds, and hereby authorizes and directs the County Treasurer to take such action as shall be necessary or desirable therefor. The appropriate officers of the County are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, Public Financial Management, Inc., as investment manager, and Central Fidelity Bank, as depository; provided, however, that such proceeds shall be invested in such manner that none of the Bonds will be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations applicable to the Bonds (the "Code"). The Proceeds Agreement shall be in such form as shall be approved by the County's bond counsel.

12. **Maintenance of Tax-Exemption.** The County hereby covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Code Section 148, or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds. The County shall pay any such required rebate from its general funds.

13. **Use of Proceeds Certificate.** The appropriate officers and agents of the County are hereby authorized and directed to execute a Use of Proceeds Certificate or Certificates setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds or on the VPSA Bonds. The Board, on behalf of the County, covenants that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and other Certificates and that the County shall comply with the other covenants and representations contained therein. Furthermore, the Board, on behalf of the County covenants that the County shall comply with the provisions of the Code so that interest on

the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes. Such Certificates may also provide for any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with the provisions of Code Section 148.

14. Restrictions on Private Use. The County covenants that it will not permit the gross proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Code Section 141(b), (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Code Section 141(b)(4), or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Code Section 141(c); provided, however, that if the County receives an opinion of bond counsel to the County with respect to the Bonds, and bond counsel to the VPSA with respect to the VPSA Bonds, that compliance with any such restriction is not required to prevent interest on the bonds of both issues from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such restriction.

15. No Sale of Bonds of Same Issue. The County covenants that it will not, without the Authority's consent, sell or deliver any general obligation bonds which are part of the same common plan of financing (and paid for from the same source of funds) as the Bonds between the dates that are 31 days prior to the date of sale of the VPSA Bonds and 31 days after the Closing Date.

16. Filing of Resolution; Publication of Notice. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County and, within ten days thereafter, to cause to be published once in a newspaper having general circulation in the County a notice setting forth (a) in brief and general terms the purposes for which the Bonds are to be issued and (b) the amount of the Bonds.

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

18. Repeal of Resolutions in Conflict. All resolutions or

parts thereof in conflict herewith are hereby repealed.

19. Effective Date. This Resolution shall take effect immediately.

EXHIBIT A

Principal Repayment Schedule

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1991	\$ 50,000	2001	\$125,000
1992	55,000	2002	135,000
1993	60,000	2003	150,000
1994	65,000	2004	165,000
1995	75,000	2005	180,000
1996	80,000	2006	195,000
1997	90,000	2007	215,000
1998	95,000	2008	235,000
1999	105,000	2009	260,000
2000	115,000	2010	280,000

(FORM OF TEMPORARY BOND)

EXHIBIT B

NO. TR-1

\$2,730,000

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
JAMES CITY COUNTY
School Bond, Series of 1991A

JAMES CITY COUNTY, VIRGINIA (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC SCHOOL AUTHORITY the principal amount of TWO MILLION SEVEN HUNDRED THIRTY THOUSAND DOLLARS (\$2,730,000), in annual installments on December 15 of the years (each a "Principal Payment Date"), together with interest on the unpaid installments at the annual rates set forth below from the date of this Bond until payment of the principal sum hereof, such interest to be payable commencing on December 15, 1991, and semi-annually thereafter on June 15 and December 15 of each year (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1991	\$ 50,000	%	2001	\$125,000	%
1992	55,000		2002	135,000	
1993	60,000		2003	150,000	
1994	65,000		2004	165,000	
1995	75,000		2005	180,000	
1996	80,000		2006	195,000	
1997	90,000		2007	215,000	
1998	95,000		2008	235,000	
1999	105,000		2009	260,000	
2000	115,000		2010	280,000	

subject to prepayment as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, Crestar Bank, Richmond, Virginia, as Bond Registrar, shall make all payments of principal of, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00

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

The full faith and credit of the County are irrevocably pledged for the payment of principal of and interest on this Bond.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act, Chapter 5, Title 15.1, Code of Virginia of 1950, as amended, and resolutions duly adopted by the County's Board of Supervisors and the School Board of the County to provide funds, together with other available funds, to finance capital projects for public schools.

This Bond may be exchanged without cost at the principal corporate trust office of the Bond Registrar for an equal aggregate principal amount of bonds in definitive form having maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid, issuable in fully registered form in the denomination of \$5,000 or integral multiples thereof.

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

The principal installments of this Bond coming due on or before December 15, 2000, and the definitive Bonds for which this Bond may be exchanged that mature on or before December 15, 2000, are not subject to prepayment or redemption prior to their

stated maturities. The principal installments of this Bond coming due after December 15, 2000, and the definitive Bonds for which this Bond may be exchanged that mature after December 15, 2000, are subject to prepayment or redemption at the County's option prior to their stated maturities in whole or in part, on any date on and after December 15, 2000, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

December 15, 2000 to December 14, 2001, inclusive	103%
December 15, 2001 to December 14, 2002, inclusive	102
December 15, 2002 to December 14, 2003, inclusive	101
December 15, 2003 and thereafter	100

Provided, however, that while the Virginia Public School Authority is the registered owner of this Bond or of the definitive Bonds for which this Bond may be exchanged, the County shall not call the principal installments of this Bond for prepayment, or call the definitive Bonds for which this Bond may be exchanged for redemption prior to their stated maturities as described above without first obtaining the prior written consent of the Virginia Public School Authority. Notice of any such prepayment or redemption shall be given by the Registrar to the registered owner by registered mail not more than ninety (90) and not less than thirty (30) days before the date fixed for prepayment or redemption. Notice of prepayment (but not the requirement that the Virginia Public School Authority give its prior written consent to prepayment or redemption) may be waived by the owner of the Bond to be prepaid or redeemed.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bond provides, and Section 15.1-210 of the Code of Virginia of 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate and amount and shall be in addition to all other taxes authorized to be levied in the County.

IN WITNESS WHEREOF, the Board of Supervisors of James City County, Virginia, has caused this Bond to be signed by its Chairman, to be countersigned by its Clerk, its seal to be affixed hereto, and this Bond to be dated May __, 1991.

COUNTERSIGNED:

Clerk, Board of Supervisors
of James City County,
Virginia

(SEAL)

Chairman, Board of
Supervisors of James City
County, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

_____ Registered Owner

Signature Guaranteed:

(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or change.)

(NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.)

At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 20th day of May, 1991, at which the following members were present and absent:

PRESENT:

PERRY M. DEPUE
STEWART U. TAYLOR
THOMAS K. NORMENT, JR.
JACK D. EDWARDS
JUDITH N. KNUDSON

ABSENT:

the following resolution was adopted by a majority of all members of the Board of Supervisors 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>
DEPUE	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

RESOLUTION RATIFYING AWARD OF \$2,730,000 SCHOOL BONDS, SERIES OF 1991A, OF JAMES CITY COUNTY, VIRGINIA, TO VIRGINIA PUBLIC SCHOOL AUTHORITY

WHEREAS, by resolution adopted on April 1, 1991 (the "Bond Resolution"), the Board of Supervisors of James City County, Virginia (the "County"), provided for the issuance of \$2,730,000 School Bonds, Series of 1991A (the "Bonds"), of the County to the Virginia Public School Authority (the "Authority");

WHEREAS, such resolution authorized the County Administrator to award the Bonds to the Authority at such interest rate or rates as would produce a differential in each year of not more than one-tenth of one percent (1/10 of 1%) over the annual rate to be paid by the Authority on the bonds it sold to provide funds to purchase the Bonds, provided that no interest rate on the bonds should exceed nine percent per year; and

WHEREAS, on May 15, 1991, the County Administrator on behalf of the County awarded the Bonds, bearing interest at the annual rates and maturing on December 15 in years and amounts as shown on Exhibit A hereto, to the Authority;

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

1. The action of the County Administrator in awarding the Bonds to the Authority is hereby ratified, approved and confirmed, and the Bonds shall bear interest at the annual rates and shall mature on December 15 in years and amounts as shown on Exhibit A.
2. The Bonds shall be in substantially the form approved by the Bond Resolution, with such changes as may be necessary or appropriate to conform them to the provisions of this resolution.
3. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board of Supervisors held the 20th day of May, 1991, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 20th day of May, 1991.

(SEAL)



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

EXHIBIT A

JAMES CITY COUNTY, VIRGINIA
\$2,730,000 SCHOOL BOND, SERIES OF 1991A

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
1991	\$ 50,000	7.80%	2001	\$120,000	6.10%
1992	80,000	7.80	2002	120,000	6.30
1993	80,000	7.80	2003	125,000	6.35
1994	140,000	7.80	2004	125,000	6.35
1995	175,000	7.80	2005	130,000	6.35
1996	175,000	6.10	2006	135,000	6.35
1997	175,000	6.10	2007	140,000	6.35
1998	175,000	8.10	2008	145,000	6.35
1999	175,000	6.10	2009	145,000	6.35
2000	175,000	6.10	2010	145,000	6.35

The undersigned Deputy Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies as follows:

At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 17th day of June, 1991, at the time and place established by such Board for its regular meeting at its preceding annual meeting in accordance with Section 15.1-536 of the code of Virginia of 1950, as amended, at which the following members were present and absent:

PRESENT: Perry M. DePue
 Jack D. Edwards
 Judith N. Knudson
 Stewart U. Taylor
 Thomas K. Norment, Jr.

ABSENT: None

the following resolution, having been the subject of a public hearing held on this date after newspaper publication of notice thereof in accordance with Sections 15.1-171.1 and 15.1-186 of the Code of Virginia of 1950, as amended, held at the time and place set out in such notice, was adopted by a majority of all members of the Board of Supervisors 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>
DEPUE	AYE
EDWARDS	AYE
KNUDSON	AYE
TAYLOR	AYE
NORMENT	AYE

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SCHOOL BONDS OF JAMES CITY COUNTY, VIRGINIA, IN THE MAXIMUM AMOUNT OF \$2,730,000 TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY

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

1. The Williamsburg-James City County School Board has advised the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), of the necessity to undertake capital projects for public schools. The Board hereby determines that it is advisable to do so and to borrow money

for such purpose and issue the County's general obligation bonds therefor.

2. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act, there are hereby authorized to be issued school bonds of the County in the maximum amount of \$2,730,000 to provide funds, together with other available funds, to finance capital projects for public schools. The bonds shall be sold to the Virginia Public School Authority, a state agency prescribed by the General Assembly pursuant to Article VII, Section 10(b) of the Constitution.

3. Pursuant to Section 15.1-186 of the Code of Virginia of 1950, as amended, the Board hereby estimates that the average rate of interest to be borne by the bonds is 6.5% per year and the amount of interest charges required to repay and retire the bonds is \$1,850,000. In making this estimate the Board has assumed a 20-year debt retirement schedule providing for approximately equal annual principal payments.

4. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their date, bear interest at such rate or rates not to exceed the maximum rate of 9% at the time the bonds are sold, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Board may hereafter provide by appropriate resolution or resolutions.

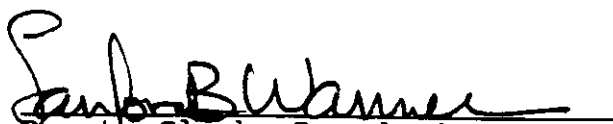
5. The bonds shall be general obligations of the County for the payment of principal of and interest on which its full faith and credit shall be irrevocably pledged.

6. This resolution shall take effect immediately.

The undersigned Deputy Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board of Supervisors held the 17th day of June, 1991, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 17th day of June, 1991.

(SEAL)


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

This AGREEMENT, made this 20th day of June, 1991, by and between the CITY OF WILLIAMSBURG, a municipal corporation of the Commonwealth of Virginia (CITY) and JAMES CITY COUNTY, a political subdivision of the Commonwealth of Virginia (COUNTY).

In consideration of CITY'S payment to COUNTY as hereinafter provided, CITY and COUNTY agree that as permitted by Sec.

3.1-796.104 of the Code of Virginia (1950), as amended, COUNTY'S Animal Warden shall provide all Animal Warden services to CITY as are required by applicable law. The provision of such services shall be subject to the following conditions:

1. As consideration of animal services to be provided hereunder beginning July 1, 1991 and ending June 30, 1992 the CITY will pay to COUNTY FIVE THOUSAND DOLLARS (\$5,000.00) to be paid in four (4) equal quarterly installments on or before September 1, December 1, March 1 and June 1 of each year. In addition, the CITY will reimburse the COUNTY TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) toward the Fiscal Year 1992 renovation of the existing James City County Animal Control Facility located at the County Landfill. This sum shall be paid when billed, the COUNTY agreeing to provide proof of capitol spending to support the billing.

2. Unless sooner terminated by either party as hereinafter provided, this Agreement shall automatically renew as of July 1, 1992, and of each successive year upon the same terms and conditions as contained herein. If either party shall desire to amend the consideration to be paid by CITY for the next renewal term, then the party desiring the change shall give written notice to the other not

later than March 1, of the year then in force. If by June 30 of each year the parties have not reached agreement as to consideration to be paid for the following term as reflected by written addendum signed by both parties, then this agreement shall terminate as of June 30 of the term then in force.

3. The Animal Warden shall not be required to make regular patrols in the CITY. However, upon the City Manager's request, the Animal Warden shall make regular patrols in CITY for a limited time as necessary to deal with specific problems which may arise from time to time.

4. The Animal Warden shall provide equal services as those extended to County residents except as provided herein. The Animal Warden shall not be required to make door-to-door license and vaccination checks. The Animal Warden shall provide animal control services consistent with the provisions of this Agreement after normal working hours, including weekends and holidays.

5. The Animal Warden shall keep records as required by Sec. 3.1-796.105B of the Code of Virginia and report monthly to the City Manager regarding all animals taken into custody in the CITY which report shall include: A description of the captured animal, the time, date and location of capture and the disposition of said animal. Each month's report shall be submitted to the City Manager by the tenth (10th) day of the following month.

6. Should police assistance be required, the Animal Warden shall contact CITY'S police department whereupon City Police will assume control of the situation within the City limits including the

writing of any necessary summons. In all cases, however, the Animal Warden shall be responsible to take into custody and dispose of the animal. Notwithstanding the above, the Animal Warden will have the authority to issue summons in providing service under this agreement.

7. The Animal Warden services provided hereunder are by way of independent contract and the parties agree that this agreement does not establish a partnership or joint venture between them. COUNTY shall be solely responsible to, and shall at all times maintain workmans compensation insurance covering COUNTY'S Animal Warden performing the services here contracted, as is required by applicable law.

8. The CITY hereby binds itself to indemnify, and save harmless the COUNTY its officers, agents or employees, from all suits and actions of every name and description brought against it or them on account of, or by reason of any injury or alleged injury to the person or property of another, resulting from negligence or carelessness in the performance of this Agreement up to the amount of any insurance policy deductible for which the COUNTY shall be responsible hereunder. Provided, if the COUNTY its officer, agents or employees shall be guilty of gross negligence or intentional negligence, then the CITY shall have no responsibility for reimbursing the COUNTY for any amount paid on its deductible.


9. COUNTY agrees that its Animal Warden performing the services here contracted shall at all times be fully qualified as an Animal Warden in accordance with all applicable laws and regulations and

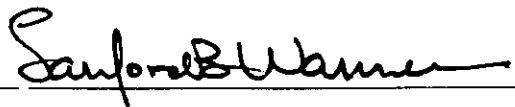
further agrees that the Animal Warden shall at all times abide by all applicable laws when carrying out duties of Animal Warden in the CITY.

10. COUNTY agrees to transport adoptable animals from CITY to the Peninsula SPCA or any other facility where COUNTY animals are taken.

11. CITY or COUNTY shall have the right to terminate the Animal Warden services here contracted as of the end of any calendar month by giving at least ninety (90) days written notice to the County Administrator or City Manager prior to termination. Should either party terminate prior to the end of the fiscal year for which payment has been made to COUNTY, then within thirty (30) days of termination, COUNTY shall refund to CITY the pro rata portion of CITY'S \$5,000 payment made for the fiscal year.

WITNESS the following signatures:

BY: 
City of Williamsburg

BY: 
James City County
Assistant County Administrator