

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF FEBRUARY 2006, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
John J. McGlennon, Vice Chairman, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James O. Icenhour, Jr., Powhatan District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Adam R. Kinsman, Assistant County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Cailin and Ethan Agnello, students at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Sentara Williamsburg Community Hospital Block Buddies Program – 2005 Spirit of Caring Award

Mr. Goodson accepted a plaque from Mr. Bob Graves, Sentara Williamsburg Community Hospital ("Hospital"), in recognition of the partnership between the County and the Hospital for the award-winning Block Buddies Program.

Mr. Graves stated that the Hospital received the **2005** Healthy Communities Planetree Spirit of Caring Award for the Block Buddies Program, provided an overview of the Program which was established in 1998 as a Healthy Promoter Program for identified at-risk neighborhoods in the Greater Williamsburg area, recognized members in the audience who participate in the Program's success, and showed a video of the Block Buddies Program that will be aired on the Government Channel.

Mr. Goodson inquired where the video would be aired and how the word got out about the Program.

Mr. Graves stated the first formal recognition of the Program took place at a national meeting of the Planetree organization where the Program was highlighted before a large audience.

Mr. Bradshaw thanked the Hospital for the partnership and stated that the Program has grown and changed over the years.

Mr. Bradshaw requested an update on the new Williamsburg Sentara Hospital facility

Mr. Graves stated that the facility is being constructed on schedule and within budget, the hospital is slated to be opened and patients transferred on August 17, and stated that on August 12 there will be a VIP reception and ribbon cutting that the Board will be invited to attend.

2. Virginia Performance Measures Consortium Update

Ms. Rona Vrooman, Training and Quality Performance Coordinator, made a presentation to the Board regarding the Virginia Performance Measures Consortium including an overview of the consortium membership, purpose of the performance measurements, and how the information will be utilized to provide citizens information about how their government is doing; that staff can compare services internally and externally, the Board can plan and allocate resources; and also provided an overview of the timeline for the release of the report regarding the collected data.

Mr. Bradshaw inquired if the measures can be reviewed and determined what measures apply to the County and the goals of the County.

Mr. Harrison requested that when the measures are reviewed for applicability to this community, the County include those measures that focus on housing issues.

Ms. Vrooman stated that although the County is in the initial stages of the first run of data collection, the County will have the opportunity to review the information to identify what material is beneficial to the County in moving forward with the goals of the County.

3. Colonial Services Board – Introduction of Dr. Dennis Wool. Executive Director

Dr. Dennis Wool, Executive Director of the Colonial Services Board, provided an overview of his qualifications and experiences that will complement the services offered by the Colonial Services Board, and he commented on the initiatives of the partnerships to provide quality service to those who are in need.

Mr. Bradshaw stated that the Colonial Services Board has offered successful programs and thanked Dr. Wool for his enthusiasm to meet challenges, even those of budgeting, while the higher levels of Government are implementing funding cuts to programs such as these.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on an article in a local paper regarding student population in schools and inquired who is wrong in the estimate of student population – the developer or the School Division; inquired why staff presents off-budget items, stated that traffic in New Town is not in compliance with the initial traffic design plans that identified 14 traffic lights for New Town; and stated that in October of 1998 Mr. Bradshaw said that *he favored cluster housing in the A-1 zone to preserve greenspace*, yet there is still more density per acre than present zoning as it exists.

Mr. Bradshaw stated that at the last meeting Mr. Oyer called attention to the Poquoson school system and elementary school development which will be completed on time and on budget at \$15,500,000 and

inquired why the County cannot do that; he talked with Dr. Lewis at Poquoson Schools regarding the inquiry and gathered further information including that the school will house Grades 3, 4, and 5 and an option to add a wing for Grade 6 at a future date; would only be 80,000 square feet; does not include funds for site acquisition, for utilities, and only modest funds for site preparation; that actual costs will not come in until later this month; and that Dr. Lewis stated that they used a contract procedure called Construction Management and Risks; and that the County will be watching with interest the development of the school in Poquoson.

F. CONSENT CALENDAR

Mr. Goodson inquired if any member of the Board wanted to pull an item from the Consent Calendar.

Mr. Bradshaw requested Item No. 5, National Association of Counties Prescription Drug Discount Program, be pulled.

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

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

- I. Minutes –
 - a. January 20,2006, Budget Retreat, as amended
 - b. January 24,2006, Work Session, as amended
 - c. January 24,2006, Regular Meeting, as amended
- 2. Dedication of a Street Known as Brandon Woods Parkway

RESOLUTION

DEDICATION OF A STREET KNOWN AS BRANDON WOODS PARKWAY

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation (VDOT) advised the Board that the street meets the requirements established by the Subdivision Street Requirements of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the street described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

3. Erosion and Sediment Control Ordinance Violation – Civil Charge – 2857 Bennett's Pond Road

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION - CIVIL CHARGE -

2857 BENNETT'S POND ROAD

WHEREAS, on or about January 26, 2006, Olsen Fine Homebuilding, LLC, Owner, violated, or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at 2857 Bennett's Pond Road, Williamsburg, Virginia, designated as Parcel No. (10-11) on James City County Real Estate Tax Map No. (45-1) and hereinafter referred to as the ("Property"); and

WHEREAS, Olsen Fine Homebuilding, LLC has abated the violation at the Property; and

WHEREAS, Olsen Fine Homebuilding, LLC has agreed to pay \$500 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) 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 \$500 civil charge from Olsen Fine Homebuilding, LLC, Owner, as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

4. Fiscal Year 2007 State Aid Matching Public Transportation Application

RESOLUTION

FISCAL YEAR 2007 STATE AID MATCHING PUBLIC

TRANSPORTATION APPLICATION

WHEREAS, the Commonwealth of Virginia has made funds available for public transportation; and

WHEREAS, the Board of Supervisors has desires of securing support of the conversion of Williamsburg Area Transport (WAT) to an independent regional authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute and file the application to the Virginia

Department of Rail and Public Transportation, Commonwealth of Virginia, for grant of State public transportation matching assistance under Section 58.1-638(A)(4) of the Code of Virginia. The amount requested for State matching assistance is \$304,960 in project eligible expenses. The County Administrator shall be authorized to accept grant fund awards and to furnish to the Virginia Department of Public Transportation documents and other information as required for processing this grant application.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certify that funds shall be used in accordance with the requirements of Section 58.1-638(A)(4) of the Code of Virginia and that James City County may be subject to an audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts.

6. Strengthening Families Program – Historic Triangle Substance Abuse Coalition

RESOLUTION

STRENGTHENING FAMILIES PROGRAM -

HISTORIC TRIANGLE SUBSTANCE ABUSE COALITION

WHEREAS, James City County has received a grant to implement the Strengthening Families Program

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:

Revenue:

Historic Triangle Substance Abuse Coalition \$2,612

Expenditure:

Strengthening Families Program \$2,612

7. Office of Emergency Medical Services/Rescue Squad Assistance Fund – Grant Award - \$22,500

RESOLUTION

OFFICE OF EMERGENCY SERVICES1

RESCUE SQUAD ASSISTANCE FUND - GRANT AWARD - \$22,500

WHEREAS, the James City County Fire Department has received a grant from the Virginia Department of Health, Office of Emergency Medical Services, Rescue Squad Assistance Fund in the amount of \$22,500; and

WHEREAS, the funds are to be used for the purchase of a heavy-duty quick response vehicle; and

WHEREAS, the grant requires a match of \$22,500; and

WHEREAS, the matching funds are available in the County's Special Projects/Grants Fund; and

WHEREAS, the grant expires on December 31, 2006, therefore allowing unexpended funds to be carried over into the next fiscal year budget.

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

Revenues:

Rescue Squad Assistance Fund	\$22,500
JCC Special Projects/Grants Fund	<u>22,500</u>
Total	<u>\$45,000</u>

Expenditures:

Rescue Squad Assistance Fund	<u>\$45,000</u>
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8. VDOT Grant - Norge Depot Relocation and Restoration

RESOLUTION

APPROPRIATION OF FUNDS -

VDOT GRANT – NORGE DEPOT RELOCATION AND RESTORATION

WHEREAS, the Virginia Department of Transportation has allocated \$75,000 in Federal STP Transportation Enhancement funds for the relocation and restoration of the Norge Depot.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2006, and appropriates the following sum in the amount and for the purpose indicated:

FY 2006 Capital Budget

Revenue:

VDOT STP Transportation Enhancement Grant	<u>\$75,000</u>
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Expenditure:

Norge Depot	<u>\$75,000</u>
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9. Restriction of On-Street Parking – Stadium Road

RESOLUTION

RESTRICTION OF ON-STREET PARKING - STADIUM ROAD

WHEREAS, Stadium Road, which is being constructed as part of the Warhill site development, is not designed to accommodate on-street parking; and

WHEREAS, pursuant to the Virginia Department of Transportation (VDOT) *Subdivision Street Requirements*, street designs that anticipate the restriction of on-street parking may only be approved with the consent of the County and the Resident Administrator; and

WHEREAS, in order to permit the restriction of on-street parking on Stadium Road, VDOT has requested that the Board of Supervisors adopt a resolution in support of such a restriction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby support the restriction of on-street parking on Stadium Road.

10. FY 06 Budget Amendment - Monticello Avenue Corridor Improvements

RESOLUTION

FY 06 BUDGET AMENDMENT - MONTICELLO AVENUE CORRIDOR IMPROVEMENTS

WHEREAS, funds exist from the collection of proffer payments and a final dispersion of cash balances by the New Town Community Development Authority; and

WHEREAS, the Virginia Department of Transportation is contracting for several improvements to the Monticello Avenue corridor including a traffic signal at the intersection with Courthouse Street and substantial improvements at the intersection with Ironbound Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted Capital Budget for the fiscal year ending June 30, 2006, and appropriates the following sums in the amounts and for the purpose indicated:

FY 2006 Capital Budget

Revenue:

Proceeds - Transportation Proffers \$127,000

Expenditure:

Monticello Avenue Corridor Improvements \$127,000

5. National Association of Counties Prescription Drug Discount Program

Mr. Doug Powell, Manager of Community Services, stated that the National Association of Counties (NACo) has initiated a prescription drug discount program in which the County can participate. The Program provides discount cards to any citizen of the County regardless of age or income that can be presented to participating pharmacies to receive a discount on prescriptions that are not covered by other insurance.

Mr. Powell stated that the discounts range from 13 to 35 percent and up to 50 percent on mail order purchase, that there is no cost to the County or to the citizens to participate, and requested that the Board approve the resolution.

Mr. Bradshaw requested verification that the discount cards would be available to everyone although it would primarily benefit those without health care insurance.

Mr. Powell confirmed the statement.

Mr. Bradshaw inquired if any of the pharmacies in the County wish to participate and would they be able to contact Community Services to get information on how to do so.

Mr. Powell stated that is correct.

Mr. Bradshaw made a motion to adopt the resolution

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

R E S O L U T I O N

NATIONAL ASSOCIATION OF COUNTIES PRESCRIPTION DRUG DISCOUNT PROGRAM

WHEREAS, the National Association of Counties (NACo) offers a prescription drug discount program to member counties; and

WHEREAS, James City County desires to participate in this program and offer the prescription drug discount card to its citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract with NACo and AdvancePCS Health, LP to enable the County to participate in the program.

G. PUBLIC HEARINGS

1. Design Guidelines for the Toano Community Character Area Study

Mr. Jason Purse, Planner, stated that an amended resolution and an erratasheet have been provided to the Board, introduced Mr. Fred Boelt, a member of the Toano Community Character Area Study Steering Committee, and Mr. Eric Wright, Renaissance Planning Group, to give an overview of the proposed guidelines

recommended by the Toano Community Character Area Study Steering Committee and requested the Board's approval of the amended resolution.

Mr. Boelt and Mr. Wright provided an outline of the members of the Toano Community Character Area Study Steering Committee, an overview of the history of the Toano area, the process used to develop the design guidelines, the recommendations for the design guidelines, and requested approval of the guidelines.

Mr. Goodson inquired if the current Zoning Ordinances will need to be amended to accommodate the guidelines represented.

Mr. Purse stated that staff does not expect that the Ordinance will have to be amended to accommodate the guidelines.

Mr. Goodson opened the Public Hearing

1. Ms. Terri Hudgins, 1111 Knollwood Drive, on behalf of the Stonehouse District Citizens' Association, thanked the County, the members of the steering committee, and citizens for the input and participation in the development of the guidelines.

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

Mr. Bradshaw provided an overview of the possible histories of the naming of the area "Toano," thanked those who helped with the study, and highlighted the following sentence on page 3 of the Toano Community Character Area Design Guideline & Streetscape Plan "Toano's future should be informed but not constrained by its past while enhancing its unique character."

Mr. Bradshaw stated that the guidelines provide a pattern of redevelopment and development that will continue some characteristic of the Toano area; however the plan is conceptual and not parcel specific as a guide for private development and not a major public redevelopment of the area.

Mr. Bradshaw commented on areas that needed clarification in the design guidelines as outlined in the errata sheet to eliminate confusion of possible conflicts with the Comprehensive Plan and potential problem of achieving this with so many little lots if each parcel is done individually.

Mr. Bradshaw made a motion to adopt the resolution as amended and accept the changes outlined in the errata sheet.

Mr. McGlennon thanked Mr. Bradshaw for recommended amendments; stated that achieving the goal identified in the guidelines will be challenging and additional public participation will be needed to reach this vision; in order to facilitate this type of development there will be a need for the County to play a more direct role in the development; and the Board should not shy away from the assistance to achieve this vision.

Mr. Harrison commended the input of the community in developing and providing guidance for shaping the future of this area.

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

RESOLUTION

DESIGN GUIDELINES FOR THE TOANO COMMUNITY CHARACTER AREA

WHEREAS, on September 13, 2005, and October 11, 2005, the James City County Board of Supervisors created the Toano Community Character Area Study Steering Committee to conduct a comprehensive study of the area and develop a set of design guidelines for future development; and

WHEREAS, these guidelines will be used by citizens, staff, the Planning Commission, and the Board of Supervisors to guide recommendations and decisions in future land use cases and other development activity in the Toano area; and

WHEREAS, after five public meetings the Toano Community Character Area Study Committee (the "Committee") unanimously adopted a set of design guidelines for the area generally known as "Toano" and referred to in the Study adopted by the Committee as the "Toano Community Character Area"; and

WHEREAS, on January 9, 2006, the James City County Planning Commission (the "Commission") unanimously recommended approval of the design guidelines set forth in the Study.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the design guidelines as drafted by the Committee and recommended by the Commission, which shall be used alongside the 2003 Comprehensive Plan when reviewing rezonings, special use permits, and other development activities within the area generally known as "Toano" and referred to in the Study adopted by the Committee as the "Toano Community Character Area":

Design Guidelines for the Toano Community Character Area of James City County

The historic village of Toano sits along Route 60 in the northern part of James City County (the "County"), **between** Anderson's Corner and Norge. The Toano Community Character Area (the "Community Character Area") stretches from approximately the railroad tracks on the west to Bush Springs Road on the east and includes the intersection of Route 60 and Forge Road. Toano has seen a lot of change over time, particularly Route 60 has been widened through the main historic section of the town.

The growth and future development currently taking place in the Toano area prompted this study, and through these principles and guidelines, the County wishes to preserve the character and qualities that make this area unique.

The Toano Community Character Area Study Committee (the "Committee") was created by the Board of Supervisors to listen to the views of County citizens, particularly those who live and work in Toano. The Committee's purpose was to recommend principles and guidelines that highlight and honor Toano's history, encourage growth that enhances character, and improve streetscapes and a pedestrian-friendly town center. The principles and guidelines will be incorporated into the next regularly scheduled update of the County's Comprehensive Plan. Until that time, these principles and guidelines, when approved, will serve as an addendum to the 2003 Comprehensive Plan.

1. Planning Principles

- i. Highlight and honor history
- ii. Encourage appropriate growth that enhances unique small-town character
- iii. Preserve open **space/rural** lands; establish communal greenspace
- iv. Enhance pedestrian and bicycle environment while slowing vehicular traffic
- v. Improve streetscape and landscape to create sense of place

2. Design Guidelines Plan

The design guidelines, attached hereto as Exhibit A, highlight improvements and plans for the Toano area, and give guidance for all future developments inside the Community Character Area. The guidelines shall be considered and interpreted as conceptual and not necessarily as parcel specific.

For parcels fronting on Richmond Road with a designation of moderate density residential on the 2003 Comprehensive Plan Land Use Map, the design guidelines supplement that designation to encourage a mix of commercial and residential uses, but predominantly neighborhood commercial on the highway frontage.

3. Implementation Strategies

- i. New development and redevelopment in the Community Character Area shall implement the design guidelines.
- ii. Utilize available funds in the Capital Improvement Program budget as well as alternate sources of funding including grants or private contributions to construct sidewalks and pedestrian crosswalks in accordance with the design guidelines. Target capital investments by James City County (e.g., landscaping, underground utility lines, streetscape improvements, etc.) to support private reinvestment and redevelopment.
- iii. Utilize available State and Federal grants, including the Virginia Department of Transportation (VDOT) Transportation Enhancement Program to implement streetscape improvements.
- iv. In accordance with the recommendations of the James City County Architectural Survey establish the Toano Historic District so that property owners may qualify for redevelopment tax credits. Assist property owners in placing qualified properties on the State and Federal registers of historic places.
- v. Using the successful Jamestown Corridor Enhancement Committee as a model, establish a Toano Enhancement Committee in partnership with the Friends of Forge Road and Toano **and/or** the Williamsburg Land Conservancy. Fund a matching grant program similar to that established for Jamestown Road.
- vi. As part of the update of the County's Community Appearance Guide, create a section providing specific examples for Toano.

- vii. As part of a public sector contribution, there should be created an illustrative Master Plan for areas within the Community Character Area which have a critical need for joint development to ultimately achieve the vision of the design guidelines.

2. Case No. ZO-6-05. Retail Sales of Plant and Garden Supplies

Mr. Joel Almquist, Planner, stated that at the request of a citizen, staff proposes to amend two sections of the Zoning Ordinance related to retail plant and garden centers to allow retail plant and garden supply stores with a special use permit within the A-1, General Agriculture District, and to include the definition of plant and garden supply sales.

On October 27, 2005, and December 29, 2005, the Planning Commission Policy Committee met to consider the question of adding retail sales of plant and garden supplies as a by-right use or a specially permitted use in the A-1 Zoning District and review the definition of plant and garden supply sales as defined by staff.

The Planning Commission Policy Committee voted unanimously to recommend approval of the definition and accept retail plant and garden supply stores as a specially permitted use in the A-1 Zoning District.

On January 9, 2006, the Planning Commission recommended approval of the ordinance amendment by a vote of 6-0.

Staff requested that the Board adopt the Zoning Ordinance amendments.

Mr. Goodson opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the ordinance, stated that it is well crafted, and that he hopes additional allowances will be presented in the future.

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

3. Budget Amendments – FY 2006

Mr. John E. McDonald, Manager of Financial and Management Services, recommended a series of budget amendments in response to the mid-year budget review of the County's revenue collections and following discussions with the Board at the Budget Retreat meeting on January 20, 2006.

Mr. McDonald recommended the following budget amendments: \$580,000 be forwarded to the Schools with a stated preference that the funds be targeted at non-recurring costs included in the FY 2007 budget request; \$1,000,000 be dedicated to construction contingency for the high school project as a priority; \$350,000 be appropriated for the purpose of initiating a design study of a stormwater utility; \$150,000 be contributed to the Jamestown 2007 Fund; and appropriation of \$3,955,000 to the PPEA at Warhill and the community sports facility.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

BUDGET AMENDMENTS – FY 2006

WHEREAS, a mid-year budget review of expected revenues indicates that current estimates are approximately \$2.1 million more than what is now included in the FY 2006 budget; and

WHEREAS, the August 2005 lease financing that generated \$22,630,000 for the Warhill PPEA project and the community sports facility has not been fully appropriated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted budget for the fiscal year ending June 30, 2006, and appropriates the following sums in the amounts and for the purposes indicated:

FY 2006 Operating Budget:

Revenues:

Local Sales Tax	\$ 1,000,000
State Sales Tax for Education	580,000
Meals Tax	<u>500,000</u>

\$ 2,080,000

Expenditures:

Contribution to Capital Budget	\$ 1,000,000
Contribution to WJCC Schools	580,000
Stormwater Utilities Study	350,000
Contribution to Jamestown 2007 Fund	<u>150,000</u>

\$ 2,080,000

FY 2006 Capital Budget:

Revenues:

Proceeds – Lease Financing	\$3,955,000
Contribution from General Fund	<u>1,000,000</u>

\$ 4,955,000

Expenditures:

Warhill PPEA Project	\$3,570,000
WJCC Schools Capital Contingency	1,000,000
Community Sports Facility	<u>385,000</u>
	<u>\$ 4,955,000</u>

H. BOARD CONSIDERATION

1. Technolow Business Incubator Management Agreement and Lease Approvals

Mr. Keith A. Taylor, Economic Development Director, stated that the County and its Economic Development Authority (EDA) want to support the development of new and emerging companies in the County through the establishment of a James City County Technology Business Incubator with the Hampton Roads Technology Council (HRTC) as the management entity for the Incubator.

At its meeting on January 19, 2006, the EDA unanimously recommended approving a proposed Management Agreement for the Incubator, which commits the EDA to provide an operating subsidy from its own funds to HRTC totaling up to \$304,000 over a five-year period, contingent upon County approval.

Mr. Taylor requested that the Board approve the resolution authorizing the County Administrator to sign the EDA-approved Management Agreement, subject to its approval by the HRTC, and to sign the proposed Lease, subject to its approval by HRTC.

Mr. Tim J. Early, Director of the Hampton Roads Technology Council, provided an overview of the proposed Incubator system that is modeled ~~after~~ one located in Florida and how the incubator would work with businesses.

Mr. McGlennon inquired what happens with firms locating within the jurisdiction it incubated, and if marketing to attract businesses is done regionally rather than for a specific jurisdiction.

Mr. Early stated that technology based businesses are a promising industry, that there are incentives for businesses to locate in a given area, and that marketing is for regional location.

Mr. McGlennon made a motion to adopt the amended resolution

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

RESOLUTION

TECHNOLOGY BUSINESS INCUBATOR

MANAGEMENT AGREEMENT AND LEASE APPROVALS

WHEREAS, James City County (the "County") and its Economic Development Authority (the "EDA") wish to support the development of new and **emerging** companies in the County through the establishment of a James City County Technology Business Incubator (the "Incubator"); **and**

WHEREAS, staff of the Office of Economic Development (the "OED") has recommended an implementation strategy for creating and operating the Incubator; and

WHEREAS, the Hampton Roads Technology Council (the "HRTC") has a proven track record of operating technology incubators in the Hampton Roads region; and

WHEREAS, both the OED and the EDA propose HRTC as the management entity for the Incubator; and

WHEREAS, previously appropriated Capital Improvement Funds are available to the OED to cover the cost of furnishing and equipping the Incubator; and

WHEREAS, at its January 19, 2006, meeting, the EDA unanimously passed a motion approving a proposed Management Agreement for the Incubator, which commits the EDA to provide an operating subsidy from its own funds to HRTC totaling up to \$304,000 over a five-year period, said approval being contingent upon County approval; and

WHEREAS, the County's approval of a lease between the County and HRTC for one floor of office space located at Ironbound Village and further identified as 5300 Palmer Lane, Suite 2 (the "Lease") will provide the physical space **necessary** to house the Incubator.

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

1. Authorizes the County Administrator to sign the EDA-approved Management Agreement, subject to its approval by the HRTC, and
2. Authorizes the County Administrator to sign the proposed Lease, subject to its approval by HRTC.

I. PUBLIC COMMENT

1. Ms. Terri Hudgins, Stonehouse District Citizens' Association, invited members of the Board to "A Community of Choices" film and a Q&A panel discussion to be held on February 20 at the James City County Library in Croaker at 7 p.m.

2. Mr. Ed Oyer, 139 Indian Circle, stated that Route 60 E was shut down all day in both directions.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that a citizen discussed at the previous meeting in the schools a **wellness** and fitness program to the Board and recommended that citizen should make the business proposal to the schools or the County's Parks and Recreation Division to initiate a productive dialog.

Mr. Wanner stated that the County held the 13th annual Black History Day today.

Mr. Wanner recommend that the **Board** go into Closed Session for the consideration of personnel matters, the appointment of individuals to County boards **and/or** commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia; and for a discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made **of the business'** or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison apologized to the Board for not attending the Retreat this morning with the School Board.

Mr. Harrison requested that staff provide information to the Board regarding the logistics and costs to provide county-wide trash pickup in light of the urban growth and that the County Code be reviewed to provide citizens more support in abating blight in neighborhoods not regulated by Homeowners Associations.

Mr. McGlennon congratulated the Greater First Colony for the opening of the new clubhouse this weekend.

Mr. **Goodson** invited the citizens to attend a Community Meeting in the Roberts District on February 16 at 7 p.m. for discussion on the school redistricting at James River Elementary School.

L. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session for consideration of personnel matters, the appointment of individuals to County boards **and/or** commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made **of the business'** or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia.

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

At 8:45 p.m. Mr. **Goodson** convened the Board into Closed Session,

At 9:16 p.m. Mr. **Goodson** reconvened the Board into Open Session.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3711 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 motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia.

Mr. McGlennon made a motion to reappoint Larry Waltrip to a five-year term on the Wetlands Board and Chesapeake Bay Board, effective February 28, 2006, term to expire on February 28, 2011; to reappoint Lynn Bagli to a three-year term on the Colonial Group Home Commission, term to expire on February 28, 2010; and to appoint Federick Boelt to a three-year term on the Historical Commission, term to expire on August 31, 2009.

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

The Board and staff discussed the proposal to air the NASA programming on the community access Channel 46, ability to maintain programming control for items such as election candidate specials, and regularly scheduled community block programming.

Mr. Rogers stated that the County legally and operationally has the discretion on how to use the channel; that public will expect 24-hour NASA if the County switches to that programming all day long; and that staff will need to review the ordinance to propose an amendment to address the change and will work with COX about possible channel programming changes.

M. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

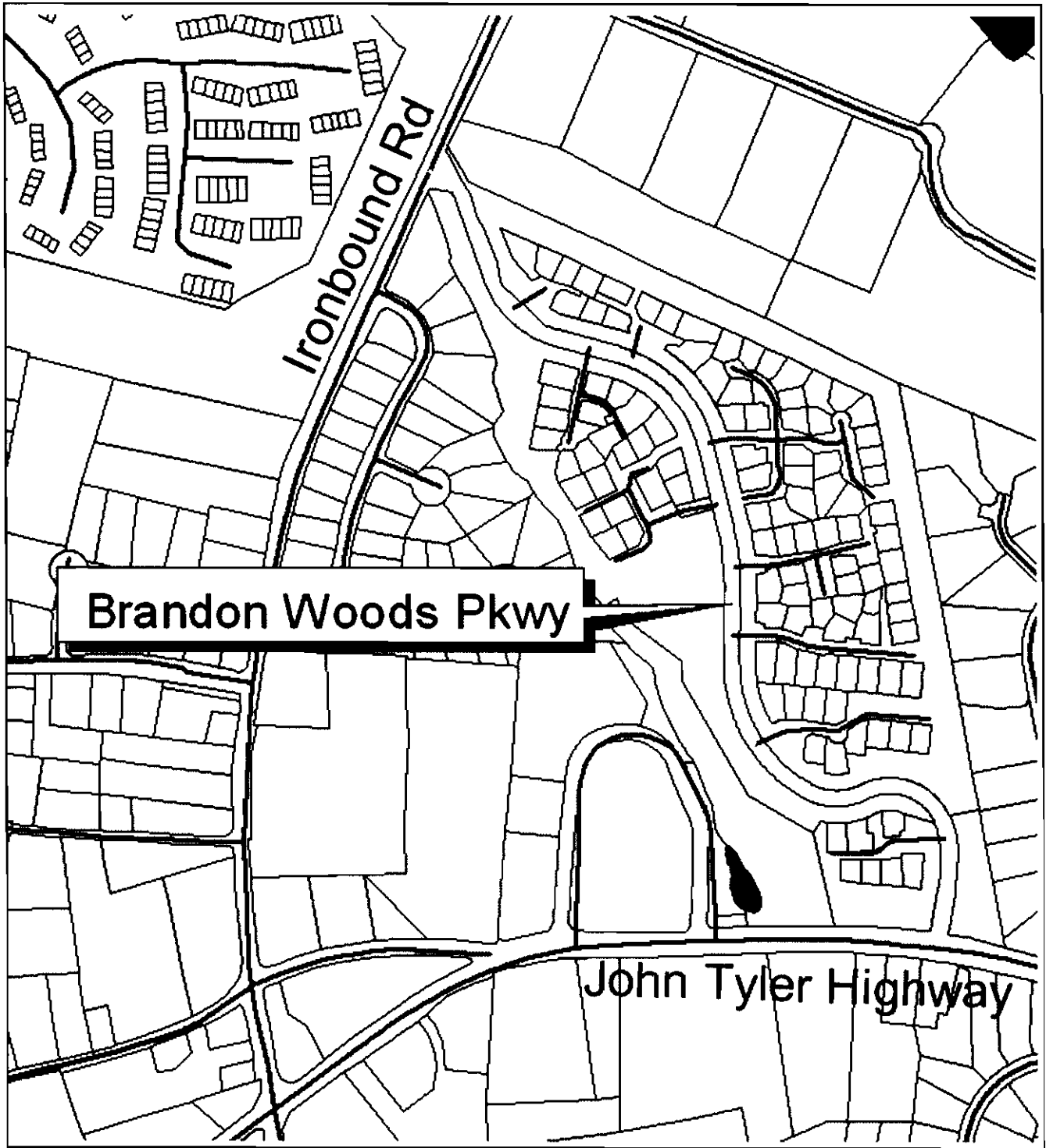
On a roll call vote, the vote was AYE: Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5).
NAY: (0).

At 9:26 p.m. Mr. Goodson adjourned the Board until 7 p.m. on February 28, 2006



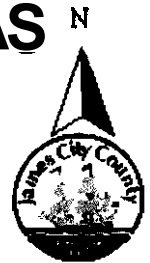
Sanford B. Wanner
Clerk to the Board

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DEDICATION OF A STREET KNOWN AS BRANDON WOODS PARKWAY

 Street Being Dedicated



FEB 14 2006

ORDINANCE NO. 31A-222BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT A-1, SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Zoning, is hereby amended and reordained by amending Section 24-2, Definitions; and Section 24-213, Uses permitted by special use permit only.

Chapter 24. Zoning

Article I. In General

Section 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Plant and garden supply sales. Stores which shall sell a combination of materials used in the process of creating, cultivating, decorating, and maintaining gardens and landscaped areas. The primary items sold may include plants, shrubs, and trees grown on- or off-site; seeds; produce; hand tools; fertilizer; plant containers and hangers; natural materials such as sand, soil, rock, wood chips, and mulch; and decorative features including sculptures, fountains, ponds, ornaments, and cast or formed cement and ceramic pavers. Patio and outdoor furniture, including grills, gazebos, trellises, and outdoor fireplaces may also be included as secondary and incidental items sold at a plant and garden supply store. Excluded from this definition are mechanical lawn and garden equipment, pools and pool equipment, lumber and building supplies.

Article V. Districts
Division 2. General Agricultural District, A-1

Section 24-213. Uses permitted by special use permit only.

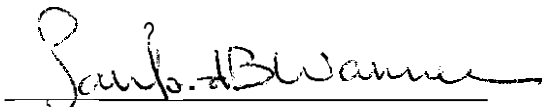
In the General Agricultural District, A-I, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and other such guides and standards as may be contained in this chapter.

Retail sales of plant and garden supplies.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST,



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
ICENHOUR	AYE
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of February, 2006.