

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF JULY 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Sarah Morales, an eighth-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Resolution of **Appreciation** – James D. **Dorsey**

Mr. Brown, on behalf of the Board of Supervisors, presented Mr. James D. Dorsey with a Resolution of Appreciation in recognition of Mr. Dorsey's 16 years of service to the Community on the Parks and Recreation Advisory Commission during which time he actively participated in the public planning and development of the programs that would best fill the park and recreation needs of the community, and was a champion of innovative new ideas, programs, policies, and citizen involvement in County government as well as an advocate for improving the quality of life for all County citizens.

Mr. Dorsey thanked the Chairman for the resolution and acknowledged Director of Parks and Recreation **Needham** Cheely's role in the success of the County's Park and Recreation program.

2. July – Recreation and Parks Month

Mr. Brown, on behalf of the Board of Supervisors, presented Mr. David **Jarman**, Chair of the Parks and Recreation Advisory Commission, with a resolution proclaiming July as Recreation and Parks month.

Mr. **Jarman** thanked the Chairman and recognized and thanked the other members of the Commission.

Mr. Brown recognized Ms. Ingrid Blanton, member of the Planning Commission, in attendance this evening.

E. PUBLIC COMMENT

1. Mr. Andy Bradshaw commented on the death of Jack Hunt and the legacy of benefits to the community Mr. Hunt **left** behind, and sent heartfelt sympathy to the family of Mr. Hunt.

2. Ms. Linda Rice, 2394 Forge Road, stated that at its meeting on July 12, 2005, the Planning Commission recommended a study for the guiding principles of Toano and Anderson's Comer, and Ms. Rice requested the Board's support of the study when it is presented for consideration.

3. Mr. Ed Oyer, 139 Indian Circle, commented on **a recent** news article regarding the decline of quality Marine aviators and Mr. Oyer suggested that the decline may be due to **poor** education; inquired if the staff flies first-class airfare for **official** business; inquired about the status of the fire chief investigation; commented on the density of development in the County and need for less development in the **rural** areas; suggested that when the Villages at Whitehall case comes before the Board, it votes for by-right development and not rezoning; and stated that Route 60 east was backed up again due to **traffic**.

F. CONSENT CALENDAR

Mr. **McGlennon** requested that Item No. 4, Revision to Personnel Policies and Procedures Manual – Chapter 5. Section 5.4 E.5 – Military Leave, be pulled.

Mr. **Goodson** made a motion to adopt the remaining items on the consent calendar including the amended resolution for Item No. 3.

On a roll call vote, the vote was: AYE: **Goodson, McGlennon**, Bradshaw, Brown (4). NAY: **(0)**. ABSENT: Harrison (1).

1. Minutes - June 28, 2005. Work Session
2. Resolution of **Appreciation** – James D. Dorsey

RESOLUTION OF APPRECIATION

JAMES D. DORSEY

WHEREAS, James Dorsey served on the James City County Parks and Recreation Advisory Commission from April 17, 1989, until March 16, 2005; and

WHEREAS, during his terms in office Mr. Dorsey actively participated in the public planning and development of programs that would best fill the park and recreation needs **of the** community; and

WHEREAS, Mr. Dorsey's love for Parks and Recreation and interest in local government has been critical to the successful acquisition of waterfront property, the planning and development **of Little** Creek

Reservoir Park and Mid County Park to include Kidsburg, and the creation of the **Greenway** Master Plan; and

WHEREAS, Mr. Dorsey played a key role in promoting Parks and Recreation through his involvement in community conversations and through his tireless efforts to pass the **1994** bond referendum that increased the amount and quality of recreation facilities in the County; and

WHEREAS, Mr. Dorsey was a champion of innovative new ideas, programs, policies, and citizen involvement in County government as well as an advocate for improving the quality of life for all County citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its deep gratitude and honors James D. Dorsey for his **16** years of dedicated service to the citizens of James City County.

3. July – Recreation and Parks Month

R E S O L U T I O N

N L Y - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities generate opportunities for people to come together and experience a sense of community through fun, recreational pursuits; and

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural **centers**, and historic sites make a community attractive and desirable places to live, work, play, and visit, all of which contribute to our ongoing economic vitality; and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community, which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens **of James** City County to utilize recreation and park services and to recognize that they are essential to the quality of life.

5. Department of Criminal Justice Services – Grant Award - \$68,949

R E S O L U T I O N

DEPARTMENT OF CRIMINAL JUSTICE SERVICES -GRANT AWARD - \$68.949

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant within the Police Department for the amount of **\$68,949**, with a State share of **\$51,712** for the establishment of a Crime Analyst position and the purchase of related equipment; and

WHEREAS, the grant requires a cash local match of \$17,237, which is available in the County's General Fund Grant Match Account; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1,2005, through June 30, 2006.

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

Revenues:

DCJS – Crime Analyst	\$51,712
General Fund Grant Match Revenue	<u>17,237</u>
	<u>\$68,949</u>

Expenditure:

DCJS – Crime Analyst	<u>\$68,949</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors of **James** City County does hereby create a full-time Crime Analyst position and should fully fund the position at the end of the **grant** period.

4. Revision to Personnel Policies and Procedures Manual – Chapter 5. Section 5.4 E.5 – Military Leave

Mr. **McGlennon** voiced support for the amended resolution to remove the sunset clause in the policy and made a motion to adopt the amended resolution.

On a roll call vote, the vote was: AYE: **Goodson, McGlennon**, Bradshaw, Brown (4). NAY: (0). ABSENT: Harrison (1).

RESOLUTION

REVISION TO PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 5. SECTION 5.4 E.5 - MILITARY LEAVE

WHEREAS, the portion of the **Military** Leave Policy that provides for a **military** pay differential for employees called to active military duty and for up to one year's accrual of leave for Reservists returning to County employment expires June 30, 2005, unless extended by the Board of Supervisors; and

WHEREAS, the Board of Supervisors desires to continue its support of employees called to active military duty.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of **James** City County, Virginia, does hereby adopt the attached revision to Chapter 5, Section 5.4 E.5, Military Leave, of the James City County Personnel Policies and Procedures Manual, and that the portion of the Military Leave Policy referenced above hereby be adopted.

G. PUBLIC HEARINGS

1. Case Nos. AFD-7-86. Mill Creek – Andrews Addition

Mr. Matthew D. Arcieri, Planner, stated that Eugene and Mary Andrews applied to add approximately 102.85 acres, zoned A-1, General Agricultural, to the Mill Creek Agricultural and Forestal District (District). The parcel is located at 3408 North Riverside Drive and can be further identified as Parcel No. (1-8N) on James City County Real Estate Tax Map No. (9-4).

Staff found the proposed addition met the minimum area and proximity requirements for inclusion into an Agricultural and Forestal District (AFD) and is consistent with surrounding zoning and development and Comprehensive Plan.

At its meeting on May 26, 2005, the AFD Advisory Committee recommended approval of this application by a vote of 7-0.

At its meeting on June 6, 2005, the Planning Commission recommended approval by a vote of 7-0.

Staff recommended approval of the addition to the District subject to the conditions of the existing District as listed in the resolution.

Mr. Brown opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: **Goodson, McGlennon, Bradshaw, Brown (4)**. NAY: **(0)**. ABSENT: **Harrison (1)**.

RESOLUTION

MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT -

ANDREWS ADDITION (AFD-7-86)

WHEREAS, an Agricultural and Forestal District (AFD) has been established in the Mill Creek area; and;

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Mill Creek Agricultural and Forestal District; and

WHEREAS the Agricultural and Forestal District Advisory Committee at its meeting of May 26, 2005, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its Public Hearing on June 6, 2005, unanimously recommended approval of the application.

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

1. The Mill Creek Agricultural and Forestal District is hereby amended by the addition of the following parcel:

Mr. Eugene C. and Mary K. Andrews Living Trust	(9-4)(1-8N)	<u>102.85 acre</u>
	Total	<u>102.85 acre</u>

provided, however, that all land within 25 feet of the road right-of-way of North Riverside Drive (Route 715) shall be excluded from the District.

2. Pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Mill Creek AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a). The subdivision does not result in the total acreage of the District to drop below 200 acres; and b). The subdivision does not result in aremnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned, and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to "Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area," adopted September 24, 1996.
 - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties that are in accordance with the County's policies and ordinances regulating such facilities.

2. Sale of Surplus Real Property - 4001-E Mt. Laurel Road

Ms. Jennifer C. Lyttle, County Paralegal, stated that a certain parcel of land containing 2.34 acres is no longer needed for the Ware Creek Reservoir Project and adjoining property owners would like to purchase 2.23 acres of the property for a total purchase price of \$1,700. The property is designated as Tax Parcel No. 131010001E on the James City County Real Estate Tax Map.

Staff recommended that the Board approve the resolution to sell and transfer the portions of property to the adjacent property owners.

Mr. **Goodson** inquired if the potential property owners are advised that the parcels fall under the category of the Resource Protection Area and what that would mean to them as property owners.

Ms. Lyttle stated that the adjoining property owners are aware of the conditions.

Mr. Brown opened the Public Hearing.

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

Mr. Bradshaw stated that he wished to disclose that he has had represented the Davis family including some property matters involving this property and nonetheless he is not currently representing them on any matter, and feels that he can fairly and objectively vote on this matter.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: **Goodson, McGlennon, Bradshaw, Brown** (4). NAY: **(0)**. ABSENT: Harrison (1).

RESOLUTION

SALE OF SURPLUS REAL PROPERTY -

4001-E MT. LAUREL ROAD

WHEREAS, James City County currently owns a certain parcel of land, located in the County of James City, containing 2.34 acres, and designated as Tax Parcel No. **1310100001E** (the "Property"); and

WHEREAS, the Property was acquired by the County for the Ware Creek Reservoir Project (the "Project") and is no longer needed for the Project; and

WHEREAS, Richard Sebastian, Director of Real Estate Assessments, has estimated that the current market value of the Property is \$1,700; and

WHEREAS, adjoining property owners, Paula and Warren Raines ("Raines") would like to purchase 1.62 acres of the Property for \$1,235, and Rowena Cay Davis and Robert Davis ("Davis") would like to purchase .61 acres of the Property for \$465, for a total purchase price of \$1,700; and

WHEREAS, the Board of Supervisors, following a public hearing, is **of the** opinion the County should sell and transfer the above-mentioned portions of the Property to Raines and Davis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors **of James** City County, Virginia, does hereby authorize and direct the County Administrator to execute the deeds and any other documents necessary for the sale and transfer of the above-mentioned portions **of the** Property to Raines and Davis.

3. Case No. ZO-3-04. Zoning Ordinance Amendment – Mixed Use Fast Food

Mr. Matthew D. Arcieri, Senior Planner, stated that during the review of several recent mixed use case, it came to staff's attention that fast food restaurants are neither permitted nor specially permitted in the Mixed Use (MU) Zoning District and recommended that the Zoning Ordinance be amended to permit fast food restaurants in the Mixed Use Zoning Districts by a special use permit only.

At its meeting on June 6, 2005, the Planning Commission recommended approval of the amendment to the Ordinance by a vote of 6-0 with one abstention.

Mr. McGlennon stated that the Zoning Ordinance being considered for amendment is to permit fast food restaurants in the Mixed Use Zoning Districts by a special use permit only which requires Board review and approval.

Mr. Brown opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the Ordinance.

On a roll call vote, the vote was: AYE: Goodson, McGlennon, Bradshaw, Brown (4). NAY: (0). ABSENT: Harrison (1).

H. BOARD CONSIDERATIONS

1. Case No. SUP-16-05. Treleaven Warehouse and Nursery (Deferred from June 14, 2005)

Mr. Trey Davis, Planner, stated that Stanley Treleaven of T&S Associates, Inc., applied for a special use permit (SUP) to allow for a contractor's warehouse, in addition to a nursery, in an existing building located on 4.74 acres, zoned A-1, General Agriculture, at 4191 Rochambeau Drive, and further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4). The site is also designated as Rural Lands on the Comprehensive Plan Land Use Map.

Since the deferral on June 14, 2005, the applicant has met with staff, the adjacent property owners, and the potential user of the site to discuss the issues raised on June 14. The SUP conditions have been altered to reflect the results of the discussions.

The adjacent property owner has expressed support for this proposed use with the conditions as amended.

Staff still finds the proposal, with conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

At its meeting on May 2, 2005, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff recommended approval of the application with the listed conditions in the resolution.

Mr. Bradshaw inquired about the outdoor storage material condition and that the storage will not increase the traffic to the site.

Mr. Davis stated that the storage area will be reviewed by the Planning Director, that the outdoor storage is specifically identified, and that landscaping and fencing requirements are outlined.

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: **Goodson, McGlennon**, Bradshaw, Brown (4). NAY: **(0)**, ABSENT: Harrison **(1)**.

RESOLUTION

CASE NO. SUP-16-05. TRELEAVEN WAREHOUSE AND NURSERY

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific land uses that shall be subjected to a Special Use Permit (**SUP**) process; and

WHEREAS, the applicant has requested a SUP to allow for a contractors warehouse in **an** A-I, General Agricultural District, located at 4109 Rochambeau Drive, further identified as Parcel No. (1 -9B) on James City County Real Estate Tax Map No. (13-4); and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of **James** City County, Virginia, does hereby approve the issuance of Special Use Permit 16-05 as described herein with the following conditions:

1. The contractors warehouse shall be limited to the storage of lumber, drywall, plumbing fixtures, pipes, insulation, flooring, glass, concrete, fasteners, wires, and electrical fixtures, or other materials as approved by the Planning Director. There shall be no outdoor storage of any of these materials unless screened by fencing **and/or** landscaping in a location and manner approved by the Planning Director prior to final site plan approval.
2. There shall be no outdoor operation of machinery in connection with the contractors warehouse other than forklifts and delivery vehicles at the site.
3. Hours of operation for the contractors warehouse shall be limited to the time between 6 a.m. and 9 p.m., except in cases of inclement weather.
4. **A** site plan shall be submitted by the applicant in accordance with the requirements of the Zoning Ordinance.
5. The applicant shall provide one handicap-accessible parking space on the site.
6. Any outdoor storage of material for the nursery shall be shown on the site plan and shall be screened by landscaping **and/or** fencing in a manner acceptable to the Planning Director.
7. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The applicant shall be responsible for enforcing these standards.
8. The applicant shall submit the site plan to the Williamsburg Area Environmental Health Office for review and approval to verify that the existing well, septic tank, and drainfield are adequate to **serve** the intended use of the building.

9. The installation of **a stop** sign at the entrance onto Rochambeau Drive shall be included on the site plan.
10. The installation of a "Children at Play" sign and **two** speed bumps on the driveway shall be included on the site plan.
11. Intercom and other speaker systems shall operate in such a manner that they shall not be audible from adjacent properties.
12. If final site plan approval is not obtained within 36 months of the issuance of **the SUP**, it shall become void.
13. This Special Use Permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Lease Financing – Warhill Property Infrastructure and Sports Stadium

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the County needs to construct the roads, utilities, stormwater drainage, and other infrastructure for the **Warhill** property, both on-site and off-site, to serve the needs of **the** new Thomas Nelson Community College campus and the new high school. The improvements are proposed to be financed by the issuance of \$23,500,000 in lease revenue bonds by the Economic Development Authority (EDA) of James City County and then the improvements would be leased to the County.

Staff recommended that the Board adopt the resolution that was prepared with the assistance of the County's Bond Counsel.

Mr. McGlennon inquired what a likely interest rate would be.

Mr. McDonald stated the anticipated interest rate may be approximately 4.5 to 4.75 percent.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: **Goodson**, McGlennon, Bradshaw, Brown (4). NAY: **(0)**. ABSENT: Harrison (1).

RESOLUTION

LEASE FINANCING-WARHILL PROPERTY INFRASTRUCTURE AND SPORTS STADIUM

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board of Supervisors") has determined that James City County, Virginia (the "County") has an immediate need for the construction of (i) roads, utilities, stormwater drainage, and other infrastructure for the **Warhill** property, both on-site and off-site, to serve the needs of the new Thomas Nelson Community College campus and the new high school and (ii) a new sports stadium (collectively, the "Project"); and

WHEREAS, there has been presented to the Board of Supervisors a plan for the lease **financing of the Project** which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, pursuant to such financing plan, the Economic Development Authority of James City County, Virginia (the "Authority") would issue its lease revenue bonds in an amount not to exceed \$23,500,000 (the "Bonds") to finance the Project, which would be leased by the Authority to the County, and to finance other related costs and to fund any required reserves associated with the issuance of the Bonds; and

WHEREAS, there have been presented to this meeting preliminary drafts of the following documents (collectively, the "Documents") in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- (a) Ground Lease, dated **as** of August 1, 2005 (the "Ground Lease"), between the County and the Authority conveying to the Authority interests in certain real property;
- (b) Lease Agreement, dated as of August 1, 2005 (the "Lease"), between the Authority and the County conveying to the County a leasehold interest in the Project;
- (c) Indenture of **Trust**, dated as of August 1, 2005 (the "Indenture"), between the Authority and **SunTrust** Bank, as trustee (the "**Trustee**"), pursuant to which the Bonds are to be issued;
- (d) Assignment of Rents and Leases, dated as of August 1, 2005 (the "Assignment"), between the Authority and the Trustee, assigning to the Trustee certain **of the** Authority's rights under the Ground Lease and the Lease;
- (e) Preliminary Official Statement with respect to the offering and sale of the Bonds (the "Preliminary Official Statement");
- (f) Notice of Sale pursuant to which the Bonds will be advertised for sale; and
- (g) Continuing Disclosure Certificate, dated **as** of August 1, 2005 (the "Continuing Disclosure Certificate"), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Bonds.

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

1. The Board of Supervisors hereby finds and determines that it is in the best interests of the County to proceed with the lease financing of the Project.
2. The Bonds to be issued by the Authority shall have such terms as are approved by the Authority in a duly adopted **resolution; provided**, that the Bonds (a) shall have a hue or "Canadian" interest cost not to exceed 6.00% per year, **taking** into account any original issue discount or premium; (b) shall be sold to the successful bidder at a price not less than 98% nor more than 108% of the original aggregate principal amount thereof; (c) shall have a weighted average maturity of no more than twenty-five (25) years; (d) shall be issued in an aggregate amount not to exceed \$23,500,000; and (e) shall be subject to optional redemption, so long as the Bonds may be optionally redeemed after eleven years (or such shorter period as deemed advisable in the sale of the Bonds), with a redemption

premium no greater than two percent (2.00%) of the principal amount of the Bonds to be optionally redeemed.

3. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions, and changes as may be subsequently approved by the Chairman or Vice Chairman of the Board of Supervisors, which approval shall be evidenced conclusively by the execution and delivery of the Documents to which the County is a party by such Chairman or Vice Chairman.
4. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to execute the Ground Lease, the Lease, the Continuing Disclosure Certificate, the Preliminary Official Statement, and the final Official Statement relating to the Bonds. The County Administrator and the County Attorney are hereby authorized to record or cause to be recorded the Ground Lease, the Lease (or a memorandum thereof) and the Assignment in the Clerk's Office of the Circuit Court of the County.
5. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to acknowledge and consent, if necessary, to the provisions of the Indenture and the Assignment.
6. The appropriate officers and agents of the County are hereby authorized and directed to prepare, and the Chairman and Vice Chairman of the Board of Supervisors are each authorized and directed to execute, the Preliminary Official Statement with respect to the issuance and sale of the Bonds, with such supplements as either the Chairman or Vice Chairman may consider necessary or desirable in connection therewith. The Chairman and Vice Chairman of the Board of Supervisors are each authorized, on behalf of the County, to deliver the Preliminary Official Statement to Davenport & Company LLC (the "Financial Advisor") and to deem the Preliminary Official Statement to be in final form as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12. The delivery of the Preliminary Official Statement to the Financial Advisor shall be conclusive evidence that it has been deemed final as of its date by the County, except for the omission of such pricing and other information. The use and distribution of the Preliminary Official Statement are hereby authorized.

The appropriate officers and agents of the County are hereby authorized and directed to assist with the preparation of a final Official Statement, appropriately dated, in the form of the Preliminary Official Statement, with appropriate completions, insertions, omissions, and changes as shall be necessary to accurately describe, among other things, the Bonds, the security therefor, and the Documents. The Chairman and the Vice Chairman of the Board of Supervisors, either of whom may act, are each authorized and directed to execute and deliver the final Official Statement on behalf of the County. The use and distribution of such final Official Statement are hereby approved.

7. The Board of Supervisors hereby selects and designates SunTrust Bank as Trustee and Troutman Sanders LLP as Bond Counsel with respect to the Bonds, and the Authority is hereby requested to designate them as such.

8. The County 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 Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), 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.
9. All acts of the Chairman and Vice Chairman of the Board of Supervisors and other officers of the County, regardless of whether such acts occurred prior to or occur after the adoption of this Resolution, that are in conformity with the purposes and intent of this Resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds, and the undertaking of the Project are hereby approved and ratified.
10. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease. If the County exercises its right not to appropriate money for rent payments under the Lease, the Trustee may terminate the Lease or otherwise exclude the County from possession of the Project.
11. This Resolution shall take effect immediately

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the State Police investigation continues regarding the alleged offense by the former Fire Chief.

Mr. Wanner stated that the attending audience for the Work Session on July 26 can sit in the Board Room to view the meeting, and should the Board move forward with the item, it will be brought forward to a Regular Meeting of the Board during which the citizens can speak to the matter.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Brown commented on the groundbreaking ceremony for the Virginia Capital Trail that was held earlier in the day at Mainland Farm.

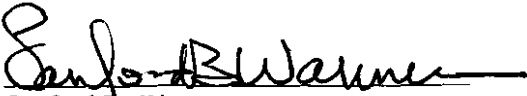
Mr. McGlennon stated that this is the last meeting Amy Johnson, The *Virginia Gazette*, will be attending and thanked her for her professional and informative service to the community.

L. ADJOURNMENT

Mr. Goodson made a motion to adjourn.

On a roll call vote, the vote was: AYE: Coodson, McGlennon, Bradshaw, Brown (4). NAY: (0)
ABSENT: Harrison (1).

At 7:37 p.m. Mr. Brown adjourned the Board until 4 p.m. on July 26,2005.


Sanford B. Wanner
Clerk to the Board

071205bos.min

JUL 12 2005

ORDINANCE NO. 169A-10

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT -

ANDREWS ADDITION (AFD-7-86)

WHEREAS, an Agricultural and Forestal District (AFD) has been established in the Mill Creek area; and;

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Mill Creek Agricultural and Forestal District; and

WHEREAS the Agricultural and Forestal District Advisory Committee at its meeting of May 26, 2005, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its Public Hearing on June 6, 2005, unanimously recommended approval of the application.

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

- 1. The Mill Creek Agricultural and Forestal District is hereby amended by the addition of the following parcel:

Mr. Eugene C. and Mary K. Andrews Living Trust	(9-4)(1-8N)	<u>102.85 acre</u>
	Total	<u>102.85 acre</u>

provided, however, that all land within 25 feet of the road right-of-way of North Riverside Drive (Route 715) shall be excluded from the District.

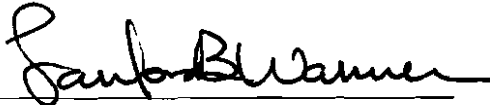
- 2. Pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Mill Creek AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a). The subdivision does not result in the total acreage of the District to drop below 200 acres; and b). The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned, and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to "Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area," adopted September 24, 1996.

- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties that are in accordance with the County's policies and ordinances regulating such facilities.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of July, 2005.

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JUL 12 2005

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 31A-218

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24 ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 15, MIXED USE DISTRICT, MU, SECTION 24-522, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED,,by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning is hereby amended and reordained by amending Section 24-522, Uses permitted by special use permit only.

Chapter 24. Zoning
Division 15. Mixed Use, MU

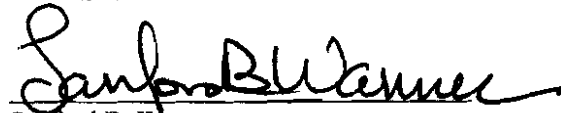
Section 24-522. Uses permitted by special use permit only.

Fastfood restaurants.



Michael J. Brown, Chairman
Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
HARRISON	ABSENT
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, on this 12th day of July, 2005.

Fastfood.ord