

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF MARCH, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael I. Brown, Powhatan District
Bruce C. Goodson, Roberts District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Ms. Rebecca Oh, an eighth grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Volunteer Recognition

Mr. Kennedy presented Certificates of Appreciation to Blair Curly, Rachel Fitzgerald, Ankit Patel, Mike Weston, Meghan Williamson, and Brendan Williamson of the Sharpe Community Partnership, a residential service learning program for first-year students at the College of William and Mary, for their initiative to encourage local businesses to recycle and in promoting the Clean County Commission programs.

2. The State of the Travel Industry and Prospects for 2002

Mr. David Schulte, Executive Director of the Williamsburg Area Convention and Visitors Bureau, provided the Board and citizens with an overview of the local travel industry since September 11, 2001.

Mr. Kennedy called attention to the art work in the Board Room and thanked the students of Lafayette High School for providing the art work

E. PUBLIC COMMENT

1. Ms. Sarah **Nunley**, Mr. Travis Small, and Ms. **Adel Berra**, members of the Student Shared **Leadership** Council at **Lafayette High School**, extended an invitation to members of the Board **and County** staff to spend a school day at Lafayene High School in April.

2. **Mr. Ed Oyer**, 139 Indian Circle, **stated that** another trailer has been removed from the property line at Country Village Mobile Home Park; stated that in January of 1999 the **Stonehouse** athletic fields were designated as public-use fields; and stated that a stoplight at Monticello Avenue and Centerville Road will not improve safety.

F. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer, Virginia Department of Transportation (VDOT), was available to address comments from the Board.

Mr. Kennedy thanked VDOT for taking steps to begin installing a traffic light at Monticello Avenue and **Centerville** Road.

Mr. **Harrison concurred** with Mr. **Kennedy's** statement and **inquired** if VDOT has taken the opportunity to review concerns from citizens about the apparent **settling** of Route 199 over **Tutter's** Creek

Mr. Brewer stated that VDOT will look into the settling issue.

G. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. **Goodson** requested Item Number 6, 2003 **Primary** Road Priorities, be pulled

Mr. **Goodson** made a motion to adopt the remaining items on the Consent Calendar including the minutes as corrected

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

1. Minutes

a. March 12, 2002. **Regular** Meeting

2. Dedication of Streets

a. Westmoreland, Sections 1 and 2

RESOLUTION

DEDICATION OF STREETS IN WESTMORELAND, SECTIONS 1 AND 2

WHEREAS, the streets described on the attached Additions Form **SR-5(A)**, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

WHEREAS, ~~the~~ County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add ~~the~~ streets described on the attached Additions Form **SR-5(A)** to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and ~~the~~ Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for ~~the~~ Virginia Department of Transportation.

b. Springhill, Phases 3 and 4

RESOLUTION

DEDICATION OF STREETS IN SPRINGHILL, PHASES 3 AND 4

WHEREAS, ~~the~~ streets described on the attached Additions Form **SR-5(A)**, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

WHEREAS, the County and the Virginia Department of **Transportation** entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the **Virginia** Department of Transportation to add the streets described on the attached Additions Form **SR-5(A)** to the secondary system of State highways, pursuant to **§33.1-229**, of the Code of Virginia, and the **Department's Subdivision Street Requirements**.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation

3. **Bonded Industrial Access Road Fund Resolution for James River Commerce Center**

R E S O L U T I O N

BONDED INDUSTRIAL ACCESS ROAD FUNDING AT

JAMES RIVER COMMERCE CENTER

WHEREAS, **Williamsburg** Developments, Inc. (**WDI**) and the Industrial Development Authority (IDA) of James City County, Virginia, own and have agreed to cooperate in the development of property, known as James River Commerce Center, in the Roberts District of James City County for the purpose of promoting industrial development; and

WHEREAS, additional property will be acquired by the IDA within the park with the intended use to be the site of an industrial shell building; and

WHEREAS, infrastructure is required to reach the new shell building; and

WHEREAS, addition of infrastructure will open new WDI property for development, as well as provide infrastructure to the **IDA's** property; and

WHEREAS, acquisition of the shell building site was conditioned upon provision of infrastructure to the site; and

WHEREAS, the County of James City hereby **guarantees** that the necessary right-of-way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation (MOT); and

WHEREAS, the Virginia **Bonded Industrial Access Road Program** may make funds available for qualifying projects up to **\$300,000** on an **unmatched** basis, and up to an additional **\$150,000** on a **dollar-per-dollar** matching basis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to an undeveloped portion of the property.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, hereby authorizes and directs the Chairman of the Board of Supervisors to execute an agreement with the Virginia Department of Transportation, an escrow or other surety agreement, and such other documentation as may be necessary to facilitate this industrial access road project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, hereby agrees to provide a letter of credit, bond or other surety, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the Industrial Access Road. This surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur either on the subject site or other eligible sites served by the Industrial Access Road within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, hereby agrees that the new roadway, so constructed, will be added to and become a part of the Secondary System of Highways.

4. Reimbursement - 800 MHz Financing

RESOLUTION

REIMBURSEMENT - 800 MHz FINANCING

WHEREAS, James City County, Virginia (the "County") has made or will make expenditures (the "Expenditures") in connection with an 800-megahertz public safety radio system with related improvements/expansion of the Central Dispatch function and facility for the new radio system and mobile data terminals (the "Project"); and

WHEREAS, the County may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County from the proceeds of one or more tax-exempt obligations to be issued by or on behalf of the County (the "Indebtedness")

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

1. The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

2. The maximum principal amount of Indebtedness expected to be issued for the Project is \$8,500,000.
3. This resolution shall take effect immediately upon its adoption.

5. Operating Contingency Transfer – Regional Jail

R E S O L U T I O N

OPERATING CONTINGENCY TRANSFER - REGIONAL JAIL

WHEREAS, the County has seen a 30 percent increase in its average daily population at ~~the~~ Virginia Peninsula Regional Jail and previously budgeted funds of \$860,000 are not expected to be sufficient through the end of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that ~~the~~ Board of Supervisors of James City County, Virginia, hereby authorizes a transfer of \$250,000 from Operating Contingency to the Regional Jail payment account.

6. 2003 Primary Road Priorities

Mr. John T. P. **Horne**, Manager of Development Management, stated that staff has prepared a report outlining the County's priorities for primary road projects to be presented to the Virginia Department of Transportation (VDOT) prior to the Commonwealth Transportation Board (CTB) making its allocation decision. He spoke to ~~the~~ Route 60E project phasing and the Route 199 projects.

Staff recommended the Board approve the resolution and endorsement of the County's request for funding of its 2003 priority primary road projects.

Mr. **Goodson** made a motion to approve the resolution and endorsement.

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

R E S O L U T I O N

2003 PRIMARY ROAD PRIORITIES

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

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

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

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

- A. Full funding and the minimization of delays for the widening of the existing sections of Route 199 to four lanes in those areas where only two lanes presently exist;
- B. Funding for design and construction of Route 60 East relocation with priority given to the section between Route 60 in James City County and the Fort Eustis Interchange;
- C. Funding for the improvements to the Route 199-Jamestown Road intersection and support of the locally preferred alternative;
- D. Funding for landscaping along the Route 199 corridor; and
- E. **Proceeding** with the next phases of preliminary design and environmental study for the Capital to Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.

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

H. PUBLIC HEARINGS

1. Case No. SUP-2-02. Walker Manufactured Home Replacement

Ms. Leah M. Nelson, Planner, stated that Robert Walker has applied for a special use permit to replace a manufactured home with a new 2002 Oakwood Series Model No. 1011 double-wide unit, on .59 acres zoned R-8, Rural Residential, at 2726 Little Creek Dam Road, further identified as Parcel No. (01-0-0018) on the James City County Real Estate Tax Map No. (21-4).

Staff found that the proposal, with conditions, will meet administrative criteria for placement of a manufactured home and will improve the living conditions of the applicant.

Staff recommended the Board approve the special use permit application with conditions.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-2-02. WALKER MANUFACTURED HOME REPLACEMENT

WHEREAS, all requirements for the consideration of an application for a special use **permit** for the placement of a manufactured home have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, **Virginia**, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below.

Applicant:	Mr. Robert Walker
Real Estate Tax Map ID:	(21-4)
Parcel No.:	(1-18)
Address:	2726 Little Creek Dam Road
District:	Stonehouse
Zoning:	R-8, Rural Residential
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the 2002 Oakwood Series Model No. 1011 double-wide unit applied for. If the 2002 Oakwood Series Model No. 1011 double-wide manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval. 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. 3. The existing manufactured home shall be removed prior to the placement of the new manufactured home. 4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder. 5. The new manufactured home shall be placed so as to comply with all current setback and yard requirements in the R-8, Rural Residential, Zoning District.

2. Virginia Energy Purchasing Governmental Association

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Virginia Municipal League (VML) and the Virginia Association of Counties (VACo) have gotten together to achieve the best rates for electric power generation service through the combined purchasing power of Virginia cities, counties, schools, and authorities by the creation of the Virginia Energy Purchasing Governmental Association (VEPGA).

The annual dues for the County to join the VEPGA are \$1,372 for the upcoming fiscal year.

Staff recommended the Board adopt the ordinance.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. McGlennon made a motion to adopt the ordinance.

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

3. Dominion Virginia Power Easement for American Tower Corporation

Mr. Bernard M. Farmer, Jr., Capital Projects Administrator, stated that an easement has been requested by Dominion Virginia Power for underground utilities to a communications tower site leased from the County by American Tower Corporation.

Staff recommended the Board approve the resolution authorizing the County Administrator to grant an easement to Dominion Virginia Power to serve the American Tower Corporation lease site.

Mr. Kennedy opened the public hearing.

As no one wished to speak, Mr. Kennedy closed the public hearing.

Mr. McGlennon made a motion to approve the resolution with the amended easement

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

RESOLUTION

DOMINION VIRGINIA POWER EASEMENT FOR AMERICAN TOWER CORPORATION

WHEREAS, the Board of Supervisors has previously granted a lease for a tower site to American Tower Corporation; and

WHEREAS, in order to operate the tower it must be served by electrical power supplied by Dominion Virginia Power; and

WHEREAS, the location of the easement must be **coordinated** with other improvements being constructed for a new Government Center Office Building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes ~~the~~ County **Administrator** to execute the necessary easement documents once the design has been coordinated with the Government Center Office Building improvements and the appropriate plat prepared

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess for a brief James City Service Authority Board of Directors meeting, **then reconvene** a closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards **and/or** Commissions.

K. BOARD REQUESTS AND DIRECTIVES - None

Mr. Kennedy recessed the Board at 7:37 p.m. for a brief break while the James City Service Authority Board of Directors meeting convened.

Mr. **Kennedy** reconvened the Board at 7:52 p.m. into open session

L. 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 appointment of individuals to County Boards **and/or** Commissions.

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

Mr. Kennedy convened the Board into closed session at 7:53 p.m.

At 8:02 p.m. Mr. Kennedy reconvened the Board into open session

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

On a roll call vote, the vote was: AYE: **McGlennon**, Brown, **Goodson**, Harrison, Kennedy (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 2.2-371.1 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 2.2-371.1(A)(1), appointment of individuals to County boards **and/or** commissions.

Mr. **McGlennon** made a motion to appoint Wayne Grimes **to the Cable Television** Advisory Committee for a four-year term, term to expire 3/26/06; to reappoint Alan Robertson, Mary **Higgins**, Joseph Hagy, and Sean Heuvel to the Parks and Recreation Advisory Committee for four-year terms, terms to expire on 4/11/06; to reappoint Jim Tucker to the Regional **Issues Committee** for a one-year term, term to expire on 3/26/03; to reappoint Lawrence Beamer, Phil **Smead**, and Lewis **Waltrip** to the Route 5 Transportation Improvement District Advisory Board for one-year terms, terms to expire on 3/26/03; and to appoint William **Apperson** to the Wetlands Board for a five-year term, term to expire on 3/26/07.

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

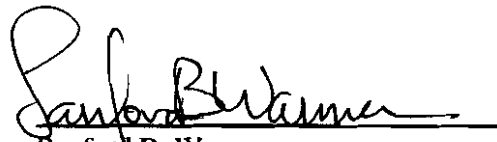
L. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until 7:00 p.m. on April 9, 2002.

Mr. Harrison made a motion to adjourn.

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

Mr. **Kennedy** adjourned the Board at 8:03 p.m.

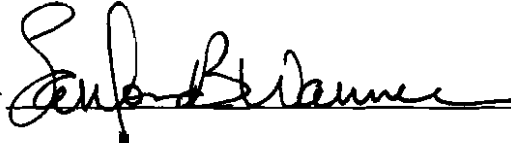

Sanford B. Wanner
Clerk to the Board

In the County of James City

By resolution of the governing body adopted March 26, 2002

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):



Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Springhill Phases 3 And 4

Type of Change: **Addition**

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

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Route Number and/or Street Name

Boxwood Lane, State Route Number 1564

Description: **From:** Boxwood Lane

To: Stonewood Lane (rt. 1572)

A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 02/21/2001, Pb 80, Pg 47, with a width of 50

Description: **From:** Stonewood Lane (rt. 1572)

To: Silverwood Drive (rt. 1573)

A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 02/21/2001, Pb 80, Pg 47, with a width of 50

Description: **From:** Silverwood Drive (rt. 1573)

To: Earl Lee Cove (rt. 1574)

A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 02/21/2001, Pb 80, Pg 47, with a width of 50

Description: **From:** Earl Lee Cove (rt. 1574)

To: Teakwood Drive (rt. 1565)

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 02/21/2001, Pb 80, Pg 47, with a width of 50

Earl Lee Cove, State Route Number 1574

Description: **From:** Boxwood Lane (rt. 1564)

To: Cul-de-sac

A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 02/21/2001, Pb 80, Pg 48, with a width of 50

Silverwood Drive, State Route Number 1573

Description: **From:** Boxwood Lane (rt. 1564)

To: Teakwood Drive (rt. 1565)

A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 02/21/2001, Pb 80, Pg 47, with a width of 50

Report of Changes in the Secondary System of State Highways

Farm SR-5A

Secondary Roads Division 5/1/99

Stonewood Lane, State Route Number 1572

Description: **From:** Boxwood Lane (rt. 1564)
 To **Teakwood Drive (rt. 1565)**
 A distance of: 0.12 miles.

Right of Way **Record:** Filed with the Land Rewrds **Office** on 02/21/2001. **Pb 80, Pg 47**, with a width of 50

Teakwood Drive, State Route Number 1565

Description: **From:** Teakwood Drive
 To Stonewood Lane (rt. 1572)
 A distance of **0.03 miles**.

Right of Way Record: Filed with the Land **Records Office** on 02/21/2001. **Pb 80, Pg 47**, with a width of 50

Description: From: **Stonewood lane (rt. 1572)**
 To **Silverwood Drive (rt. 1573)**
 A distance of: 0.06 miles.

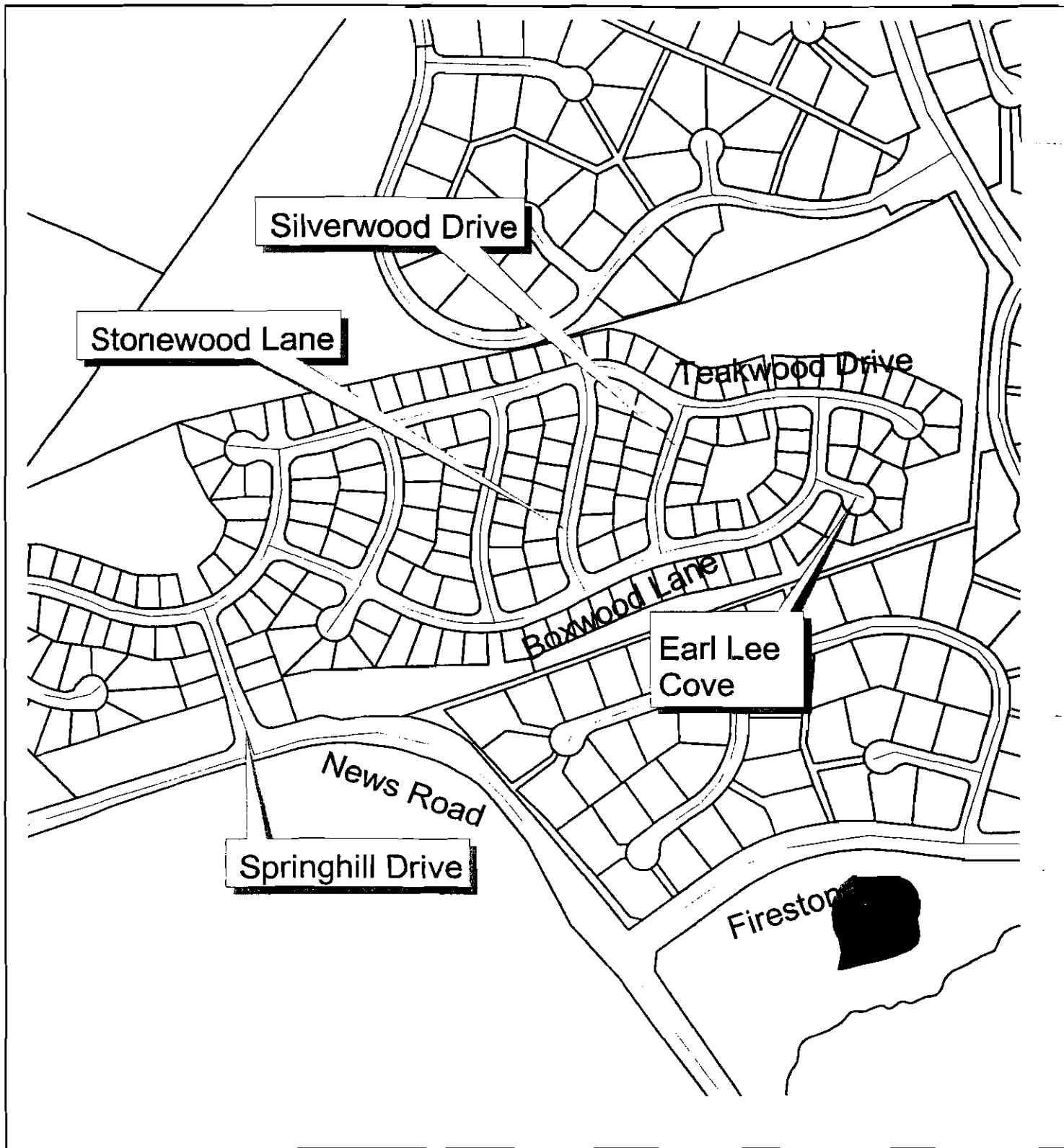
Right of Way **Record:** Filed with the Land **Records Office** on 02/21/2001, **Pb 80, Pg 47**, with a width of 50

Description: **From:** Silverwood Drive (rt. 1573)
 To **Boxwood Lane (rt. 1564)**
 A distance of 0.07 miles.

Right of Way Rewrd: Filed with the Land Records **Office** on 02/21/2001, **Pb 80, Pg 47**, with a width of 50

Description: **From:** Boxwood Lane (rt. 1564)
 To **Cul-de-sac**
 A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Rewrds **Office** on 02/21/2001, **Pb 80, Pg 48**, with a width of 50



DEDICATION OF STREETS IN SPRINGHILL, PHASES 3 & 4

Streets Being
Dedicated

200 0 200 400 600 Feet



In the County of James City

By resolution Of the governing body adopted March 26,2002

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):



Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Westmoreland Sections 1 And 2

Type of Change: **Addition**

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

Reason for Change: Addition. New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

■ Gentry Lane, State Route Number 1597

■ Description: **From:** Westmoreland Drive (mute 1596)

To: Cul-de-sac

A distance of: 0.10 miles.

Right of Way Record: Filed with the County Clerk's Office on 4/18/1997, Plat Bk 66, Pg 47. with a width of 50'

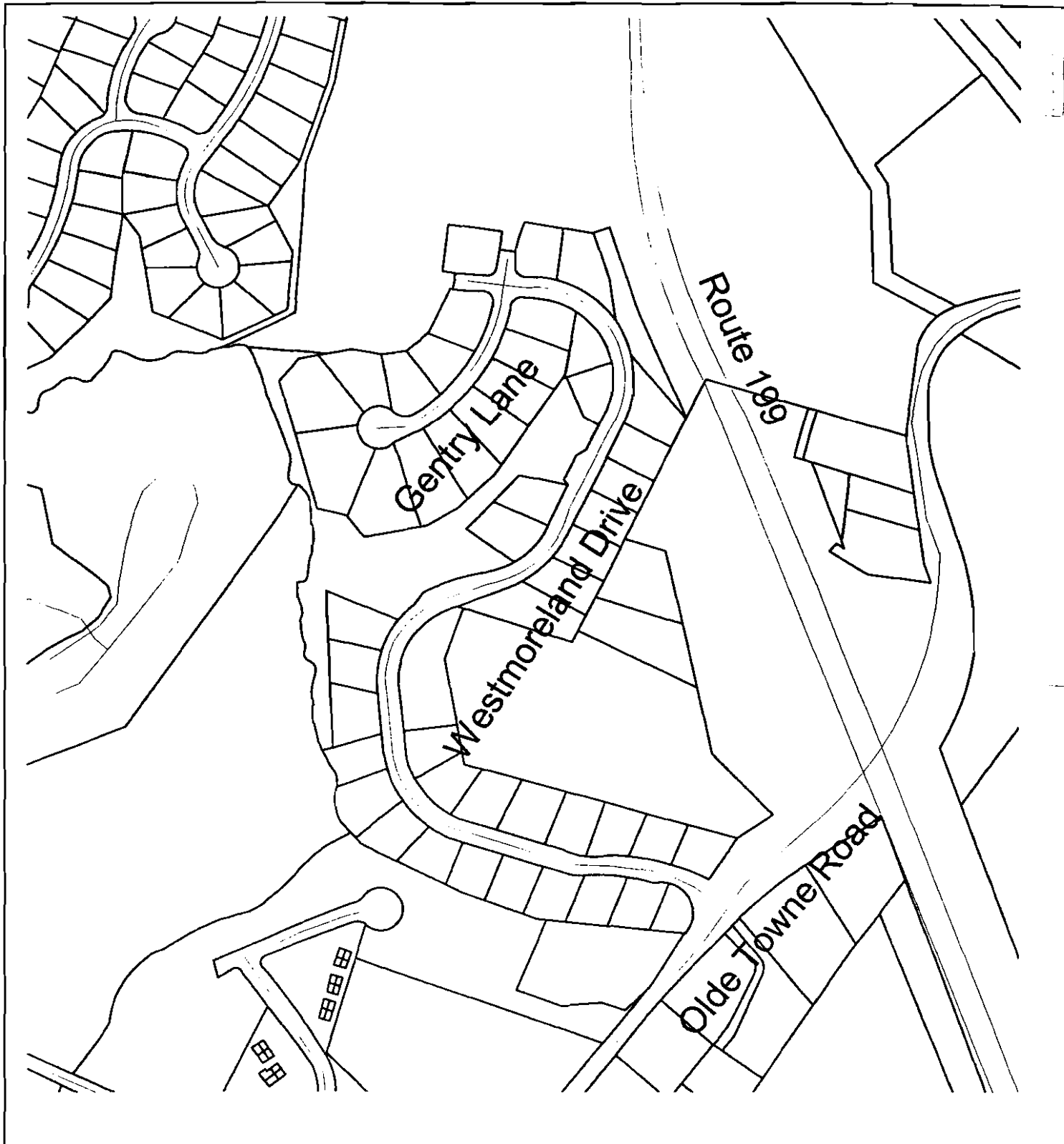
■ Westmoreland Drive, State Route Number 15%

■ Description: **From:** Old Tome Road (mule 658)

To: Gentry Lane (route 1597)

A distance of: 0.50 miles.

Right of Way Record: Filed with the Land Rewrds Office on 4/18/1997, Plat Book 66, Pg 47. with a width of 60'

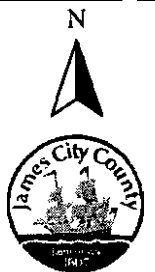


DEDICATION OF STREETS IN WESTMORELAND, SECTIONS 1 & 2



Streets Being
Dedicated

200 0 200 400 600 Feet



MAR 26 2002

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 195

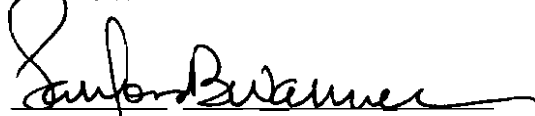
APPROVING JOINT POWERS ASSOCIATION AGREEMENT

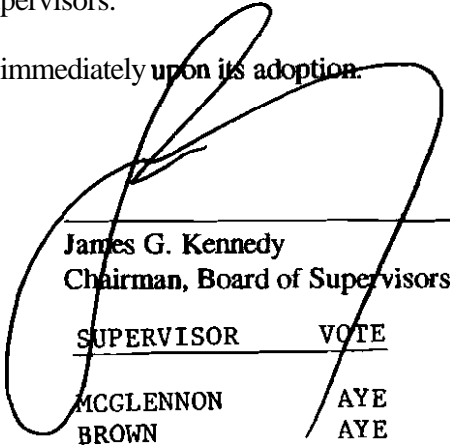
- WHEREAS, the **VML/VACo** Virginia Power Steering Committee (the "Committee"), **composed** of representatives of James City County, the James City Service Authority and other local **governments** and political subdivisions of the Commonwealth, has for over several decades negotiated on behalf of such **governmental** units a standard form contract for their purchase of electricity supply and delivery service from **Virginia** Electric and Power Company ("**Virginia Power**") **as** a sole source provider; and
- WHEREAS, political subdivisions of the Commonwealth of Virginia are **authorized** under Virginia law to exercise jointly powers ~~that~~ they **otherwise** are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Sections 15.2-1300, et seq. of the Virginia Code (the "Joint Powers Act"); and
- WHEREAS, the Virginia Electric Utility Restructuring **Act** (the "Restructuring Act") further authorizes municipalities and **other** political subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, **and** the Restructuring **Act** provides that such aggregation shall not require **licensure**; and
- WHEREAS, the Virginia Public **Procurement** Act (the "Procurement Act") exempts from its competitive sealed bidding and competitive negotiation requirements (the "Requirements") the joint procurement by public bodies, utilizing competitive principles of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and
- WHEREAS, the Committee recommends that the aggregation and procurement of electric supply, electric delivery, **and** other energy-related services ("Energy Services") ~~be~~ effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and make part of this Ordinance (the "**Joint Powers Agreement**"), in accordance with applicable provisions of the Procurement Act, such as the utilization of competitive principles pursuant to an exemption from the Requirements; and
- WHEREAS, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers **Agreement**, with such **services** consisting of: (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities; (ii) education of members regarding electricity procurement issues; (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to **local governments**; and (iv) hiring of consultants **and** legal counsel to assist in **its** provisions of the foregoing services ("**Steering Committee Services**"); and
- WHEREAS, it appearing to the Board of Supervisors of James City County that ~~the~~ joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of the Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of James City County.

NOW, THEREFORE, BE IT ORDAINED:

- (1) The procedures allowed under ~~the~~ Procurement Act for the joint **procurement** by public bodies, utilizing competitive principles, of electric utility services purchased through member organizations are acceptable in that they must be flexible enough to respond to quickly **changing** market conditions in which energy prices can fluctuate **considerably** on a daily or ~~even~~ hourly basis.
- (2) The aggregation and joint procurement of ~~the~~ **Energy** Services pursuant to the Joint Powers Agreement is hereby approved.
- (3) The provision of **Steering** Committee Services pursuant to ~~the~~ Joint Powers Agreement is hereby approved
- (4) ~~The~~ Joint Powers Agreement and the ~~performance~~ of the terms and conditions thereof on ~~behalf~~ of James City County are hereby authorized and approved.
- (5) The County Administrator is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of James City County in substantially ~~the form~~ presented to this meeting.
- (6) The payment obligations of James City County pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to the annual approval of funds therefore in its budget by the Board of Supervisors.
- (7) ~~This~~ ordinance ~~shall~~ take effect immediately ~~upon its adoption.~~

ATTEST:


Sanford B. Wanner
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of March, 2002.