

AT A REGULAR MEETING **OF THE** BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF SEPTEMBER, 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** J. 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. **Brianna** Bates, a student at Jamestown High School, led ~~the~~ Board and ~~citizens~~ in ~~the~~ Pledge of **Allegiance**.

D. PUBLIC COMMENT

1. Ms. **Loretta Hannum**, 130 **Kingspoint** Drive, spoke on behalf of ~~the~~ **League of Women Voters** requesting ~~the~~ **Board**, by resolution, support ~~the~~ Educational Facilities Bond Act that would provide funding for **facility renovations** at ~~the~~ College ~~of~~ William & Mary and assistance with ~~the~~ **Thomas** Nelson Community College educational facility in **Williamsburg**.

2. Mr. Jerry **Burchette**, 105 **Timberwood** Drive, **requested the** Board consider repealing Section **15-36(C)** of ~~the~~ County Code that requires **hunting** be done from **tree** stands.

The Board **requested** Mr. Morton provide ~~the~~ Board with information regarding Section **15-36(C)** of the Code and **recommendation** on Mr. **Burchette's** request

3. Ms. Mary **Anne Abbondanzo**, 131 **Stanley** Drive, requested assistance from ~~the~~ Service Authority in ~~the~~ **consideration** of large **families** that **conserve** water. Ms. **Abbondanzo** stated she had high water bills that are being assessed at ~~the~~ third-tier rate due to her large family.

**The Board requested** Mr. **Foster** provide ~~the~~ Board with information regarding ~~the~~ **impacts** of the ~~three~~ tier rate **adjustments** and what **consideration** could be offered to large **families**.

4. Mr. Philip **Forgit**, 110 **Deerwood** Drive, thanked members of the Board for its willingness to review and suggest alternatives in the realignment within school programming, and stated opposition to the proposed tax rate reduction

5. Mr. **Thomas Powers**, 133 **Jerdone** Road, President of the **Williamsburg** Land Conservancy, thanked ~~the~~ Board for its assistance in the preserving ~~the~~ tree buffer along Route 5 (John Tyler Highway).

6. Mr. **Mike Halpin**, 1203 **Penniman Road**, stated opposition to a tax rate reduction and requested ~~the~~ Board ~~keep~~ the tax rate at its **current** level.

7. Ms. Karen **Schumacher**, 119 Elizabeth Harris Drive, Executive Director of the **Williamsburg Land Conservancy**, thanked the Board and staff for assisting in the preservation of the tree buffer along Route 5 (John Tyler Highway).

8. Mr. Ralph Bresler, 3028 John **Vaughan** Road requested ~~the~~ Board not reduce the **tax** rate.

9. Mr. Bill **Frymoyer**, 3136 **Parkside Lane**, thanked the Board for its assistance in preserving the tree buffer along Route 5 (John Tyler Highway).

10. Mr. Ed Oyer, 139 Indian Circle, stated concern regarding the uncertain economic conditions throughout the world requested ~~the~~ **Board cut** expenditures **if it** cuts the tax rate, **stated concern** about adjusting employee grades without adjusting employee's pay accordingly, and stated concern that the Commonwealth is one of the third **highest** assessors of taxes on phones in the United States.

## **E. PRESENTATIONS**

### 1. E-Man Coloring Contest Winners

Mr. Kennedy and Mr. Harrison, on behalf of the Board of Supervisors and County, recognized Miss **Isabella Gordineer**, Miss Morgan Wright, and Miss Kristin Bunn for winning the E-Man Coloring Contest, and presented them with a day-pass to the Community Center and a shirt showing their winning entries.

### 2. 2002 Development Potential Analysis

Mr. **Joe McCleary**, a member of the Development Potential Analysis Committee, made a presentation summarizing the findings and conclusions of the 2002 Development Potential Analysis efforts of the Citizen Advisory committee **to get information** out to citizens **as** well as receive **input** from citizens on the Comprehensive Plan; encouraged Board guidance; and invited members of ~~the~~ Board to attend the October 7 Planning Commission **meeting** where **Kimley-Horn** will present ~~the~~ 2002 Development Potential Analysis in greater **detail**.

### 3. FY02 Strategic Management Plan Year-End Report

Ms. Rona J. **Vrooman**, Training and Quality Performance Coordinator, presented a year-end **report** on the **FY02** Strategic Management Plan and highlighted some of the targeted goals.

## F. HIGHWAY MATTERS

Mr. Steven **Hicks**, Resident Engineer for the Virginia **Department** of Transportation (VDOT), stated that shoulder along Route 614 (**Centerville Road**) **between Longhill Road** and Jolly Pond Road will be widened by the end of January 2003; the intersection of Route 637 (Quarterpath Road) and Route 199 is being reviewed; **the Public/Private Transportation Act (PPTA)** for the Route 199 **Jamestown Corridor** improvements has **been approved**, but has **not** been signed; and the overlay project on **Route 199** addressed maintenance issues and will assist in the PPTA project.

Mr. **McGlennon** requested the tree **damaged** by a vehicular accident at the intersection of **Route 5** and **Route 614** be removed

Mr. Kennedy thanked VDOT for its quick response to the trash and grass situation along **Route 665 (Chickahominy Road)**, and requested VDOT review the **signage** requests for **Chickahominy Haven**.

## G. CONSENT CALENDAR

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

Mr. **Kennedy** requested Item Number 4, **Crop Disaster Area Declaration**, be pulled.

Mr. Harrison made a motion to adopt **the** remaining items on **the** Consent Calendar.

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

1. Minutes

a. August 13, 2002. Regular Meeting

b. September 10, 2002. Special Meeting

c. September 10, 2002, Regular Meeting

2. Recreation Grant-in-Aid Program AwardsRESOLUTIONRECREATION GRANT-IN-AID PROGRAM AWARDS

WHEREAS, the James City County **Board of Supervisors** **approved \$25,000 for the Grant-in-Aid Program** in **FY 2002** for community park projects and programs; and

WHEREAS, three organizations, to include **Williamsburg Youth Football League**, **Clara Byrd Baker PTA**, and the **Williamsburg Area Bicyclists**, have applied for funds that support recreation projects.

NOW, THEREFORE. BE IT RESOLVED that the Board of Supervisors of **James City County**, Virginia, hereby approves the matching grant awards to the above mentioned organizations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes **the** following expenditures:

**EXPENDITURES:**

Grant-in-Aid Account (0130220900)

Williamsburg Youth Football League	\$3,000
Clara <b>Byrd</b> Baker PTA	<b>\$4,000</b>
Williamsburg Area Bicyclists	<u>\$ 175</u>

Total

3. Resolution of Approval for Multifamily Housing Revenue Refunding Bond Series 2002 Issue for Chambrel at Williamsburg Project

**RESOLUTION****APPROVAL FOR MULTIFAMILY HOUSING REVENUE REFUNDING BOND****SERIES 2002 ISSUE FOR CHAMBREL AT WILLIAMSBURG PROJECT**

**WHEREAS,** the Industrial Development Authority of the County of James City, **Virginia** (the "Authority") has considered the application of CMCP-Williamsburg, **LLC**, a Delaware limited liability company (the "Owner") for the issuance of the Authority's Variable Rate Demand Multifamily Housing Revenue Refunding Bonds in an amount not to exceed **\$25,000,000** (the "Bonds") to refund all or a portion of the Authority's \$13,707,550 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Community Project) 1996 Series A and \$11,292,450 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Community Project) 1996 Series B (collectively the "1996 Bonds"), the proceeds of which were used to refund the Authority's **\$25,000,000** Elderly Residential Mortgage Revenue Bonds (Williamsburg-Oxford Project) (the "1985 Bonds"), the proceeds of which were used to **make** a loan to Williamsburg-Oxford Limited Partnership, a Maryland limited partnership (the "Original Owner") to finance the acquisition, construction, **and equipping** by **the** Original Owner of a 256-unit elderly residential rental project known as Chambrel at Williamsburg, located at **3800 Treyburn Drive**, Williamsburg, Virginia (the "Project"), twenty percent (20%) of the units of which are to be occupied by individuals of low or moderate income, and has held a public hearing thereon on September 12, 2002; and

**WHEREAS,** the Authority has recommended that the Board of Supervisors (the "Board") of James City County, Virginia (the "County") approve the refunding of the 1996 Bonds and issuance of **the Bonds** by **the** Authority to comply with Section **147(f)(2)** of **the** Internal Revenue Code of 1986, as amended (the "Code"), and Section **15.2-4906** of **the** Code of Virginia of 1950, as amended (the "Virginia Code"); and

**WHEREAS,** a record of **the** public hearing held on the issuance of the Bonds has been filed with the Clerk of the Board

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

1. The holding of a public hearing with respect to the refunding of the **1996** Bonds and ~~the~~ Project by the Authority at **1:30 p.m.** on September **12,2002**, at 101-C Mounts Bay Road, **Williamsburg**, Virginia, in **accordance** with the requirements of Section **147(f) of the Code, and Section 15.2-4906 of the Code** of Virginia, is hereby **ratified**.
  2. The Board approves the refunding of the **1996** Bonds and further approves issuance of the Bonds by the Authority for the benefit of the Owner, to the extent of and as required by Section **147(f)(2) of the Code, and Section 15.2-4906** of the Code of Virginia, to permit the Authority to assist in the refunding of ~~the~~ **1996** Bonds.
  3. The approval of the issuance of the Bonds, as required by Section **147(f)(2)** of the Code and by Section **15.2-4906** of the Virginia **Code**, does not constitute an endorsement of the Bonds or the credit worthiness of the Owner, and ~~the~~ Bonds shall provide that neither ~~the~~ County nor the Authority shall be obligated to pay the Bonds or the interest thereon ~~or~~ other costs incident thereto except from the revenues and monies pledged therefor, and ~~neither~~ the faith or credit nor the taxing **power** of the Commonwealth, ~~the~~ County, nor the Authority shall be pledged thereto.
  4. All acts of ~~the~~ officers and members of the Board which are in conformity with the purposes and intent of this Resolution shall be, and the same hereby are, in all respects, satisfied, approved and **confirmed**.
  5. **This** resolution shall take effect immediately upon its adoption
5. **Request to Congress to Appropriate Funds for the Removal of the Environmentally Hazardous Vessels from the James River Reserve Fleet**

## RESOLUTION

### REQUEST TO CONGRESS TO APPROPRIATE FUNDS FOR THE REMOVAL OF ~~THE~~

#### ENVIRONMENTALLY HAZARDOUS VESSELS FROM THE JAMES

#### RIVER RESERVE FLEET

- WHEREAS,** the James River Reserve Fleet, commonly known as the Ghost Fleet, is moored on the James River near Fort **Eustis**; and
- WHEREAS,** the United States Maritime Administration has identified the Reserve Fleet as a serious and increasing environmental threat to the Hampton Roads region; and
- WHEREAS,** the environmental risk of a large oil and fuel spill is heightened by the threat of storm or hurricane-related damage that would result in the heavy pollution of the waters, shores, beaches, and wetlands, thereby causing hundreds of thousands to millions of dollars in environmental damage.

NOW, THEREFORE, BE IT RESOLVED that ~~the~~ Board of Supervisors of James City County, Virginia, urges Congress to appropriate the necessary funds for the removal of ~~the~~ obsolete, environmentally hazardous vessels from the James River Reserve Fleet in **order** to protect the waters, shores, beaches, and wetlands from ecological disaster.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, directs the County **Administrator** to forward a copy of this resolution to each member of ~~the~~ **Virginia** delegation to the House of Representatives, **and** to both Virginia's U. S. Senators.

6. Award of Contract - Wexford Hills Subdivision Section 1 - Street and Stormwater Improvements

RESOLUTION

AWARD OF CONTRACT - WEXFORD HILLS SUBDMSION

SECTION 1 - STREET AND STORMWATER IMPROVEMENTS

WHEREAS, the developer of Wexford Hills Subdivision, Section **1**, has not completed streets and **stormwater** facilities acceptable to the Virginia Department of Transportation (VDOT); and

WHEREAS, the County has cashed the developers Subdivision Bond providing sufficient funds to award the work to Toano Contractors, **Inc.**

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs ~~the~~ County Administrator to execute a contract with Toano Contractors, **Inc.**, for this work in ~~the~~ **amount** of **\$122,827**.

7. USDA Farmland Protection Program Grant - Cooperative Agreement

RESOLUTION

USDA FARMLAND PROTECTION PROGRAM GRANT - COOPERATIVE AGREEMENT

WHEREAS, ~~fund~~s are needed to assist with ~~the~~ purchase of conservation easements on parcels identified during the initial Purchase of Development Rights (PDR) application period that closed on May **31,2002**; and

WHEREAS, the United States Department of Agriculture may **fund** the purchase of conservation easements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Cooperative Agreement between **the United States of America and Commodity Credit Corporation** for **the Farmland Protection Program**, and to accept any grant funds awarded.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, **Virginia**, certifies that the funds shall be used in **accordance** with the Cooperative Agreement for the Farmland Protection **Program**.

4. Crop Disaster Area Declaration

Mr. **William C. Porter, Jr.**, Assistant County **Administrator**, stated that **based on information from the Virginia Cooperative Extension Service**, the extreme drought conditions have seriously impacted the County's crop yields.

Staff recommends the Board adopt a resolution requesting the **Governor** to declare the County a disaster area for the agricultural industry.

Mr. Kennedy inquired if the County would assist farmers **with tax** payment arrangements without assessing penalties.

Ms. AM Davis, Treasurer, stated that the County is always willing to work out payment arrangements and would look at the provisions **permitted** in the Code to find **alternative** methods for payment **arrangements**.

Mr. **Kennedy** made a motion to adopt the resolution

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

### CROP DISASTER AREA DECLARATION

WHEREAS, agriculture is a vital element of the economic base of James City County; and

WHEREAS, weather **conditions** have **created** a drought seriously affecting the yields of crops and the available resources of the County are insufficient to cope with the effects of the drought; and

WHEREAS, the cost of production of these crops is greater than the value of the commodity in the marketplace.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, **Virginia**, that a state of agricultural emergency is declared to exist in the County and hereby requests The Honorable Mark R. Warner, Governor of the Commonwealth of **Virginia**, to declare James City County a disaster area for the agricultural industry and to make available all possible assistance to farmers.

## H BOARD CONSIDERATIONS

### 1. Real Property Tax Rate

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Board held a Public Hearing on September 10 regarding the tax rate on real property for FY 03.

Staff recommended ~~the~~ Board approve the resolution retaining the **tax** rate on real property at **\$0.87** per **\$100** of assessed value.

The Board and staff held a discussion regarding the fiscal impacts with changing the tax rate after the land book has been issued ~~or~~ after January 1.

Mr. **McGlennon** made a motion to adopt the resolution

Mr. Brown presented fiscal materials regarding the County's population and anticipated **growth** vs. property taxes ~~collected~~ vs. the County's Adopted Budget figures.

The Board and staff held a discussion defining out the residential property taxes from general property tax figures; anticipated impacts to localities ~~from~~ State shortfalls; perceived citizens' priorities of County services in the face of these significant economic issues; and the ~~opportunity~~ to discuss Budget expenditure and revenue questions at the Board retreat in October specifically to discuss the Budget.

The Board held a discussion regarding the market values and property sale activities in the County ~~impacting the property~~ values and collected property taxes; biannual assessments; ~~possible Budget~~ expenditure reductions; and the Contingency Fund.

Mr. Brown requested an amendment to the motion to reduce the **tax** rate to **\$0.86** after January 1, 2003.

On a roll call vote, the vote was: AYE: Brown (1) NAY: **McGlennon, Goodson, Harrison, Kennedy** (4).

Mr. Kennedy requested a roll call vote on Mr. **McGlennon's** motion to retain the current **tax** rate at **\$0.87**.

On a roll call vote, the vote was: AYE: **McGlennon, Goodson, Harrison, Kennedy** (4) NAY: Brown (1).

## RESOLUTION

### REAL PROPERTY TAX RATE

**WHEREAS**, the Board of Supervisors has, in accordance with the requirements of Section **58.1-3321** of the Code of Virginia, held a public hearing on the increase in real property taxes caused by a reassessment of property.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of James City County, **Virginia**, hereby establishes **\$0.87** per **\$100** of assessed value as the real **property tax** rate for the fiscal year ending June **30, 2003**.

At **8:44** p.m., Mr. **Kennedy** recessed the Board for a break.

At **8:52** p.m., Mr. Kennedy reconvened the Board.



## 2. Colonial Pipeline – Transportation Improvement District

Mr. John E. McDonald, Manager of Financial and Management **Services**, stated that staff has been working to settle all outstanding financial issues for the Route 5 Transportation Improvement District (**TID**) and that TID has successfully met all of its financial obligations except for three.

Staff recommended the Board approve a resolution appropriating proffer funds and the transfer of funds from the Debt Service Fund to the TID to fully fund the payment of this obligation.

The Board and staff held a brief discussion regarding the fiscal impact of the **TID** in FY **02**.

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

#### COLONIAL PIPELINE - TRANSPORTATION IMPROVEMENT DISTRICT

WHEREAS, ~~the~~ Board of Supervisors has agreed to **fund the** outstanding financial obligations of the Route 5 Transportation Improvement District (**TID**); and

WHEREAS, Colonial Pipeline has relocated its pipeline to allow the **construction** of an extension of **Monticello** Avenue, a project initiated and **financed** by the TID; and

WHEREAS, funds sufficient to pay the bill include expected proffers dedicated to the extension of **Monticello** Avenue, as **well** as funds previously appropriated by the County on behalf of the **TID**.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby authorizes the expenditure of **\$288,687.41** in payment to the Colonial Pipeline Company for an obligation incurred by the Route 5 **Transportation** Improvement District.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, **Virginia** appropriates **\$78,787** in **proffers** from **developers to the** TID and authorizes the transfer of **\$209,901** from the Debt Service Fund to the TID to fully fund ~~the~~ payment of this obligation

#### I. PUBLIC COMMENT

1. Mr. Ed **Oyer**, 139 Indian Circle, provided the Board with a comparison of ~~the~~ **1993 Williamsburg/James** City County (**W/JCC**) School Budget to its **2003** Budget and encouraged ~~the~~ Board to reduce spending.

2. Mr. Michael Kirby, 2712 Wingfield Close, thanked the Board ~~for the~~ elimination of the Route 5 Transportation Improvement District.

3. Ms. **Nina Popal**, Executive **Director** of Housing **Partnerships**, stated that **Housing Partnerships** had completed its first home and invited the Board to attend the open house at 244 Bush Springs Road on October 5 at 11:00 **a.m.**

#### **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended the Board recess for a James City Service Authority, following which the Board should reconvene into open session to go into closed session pursuant to Section 2.2-3711(A)(3) of the **Code** of Virginia to consider the acquisition of a parcel of property for public use **and pursuant** to Section 2.2-3711(A)(1) of the **Code** of Virginia to consider the appointment of individuals to County Boards **and/or** Commissions.

#### **K. BOARD REQUESTS AND DIRECTIVES**

Mr. **Harrison** stated that a Comprehensive Plan listening **post/station** is located in the lobby of Building C at the Government Center.

Mr. **Goodson** stated that a Comprehensive Plan listening **post/station** will be available at **the** Grove Day Celebration

Mr. Kennedy recessed the Board at 9:05 p.m. for a James City Service Authority Board of Directors **meeting**.

At 9:08 p.m., Mr. Kennedy reconvened the Board

#### **L. CLOSED SESSION**

At 9:08 p.m., Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711(A)(3) of the **Code** of Virginia to consider the acquisition of a parcel of property for public use and pursuant to Section 2.2-3711(A)(1) of the **Code** of Virginia to consider **the** appointment of individuals to County Boards **and/or** Commissions.

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

At 9:35 p.m., Mr. Kennedy reconvened **the** Board into open session

Mr. Harrison 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).

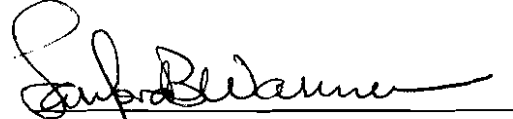
Mr. **McGlennon** made a **motion** to recommend Ms. Jean Wilder serve out the remainder of **Bruce C. Keener's term** on the Board of Equalization, **term** to expire on December 31, 2004, and if Ms. Wilder is unable to serve, **the** alternate recommendation is Mr. Marvin **Rhodes**.

**M. ADJOURNMENT**

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 9:36 p.m.



Sanford B. Wanner  
Clerk to the Board

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