

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE **8TH** DAY OF APRIL, 2003, AT **7:00** P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Jay T. **Harrison**, Sr., Chairman, Berkeley District  
 Bruce C. **Goodson**, Vice Chairman, Roberts District  
 John J. **McGlennon**, **Jamestown** District  
 Michael J. Brown, **Powhatan** District  
 James G. Kennedy, Stonehouse District

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Sidney Davis, a **freshman** at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENTS**

1. Mr. Richard **Bradshaw**, James City County's Commissioner of the Revenue, **reminded** citizens, businesses, and manufacturers of upcoming tax filing deadlines; deadlines for citizens to apply for the Tax Relief program; and offered the assistance of the Commissioner of the Revenue's Office staff in **preparing** the State **tax** forms.

2. Mr. Jim Turner, 205 St. Georges Boulevard, stated concern regarding his inability to obtain a County Business **License** for a mobile food service and requested the Board's assistance in getting one.

3. Mr. Ed Oyer, 139 Indian Circle, **complimented** the coordinators of the **Rally for America** that was held on April 5 at the **William & Mary Hall**; **stated** concern regarding the relative **comparative** spending of the Williamsburg-James City County Schools; and **indicated** that the school **structure** was administratively top heavy.

**E. CONSENT CALENDAR**

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

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

- 1. Minutes – February 25, 2003, Regular Meeting
- 2. Resolution Authorizing Mutual Aid Agreement for Hampton Roads Metropolitan Medical Response System (MMRS) and Designation of a MMRS County Strike Team

**RESOLUTION**

**AUTHORIZING MUTUAL AID AGREEMENT FOR HAMPTON ROADS**

**METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) AND**

**DESIGNATION OF A MMRS COUNTY STRIKE TEAM**

WHEREAS, the Cities of Chesapeake, **Franklin**, Hampton, **Newport** News, Norfolk Poquoson, Portsmouth, **Suffolk**, Virginia Beach, and Williamsburg; and the Counties of **Gloucester**, Isle of Wight, James City, **Surry**, and York; and the Town of **Smithfield** ("Hampton Roads Localities") wish to augment their emergency response resources in times of mass casualty, disaster, or terrorism events; and

WHEREAS, through the Hampton Roads Regional Planning District Commission, the Hampton Roads Localities developed a plan to deal with fire, terrorism, use of weapons of mass destruction, disasters, and other similar events; and

WHEREAS, the Hampton Roads Localities desire to enter into the Hampton Roads Metropolitan Medical Response System Mutual Aid Agreement to pool their resources and provide mutual aid and cooperation with regard to emergency response to mass casualty, disaster, or terrorism events; and

WHEREAS, the Hampton Roads Localities wished to enter into the Hampton Roads Metropolitan Medical Response System Strike Team Response Agreement which identifies the chain of command during any incident **requiring** assistance under the Mutual Aid Agreement and identifies the responsibilities and liabilities of the requesting and responding localities in the event assistance is needed; and

WHEREAS, the Board of Supervisors of James City County, Virginia, believes that the County should designate staff to serve as a strike team to respond to incidents which may occur under the Hampton Roads Metropolitan Medical Response System Mutual Aid Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the Hampton Roads Metropolitan Medical Response Mutual Aid Agreement and the Hampton Roads Metropolitan Medical Response System Strike Team Response Agreement.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to appoint appropriate staff to a strike team which may respond as needed under the Hampton Roads Metropolitan Medical Response Mutual Aid Agreement.

3. Child Abuse Prevention Month - Avril

**RESOLUTION**

**CHILD ABUSE PREVENTION MONTH- APRIL**

WHEREAS, child abuse and neglect is a serious problem in Virginia and throughout the nation; and

WHEREAS, the prevention of child abuse is crucial to the preservation of the health and well-being of **Virginia's** families and ~~can~~ be accomplished by providing support and **information** to families as well as through increased community awareness.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim April as Child Abuse Prevention Month in James City County.

4. Grant-in-Aid Awards

**RESOLUTION**

**GRANT-IN-AID AWARDS**

WHEREAS, the Grant-in-Aid Program is designed to help nonprofit organizations acquire parks and recreation equipment for community use; and

WHEREAS, two organizations, to include the Colonial Capital **Basketball** Club and Ironbound Square Neighborhood Association, have applied for funds for supported recreation projects.

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

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)

Colonial Capital Basketball Club	\$ 15,000.00
Ironbound Square Neighborhood Association	<u>150.00</u>
	<b><u>\$ 15,150.00</u></b>

5. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Lee Land Holdings, LLC

R E S O L U T I O N

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

C M L C H A R G E - L E E L A N D H O L D I N G S . L L C

WHEREAS, Lee Land Holdings, LLC, is the owner of a certain parcel of land, commonly known as 6417 Conservancy Road, designated as Parcel No. (3-5) on James City County Real Estate Tax Map No. (49-3); hereinafter referred to as the ("Property"); and

WHEREAS, on or about January 6, 2003, **understory** vegetation consisting of 200 trees and shrubs were removed from the Resource Protection Area on the Property; and

WHEREAS, Lee Land Holdings, LLC, agreed to a Restoration Plan to replant 305 trees and shrubs, on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Lee Land Holdings, LLC, has provided surety to the County to guarantee the completion of the restoration for the Resource Protection Area on the Property; and

WHEREAS, Lee Land Holdings, LLC, has agreed to pay \$6,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$6,000 civil charge from Lee Land Holdings, LLC, as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

6. Support for the King William Reservoir Project

R E S O L U T I O N

SUPPORT FOR THE KING WILLIAM RESERVOIR PROJECT

WHEREAS, the City of **Newport** News has submitted an application to the Virginia Marine Resource Commission for a permit to withdraw water from the Mattaponi River to provide water to the King William Reservoir; and

WHEREAS, the King William Reservoir has been identified, after the evaluation of over 35 alternative projects, as the most feasible option for meeting the long-term water needs of the citizens and businesses located on the Virginia Peninsula; and

WHEREAS, the Virginia Marine Resource Commission will conduct a public hearing on the application for a **permit** to withdraw water from the Mattaponi on April 22, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses its support **of the King William Reservoir Project** and encourages the Virginia Marine Resources Commission to issue the permit to withdraw water from the **Mattaponi River** to support the King William Reservoir Project.

## F. PUBLIC HEARINGS

### 1. Case No. SUP-10-03. Leighton-Herrmann Family Subdivision

Mr. Matthew D. Arcieri, Planner, stated that Michael **Leighton-Herrmann** applied for a special use permit for a family subdivision of approximately 10.8 acres zoned A-I, General Agricultural, at 217 **Skillman Drive**, further identified as Parcel No. (4-11) on James City County Real Estate Tax Map No. (4-3).

Staff found the proposal to be consistent with the surrounding zoning and development, and recommended approval of the application with conditions.

The Board and staff held discussions **regarding** the County's policy stand on subdivisions outside the Primary Service Area (PSA) on lots of one acre and sale limitations on lots in a family subdivision.

Mr. Kennedy requested the Board hold the Public Hearing open and defer the case

Mr. **Harrison** opened the Public Hearing.

1. Michael **Leighton-Herrmann**, Applicant, stated that he purchased the land in January after reviewing the zoning and his ability to subdivide the parcel as a family subdivision once purchased. Mr. **Leighton-Herrmann** stated that traffic counts on **Skillman Drive** would not increase as the children receiving the lots already reside on-site.

The Board expressed its interest in preserving the character **of the** neighborhood and expressed concern about setting a precedent for small parcel subdivisions.

Mr. **Leighton-Herrmann** stated that he would be willing to add a condition **to the** application addressing the amount of time the land has to remain in his children's name before it could be sold.

2. Mr. **Barry Trott**, 145 **Skillman Drive**, stated concerns regarding the proposed plan with regard to the **traffic** impacts on **Skillman Drive** and the decrease in resulting lot sizes.

3. Ms. **Lynn Trott**, 145 **Skillman Drive**, read a letter **to the** Board on **behalf of** Patricia Rock, 122 **Skillman Drive**, requesting denial of the application.

4. Ms. Kathleen Kennedy, 9405 Barnes Road, stated opposition to the proposal as the owner of Lot 13 in **Skillman Estates** and stated that the approval of the application will change the character of the community.

5. Ms. Denise **Fleischmann**, 158 **Skillman Drive**, stated that a precedent will be set **if the** Board approves this application.

As no one else wished to speak, Mr. Harrison continued the Public Hearing until May 13, 2003.

Ms. Suzanne Mellen, Director of **Budget** and Accounting, without objection from the Board, requested that the Board concurrently hold the Public Hearings for the next four items on the Board's agenda.

2. FY 2004 County Budget

- a. Case No. ZO-2-03/SO-1-03. Zoning and Subdivision Fee Changes
- b. Ordinance Amendment – Chapter 4, Building Regulations, to Increase Certain Fees
- c. Ordinance Amendment – Chapter 8. Erosion and Sediment Control, to Increase Certain Fees and to Add a \$25.00 Fee for Single-Family Dwellings

Ms. Suzanne Mellen, Director of Budget and Accounting, provided the Board with an **overview** on the proposed FY 2004 Budget, Zoning and Subdivision fee changes, ordinance changes, and the County's fiscal goals for FY 2004.

Mr. Harrison opened the Public Hearing

1. Ms. Sally Dafashy, teacher at Norge Elementary School, requested the Board fully fund the proposed School Budget and not reduce the funding for student support specialists.

2. Ms. Kim **Hundley**, 108 Mattaponi Trail, representing the **Williamsburg-James** City Educational Association (WJCEA) requested the Board fund teacher salaries through fully funding the School's Budget.

3. Mr. Brian **Noyes**, District Manager for the Colonial Soil & Water Conservation District, requested financial support from the Board to continue watershed and conservation efforts in the face of funding shortfalls from the Commonwealth.

4. Ms. Vicki Martin, 4808 Palmer Court, requested support from the Board for the renovation of facilities at James Blair Middle School through fully funding the School's Budget.

5. Ms. Joyle Douglas, 2304 **Westgate** Circle, requested the Board support student programming and air conditioning renovations in the James Blair Middle School **gym** through fully funding the School's Budget.

6. Mr. Tony Dion, 102 **Fairmont** Drive, congratulated the Board for continuing the funding of programs, maintaining a stable **tax** rate, and withstanding the **Williamsburg-James** City County School funding demands; and recommended the removal of fully funded day care centers from **the high** schools and suggested that the schools are administratively top heavy.

7. Ms. Cindy **Favret**, 166 **Devon Road**, requested the Board support Special Education programs by fully funding the School's Budget.

8. Mr. Ed Oyer, 139 Indian Circle, stated concerns about some of the figures mentioned in the proposed Budget including salaries, debt service, **tax** rates, and fees; requested the Board seek shared service partnerships with the Schools and the Library to eliminate duplication of services; and requested the Board extend the fence at **Country** Village.

9. Mr. Albert Beck, 8251 Wrenfield Drive, recommended the Board increase the cigarette tax rate to close the budget gaps.

Mr. Harrison stated that the General Assembly did not approve or give the County power to impose a cigarette tax rate, and that the funds not expended as a result of shared services with the Schools could be turned around into funding for the proposed School budget.

As no one else wished to speak to these items, Mr. Hanison closed the Public Hearing and deferred action to April 22, 2003.

At 8:25 p.m. Mr. Harrison recessed the Board for a break.

At 8:33 p.m. Mr. Harrison reconvened the Board.

3. Case No. SUP-4-03. Hankins Farm Water and Sewer Extension

Mr. David Anderson, Planner, stated that Mr. Vernon M. Geddy, III, has applied on behalf of Howard B. Hankins and Hankins Land Trust to extend approximately 3,740 feet of water main and 3,490 feet of sewer force main to serve the Hankins Farm property consisting of approximately 511.5 acres zoned M-1, Limited Business/Industrial District, R-5, Multifamily Residential District, and A-1, General Agricultural District.

The proposed water main would extend from the southwest intersection of Croaker Road and Rochambeau Drive, cut perpendicularly across Croaker Road, cut diagonally across Rochambeau Drive, extend approximately 2,400 feet east along the north side of Rochambeau Drive, cross through a residential lot, and cross Cloverleaf Lane, Interstate 64, and Fenton Mill Road to Hankins Farm property. The proposed sewer force main would extend from the northeast intersection of Croaker Road and Rochambeau Drive, cut diagonally across Rochambeau Drive, extend approximately 2,400 feet east along the south side of Rochambeau Drive, cut perpendicularly across Rochambeau Drive, and follow the alignment of the watermain as described above.

The proposed water main and sewer force main would be dedicated to, and operated by, the James City Service Authority (JCSA), to serve the Hankins Farm Property.

Mr. McGlennon inquired about the Board's role in the development of the property if the application is approved.

Mr. Anderson stated that non-by-right development of the property would require Board approval.

Mr. Harrison opened the Public Hearing

1. Mr. Vernon M. Geddy, III, applicant, provided background information regarding the proposal and requested approval of the application.

Mr. McGlennon requested verification that this proposal is to bring service to the site and later the internal infrastructure would be built.

Mr. Geddy confirmed Mr. McGlennon's statement.

2. Mr. Ed Oyer, 139 Indian Circle, inquired if the proposal will open up the PSA along Rochambeau Drive.

Mr. Anderson stated that only existing dwellings along Rochambeau Drive would be able to have one connection to the mains for **service**.

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

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

The Board held a brief discussion **regarding** the revision to the PSA and that the land and users are bound by the Master Plan.

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

## RESOLUTION

### HANKINS FARM WATER AND SEWER EXTENSION (SUP-4-03)

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 (SUP) process; and

WHEREAS, Mr. Vernon **Geddy, III**, has applied on behalf of Howard B. **Hankins** and **Hankins** Land **Trust** for a special use permit to allow for the extension of water and sewer service to the **Hankins** Farm property; and

WHEREAS, the property is located on land zoned **M-1**, Limited **Business/Industrial** District, **R-5**, Multifamily Residential District, and **A-1**, General Agricultural District, and can be further identified as Parcel Nos. **(1-39)**, (1-40) and (1-40A) on James City County Real Estate Tax Map No. (14-3) and Parcel Nos. (1-18) and (1-19) on James City County Real Estate Tax Map No. (14-4); and

WHEREAS, the Planning Commission, following its public hearing on March 3, 2003, recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-4-03 as described herein with the following conditions:

1. Construction, operation, and maintenance of the proposed force main and water main shall comply with Local, State, and Federal requirements.
2. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
3. All required permits and easement shall be acquired prior to the commencement of construction.
4. Adequate dust and siltation measures shall be taken to prevent adverse effects on adjacent property.



5. Vehicular access to all residences along the affected right-of-ways shall be maintained at all times.
6. All construction activity on the water and sewer extensions shall occur between 7 a.m. and 5 p.m., Monday through Friday.
7. If construction has not commenced on this project within a period of 36 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading, and excavation of trenches necessary for the construction of the force main and water main.
8. No connections shall be made to the water main which would serve any property located outside the Primary Service Area (PSA) except for connections to existing structures located on property outside the PSA adjacent to the proposed mains. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of April 8, 2003, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 314-inch service line and 314-inch water meter.
9. No connections shall be made to the force main which would serve any property located outside the PSA except for connections to existing structures located on property outside the PSA adjacent to the proposed mains. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of April 8, 2003, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 1 1/4-inch service line.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Abandonment of a Portion of Old Ironbound Road Right-of-Way

Mr. O. Marvin Sowers, Jr., Planning Director, requested the Board hold a Public Hearing regarding this abandonment and then defer the item until the Virginia Department of Transportation (VDOT) brings the item back before the Board for consideration.

Mr. Sowers stated that VDOT requested that the County abandon a portion of the right-of-way for old Ironbound Road in front of Mount Pleasant Church at 4002 Ironbound Road.

Mr. Harrison opened the Public Hearing.

1. Mr. Eric Fenley, 153 Brookhaven Drive, representing Mt. Pleasant Church stated concern that the 30-foot easement for a bike path would leave room for only 25 parking spaces and requested the Board's assistance in working out a different layout for the path to allow for adequate parking on the site. He also was concerned that the landscaping requirements would hide the Church.

Mr. Morton provided Mr. Fenley with Leo Rogers' contact information to work out the issues while the item is deferred.

Mr. Brown requested staff's position if the trail did not circle the entire lot

Mr. McGlennon stated that he invited Mr. Fenley to attend tonight and stated that Mr. Fenley could speak with staff and VDOT for site alternatives.

Mr. Harrison left the Public Hearing open deferred the item indefinitely.

Mr. Morton stated that **staff** would also re-advertise the Public Hearing when VDOT was prepared to come back for action by the Board.

**4. Conveyance of Utility Easement to Dominion Virginia Power – Chickahominy Riverfront Park**

Mr. Morton stated that Mr. David W. **Otey, Jr.**, has requested the County convey a 15-foot utility easement to Dominion Virginia Power to serve approximately 9.98 acres owned by Peggy Scholley and Luke Beckerdite off Route 5.

Mr. Morton recommended the Board adopt the resolution authorizing the County **Administrator** to execute the **Right-of-Way** agreement conveying the 15-foot utility easement, following the Public Hearing.

Mr. Harrison opened the Public Hearing.

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

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

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

**RESOLUTION**

**CONVEYANCE OF UTILITY EASEMENT TO DOMINION VIRGINIA POWER -**

**CHICKAHOMINY RIVERFRONT PARK**

WHEREAS, James City County owns 140.5± acres **commonly** known as the **Chickahominy** Riverfront Park (the “**Park**”) and designated as Parcel No. 3430100002 on James City County Real Estate Tax Map; and

WHEREAS, Peggy Scholley and Luke Beckerdite, husband and wife, are the owners of a parcel consisting of 9.98± acres adjacent to a portion of the easterly property line of the Park; and

WHEREAS, the owners of the 9.98± parcel are desirous of constructing a dwelling on said parcel and are in need of electrical service: and

WHEREAS, a fifty-foot (50') easement for ingress and egress currently exists and the fifteen-foot (15') utility easement will lie within the existing easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Right-of-way Agreement and such other documents necessary to convey the above-described utility easement to Dominion Virginia Power.

5. Temporary Classroom Trailers –
- a. Case No. SUP-5-03. Jamestown High School
  - b. Case No. SUP-6-03. Lafayette High School
  - c. Case No. SUP-7-03. Clara Byrd Baker Elementary School
  - d. Case No. SUP-8-03. Stonehouse Elementary School

Mr. Christopher Johnson, Senior Planner, without objection from the Board, requested that the Board concurrently hold the Public Hearings for the four Special Use Permit cases

Mr. Christopher Johnson, Senior Planner, stated that Michael E. Thornton applied on behalf of the Williamsburg-James City County Public Schools for four special use permits to allow the placement of two new temporary classroom trailers at Lafayette High School and Jamestown High School, and one new temporary classroom trailer at Clara Byrd Baker Elementary School and Stonehouse Elementary School in accordance with Section 24-109 of the Zoning Ordinance.

Staff found the proposal consistent with surrounding zoning and development and consistent with the Comprehensive plan.

Staff recommended the Board approve the applications with conditions.

Mr. Harrison opened the Public Hearing.

1. Mr. Michael E. Thornton, applicant, requested the Board approve the special use permit applications.

The Board and Mr. Thornton discussed the deadline for approval of the applications in order to have the trailers in place for the next school year, the program and enrollment capacity needs that are driving the requests for temporary trailers at the schools, the opportunity to address the program and enrollment capacity issues with the School Board during the Budget Work Session to be held on April 16, and discussed alternative placements for programs such as preschool and day care that are being housed at the schools.

Mr. Harrison requested that the Preschool Task Force and stakeholders come for a meeting with the Board at a Work Session to look at preschool program locations.

Mr. Harrison closed the Public Hearing and, with Board consensus, deferred action on these applications until April 22.

Mr. Brown requested that the cases be presented in bulk by the staff on April 22, but that the Board consider each application individually.

## G. PUBLIC COMMENT

1. Mr. Jim Turner, 205 St. Georges Boulevard, restated his concern regarding his inability to obtain a County Business License and requested the Board's assistance in getting one.

## H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess for a James City Service Authority Board of Directors meeting and then reconvened to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions, and 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.

## I. BOARD REQUESTS AND DIRECTIVES

Mr. **Goodson** requested staff research the mobile food service issue for the purpose of amending the Ordinance to permit mobile food services as part of a zoning request.

Mr. McGlennon requested a schedule for the Budget Work Session on April 10.

Mr. Wanner stated that depending upon the length of discussions by the Board, staff anticipates the Board will be able to review the proposed revenues, compensation, and the majority of operating departments on April 10.

Mr. **Harrison** requested that at the April 16 Budget Work Session, the topic of shared services be visited.

Mr. **Harrison** recessed the Board at 9:28 p.m

Mr. **Harrison** reconvened the Board at 9:32 p.m.

## J. CLOSED SESSION

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

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

Mr. Harrison adjourned the Board into Closed Session at 9:32 p.m

Mr. Harrison reconvened the Board into Open Session at 10:00 p.m

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

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

RESOLUTIONCERTIFICATION OF CLOSED MEETING

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

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


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: **i)** only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; **and** **ii)** only such public business matters were heard, discussed, or considered by the Board as were identified in the motions, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards **and/or** commissions; and Section 2.2-3711(A)(3), to consider the acquisition of a parcel of property for public use.

Mr. **McGlennon** made a motion to appoint Richard **Locke** to an **unexpired** term on the Cable Television Advisory Committee; term to expire on September 1, 2005, and to recommend Marvin D. Rhodes for a **five-year term** on the Board of Zoning Appeals.

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

J. RECESS

At 10:01 p.m. Mr. **Harrison** recessed the Board until 7 p.m. on April 10, 2003.

  
Sanford B. Wanner  
Clerk to the Board

040803bs.min