

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF APRIL 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

*As adopted
on April 24, 2007*

A. ROLL CALL

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Dante Guanlandri, a fourth-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION - James City County Volunteer Appreciation Week - April 15-21, 2007

Mr. McGlennon presented a resolution to Ms. Carol Schenk, Volunteer Coordinator, in recognition of James City County Volunteer Appreciation Week, April 15-21, 2007. Mr. McGlennon extended thanks to all volunteers that support the community.

E. PUBLIC COMMENT

1. Mr. Richard Bradshaw, 99 Bush Springs Road, Commissioner of the Revenue, commented on tax filing, stating that Federal income tax returns were due by April 17 this year due to the weekend and holiday. Mr. Bradshaw said State income taxes were due by May 1 and commented that assistance was available at various County locations, electronic filing is available, and all locations would be open at least once before April 16. He reminded citizens that business property returns were due by May 1, and that anyone who had a question or needed a form should contact his office at 253-6698 or 253-6877. He noted the deadlines for tax relief programs, stating that May 1 was the deadline for filing land use tax relief for agricultural, horticultural, and forestal lands, and encouraged citizens to contact his office for more information at 253-6695. He said June 1 was the deadline for applications for tax relief for elderly and disabled homeowners, noting that current applicants are required to file by June 1, and first time applicants are required to file by June 30. He said that there were certain qualifications for this relief: one homeowner must be age 65 or older or be permanently and

totally disabled as of the first of this tax year, the total household income from all sources must be less than \$35,000 and this would not include the first \$6,500 contribution of non-owners living in household, and total assets not including the home and up to one acre of land must be valued at less than \$200,000. Mr. Bradshaw asked that citizens requiring more information contact his office at 253-6695.

2. Mr. R. Streko, 6061 Allegheny Road, commented on the tax relief for senior citizens and requested that the qualifying maximum household income be increased from \$35,000 to \$50,000.

3. Mr. David Brinton, 6052 Allegheny Road, stated disapproval of property being purchased by the County and commented that Fire and Police staff and resources needed to be increased due to increased housing, and that ALS/BLS fees would make insurance rates increase.

4. Mr. Ed Oyer, 139 Indian Circle, commented on proffers in land use cases in relation to the Stonehouse project.

5. Mr. Kelly Place, 213 Waller Mill Road in York County, commented on the Mattaponi Indians and their lawsuit in relation to the King William Reservoir Project.

F. CONSENT CALENDAR

Mr. Bradshaw made a motion to adopt the items on the consent calendar with the amendments to the minutes of March 27, 2007.

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

1. Minutes - March 27, 2007, Regular Meeting
2. James City County Volunteer Appreciation Week - April 15-21, 2007

RESOLUTION

JAMES CITY COUNTY VOLUNTEER APPRECIATION WEEK

APRIL 15-21, 2007

WHEREAS, April 15-21, 2007, has been designated as National Volunteer Week; and

WHEREAS, volunteers enhance our quality of life, promote community involvement, generate civic pride, preserve our environment, and support our families; and

WHEREAS, volunteers work in partnership with James City County staff and in 2006 contributed 77,916 hours valued at \$1,367,426; and

WHEREAS, the volunteers of James City County are deserving of recognition for their commitment and hard work to make a real difference in the lives of their fellow citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 15-21, 2007, as Volunteer Week and calls its significance to all of our citizens.

3. Section 8 Housing Choice Voucher Public Housing Agency Plan

RESOLUTION

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

PUBLIC HOUSING AGENCY PLAN

WHEREAS, the James City County Office of Housing and Community Development (OHCD) is designated as the Public Housing Agency (PHA), VA-041, and authorized to operate the Section 8 Housing Choice Voucher Program within James City County; and

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 created the PHA's Streamlined 5-Year and Annual Plan requirement; and

WHEREAS, the OHCD has prepared the PHA's Streamlined 5-Year Plan for Fiscal Years 2008-12, including the PHA Annual Plan for FY 2008, providing opportunities for public review and comment in accordance with U.S. Department of Housing and Urban Development (HUD) regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the submission of the PHA Plan to HUD and the Chairman of the Board of Supervisors to execute the PHA Certifications of Compliance with the PHA Plans and related regulations forms.

4. Code Violation Lien - Trash and Grass

RESOLUTION

CODE VIOLATION LIEN - TRASH AND GRASS

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered,

plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Herbert E. Watson, Jr.
103 Redbud Lane
Williamsburg, VA 23185

DESCRIPTION: 103 Redbud Lane

TAX MAP/PARCEL NOS.: (48-1)(07-0-0072)
James City County, Virginia

FILING FEE: \$10.00

TOTAL AMOUNT DUE: \$1,800.00

5. Colonial Group Home Commission Reappointment

RESOLUTION

COLONIAL GROUP HOME COMMISSION REAPPOINTMENT

WHEREAS, the term of Mrs. Suzanne Mellen on the Colonial Group Home Commission has expired; and

WHEREAS, Mrs. Mellen has agreed to reappointment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby reappoints Mrs. Suzanne Mellen to a full three-year term on the Colonial Group Home Commission.

G. PUBLIC HEARINGS

1. FY 2008-County Budget

- a. Ordinance to amend Chapter 9, Fire Protection and Emergency Services, Article III, Section 9-14, Service Charges for Transport by County Emergency Medical Services Vehicles
Supports County's Strategic Pathway 3.b - ensure ongoing operational costs are funded
- b. Ordinance to amend Chapter 13, Photo Red Ordinance
Supports County's Strategic Pathway 3.b - ensure ongoing operational costs are funded
- c. Ordinance to add Chapter 18A, Stormwater Management to the James City County Code
Supports County's Strategic Pathway 4.f - manage stormwater effectively and protect groundwater
- d. Chapter 4, Building Regulations, Article I, Section 4-8, Generally; to Increase Certain Fees

- e. Case No. ZO-02-07. Zoning and Subdivision Fee Change
- f. Ordinance to amend Chapter 1, General Provisions, Section 1-13, Courthouse

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, gave an overview of the proposed County budget for Fiscal Year 2008. She briefly highlighted tax rates, anticipated real estate assessments, anticipated growth, spending, and revenues, and the proposed fees.

Fire Chief Tal Luton highlighted the ordinance amendment to allow for the collection of ALS/BLS fees. He stated the ordinance amendment proposed three transport fee levels, a mileage fee, and authorized the County Administrator to oversee the collection of fees and payment standards for those with economic hardships. He stated the dollar amount of the fees would be included in each year's budget, and exemptions would be provided under certain circumstances. Chief Luton explained that Federally funded insurance can support fees and would already be paid for in Federal taxes; private health insurance rates were based on regional rating methods, and some regional localities were already charging for ALS/BLS fees. He stated auto insurance would be billed for auto accidents and the ordinance allows for an assignment of benefits, meaning the County would accept what the insurance company was willing to pay. Chief Luton stated a private contractor would handle billing, share data with the hospital, and be paid a fee based on billing rules established by the County. He stated the billing would be based on three service levels with proposed fees as follows: Basic Life Support with a fee of \$350, Advanced Life Support 1 with a fee of \$450, and Advanced Life Support 2 with a fee of \$550, and there was also a mileage fee of \$7, per mile for each patient using response zones that have been established. Chief Luton stated the Office of Inspector General has issued a ruling that allows municipal based EMS Systems to count as a credit towards deductibles real estate taxes paid by or for residents. This means that for residents have already paid their deductibles in the form of those real estate taxes paid. He stated citizens who use the services would always see a statement of services, but this was not a bill. He stated the uninsured or underinsured users would not face financial hardships, and with each billing notice there would be included informational material explaining the process for a reduction or a waiver of fees based on income. Chief Luton stated under the ordinance the County can establish an income guideline, currently based on 400 percent or four times the Federal poverty level. He explained that nonresidents would also be assessed the deductible and copayments, but the ordinance did not allow a waiver of the deductible for nonresidents, but they were eligible for waivers or reductions based on income. Staff recommended adoption of the ordinance amendments when action was taken on the proposed FY 2008 budget.

Mr. John Horne, Development Manager, highlighted the ordinance amendment to allow for the creation of a Stormwater Management Chapter in the James City County Code, which establishes a stormwater utility fee, rate structure, fee adjustment process, for what fees collected could be used, and establishment of a credit program. Mr. Horne stated the public hearing advertisement for the draft ordinance proposed a fee of \$5.90 per month, per single-family detached property. Following Board guidelines, staff anticipated a fee of \$4.90 per month per single-family detached property for the first three years of the stormwater utility fee. He stated properties that were not single-family detached would be charged a fee that was a multiple of the established single-family detached rate based on impervious cover of the property. Mr. Horne concluded that the collection of a stormwater utility fee was intended to mitigate damages by stormwater runoff due to development and without further Board direction staff recommended the adoption of the ordinance when action was taken on the proposed FY 2008 budget reflecting a fee of \$4.90 a the April 24, 2007, Board meeting.

Ms. Mellen concluded by saying the proposed budget placed an emphasis on education and public services.

Ms. Mellen requested the JCSA Board of Directors be called to order and that the budget-related public hearings be opened simultaneously. She requested that after the public has spoken, the public hearing be closed and action on the budget be deferred to April 24, 2007, for adoption based on discussion during the budget work sessions.

Mr. McGlennon opened the public hearings relating to the budget simultaneously.

Mr. McGlennon stated there would be three budget work sessions scheduled for Thursday, April 12; Monday, April 16; and Tuesday, April 17; all at 7 p.m. in the Building F work session room at the County Government Complex. He stated adoption of the budget was scheduled to take place on April 24, 2007. He said the public hearing would be closed, and on April 24 comments relating to the adoption of the budget would be taken during the public comment segment of that meeting. Mr. McGlennon clarified that time limits to speak at the public hearings were five minutes for individuals making comments and 15 minutes for individuals representing a group. Mr. McGlennon encouraged any additional comments to be directed to the Board via telephone, email, or mail.

1. Mr. John Moorman, 8215 Old Mill Lane, on behalf of Williamsburg Regional Library, thanked the Board for its support of the Library. He stated he would be working with the County Administrator to set up a work session for the Williamsburg Regional Library Board of Trustees with the Board of Supervisors.

2. Ms. Barbara Worthen, president of the Greater Williamsburg League of Women Voters, 210 Old Cart Road, requested full funding of the school budget and support for the Center for Educational Opportunities (CEO) and prekindergarten education for disadvantaged families.

3. Ms. Kate McCord, 15 Monument Drive, speaking on behalf of Virginia Organizing Project, Williamsburg Chapter, requested full funding of the school budget and support for prekindergarten education and CEO.

4. Mr. Aaron Small, 108 Ewell Place, Leadership Historic Triangle Class of 2007, requested \$15,000 in funding support for the Providing Indoor Plumbing for Everyone (PIPE) project.

5. Ms. B.J. Costa, 4901 Camberley Circle, on behalf of the Virginia Arts Festival Advisory Committee, requested increased support for the Virginia Arts Festival up to \$25,000.

6. Mr. Gualano Davis, 3973 Driftwood Way, requested full funding of the school budget and support of the CEO program. Mr. Davis recommended the formation of a task force to evaluate educational benchmarks.

7. Ms. Robin Burk, 4631 Sir Gilbert Loop, on behalf of Clara Byrd Baker Elementary School Parent Teacher Association, requested full funding of the school budget.

8. Ms. Beth Haw, 3440 Hunters Ridge, requested support for the CEO program.

9. Ms. Leisa Williams, 2779 Linden Lane, on behalf of the Williamsburg-James City County PTA Council, requested fully funding the school budget and restoring programs that had been cut.

10. Mr. Clarence Wilson, 121 Huntercombe, President of York-James City-Williamsburg NAACP, requested fully funding the school budget, support for CEO and investment in high-quality educational programs.

11. Ms. Sarah Kadec, 3504 Hunters Ridge, on behalf of the James City County Concerned Citizens, asked for support of the Stormwater Management Utility program; she requested one-time funds for a study and corrective measures for flooding in St. George's Hundred and Fieldcrest areas, and the delay of Capital Projects to transfer funds to a flood-control program.

12. Mr. David Jarman, 117 Landsdown, on behalf of the James City County Concerned Citizens, requested the establishment of a stormwater utility. He requested growth restrictions on sub-watersheds under stress, (Best Management Practice (BMP) inspection, educational programming, takeover nonroutine maintenance of private BMPs, a more predictable fee structure, and a proffer policy based on impervious cover impact and sub-watershed vulnerability.

13. Ms. Linda Rice, 2394 Forge Road, requested an Energy and Green Building Coordinator position for the County and encouraged savings through operational changes to conserve energy. She recommended using standards of the U.S. Green Building Council and incorporating Leadership in Energy and Environmental Design (LEED) standards into development.

14. Mr. Joel Schiff, 107 Rothbury Drive, requested fully funding the school budget and support for the CEO program.

15. Ms. Charlotte Schiff, 107 Rothbury Drive, requested fully funding the school budget and support for the CEO program.

16. Mr. Mike Ludwick, 3012 Mossy Creek Drive, founding member of Support Schools Now, requested fully funding the school budget, including support for the CEO program, expanding prekindergarten, incorporation of multicultural specialists, as well as the requesting funds for a full-time math coordinator and fine arts coordinator

17. Ms. Karen Armstead, 225 Reflection Drive, President of Williamsburg-James City Education Association, requested full funding of the school budget and teacher salary increases.

18. Mr. Justin Reed, a student at the College of William and Mary and on behalf of the William and Mary chapter of the NAACP, requested full funding of the school budget.

19. Ms. Diana Filichko, 5 Settlers Lane, requested full funding of the school budget, support for the CEO program, and stated funds allocated for Jamestown 2007 should be diverted to school funding.

20. Ms. Emily Spikell, a student at the College of William and Mary and tutor at CEO, requested fully funding the school budget and support for the CEO program based on its contribution to the County's Strategic Management Pathways.

21. Mr. Matt Taylor, a student at the College of William and Mary, requested full funding of the school budget and support for the CEO program.

22. Mr. Kelly Place, 213 Waller Mill Road, commented on risk involved on imposing the increased fees in relation to the King William Reservoir Project.

23. Mr. Ed Oyer, 139 Indian Circle, commented on the stormwater management fee; population increases versus budget spending increases; and opposition to EMS fees.

24. Ms. Jeree Harris, a student at the College of William and Mary, requested full funding of the school budget and support for the CEO program.

25. Mr. David Jarman, 117 Landsdown, stated under ordinary circumstances the CEO program and prekindergarten education would be essential, and he felt that proposed changes were a scare tactic for full funding. He suggested alternatives: defer new programs, defer staffing unrelated to the new schools, cost-sharing, and small cuts across the board. Mr. Jarman further suggested the School Board should rework its budget to include the CEO program and expanded prekindergarten education.

26. Ms. Jessica Hughes, 200 Sheffield Road, commented on student achievement in public schools and requested full funding of the school budget.

As no one else wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. McGlennon thanked citizens for their comments and guidance on the budget and encouraged those who had additional comments to contact the Board.

At 9:50 p.m. Mr. McGlennon recessed the Board for a short break.

At 10 p.m. Mr. McGlennon reconvened the Board of Supervisors.

2. Case No. HW-5-06. New Town Section 9 - Settler's Market (Continued from March 13, 2007)

Mr. Matt Smolnik, Planner, recommended a deferral of the application to address concerns of the Board that were not currently included in the staff report. Mr. Smolnik stated the applicant agreed with this request.

Mr. McGlennon opened the public hearing.

As no one wished to speak to this matter, Mr. McGlennon stated the public hearing would be continued until April 24, 2007.

3. Case No. SUP-34-06. Rawls Byrd Elementary School Parking and Bus Loop

Mr. Luke Vinciguerra, Planner, stated Mr. Bruce Abbott, AES Consulting Engineers, on behalf of Williamsburg-James City County Public Schools, has applied for a special use permit (SUP) to modify the island in front of the school to create 14 bus parking spaces and to extend the side parking lot adding 43 parking spaces. The property is Rawls Byrd Elementary School, located at 112 Laurel Lane and further identified as Tax Map/Parcel No. (48-1)(6-171A). The parcel is located inside the Primary Service Area and consists of 12.63 acres and is zoned R-2, General Residential, and the Comprehensive Plan designates the property as State, Federal, County Land. The schools had amended their application to eliminate the request for 14 bus parking spaces.

Staff found the proposal, with the attached conditions, to be consistent with the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

At its meeting on March 7, 2007, the Planning Commission recommended approval by a vote of 7-0.

Staff recommended the Board of Supervisors approve the SUP application with conditions. Staff stated the Planning Commission requested that overnight bus parking be prohibited.

Mr. McGlennon opened the public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. McGlennon requested that Item No. 6 of the resolution prohibiting overnight bus parking be removed.

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

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

RESOLUTION

CASE NO. SUP-34-06. RAWLS BYRD ELEMENTARY SCHOOL

PARKING LOT EXPANSION

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

WHEREAS, Mr. Bruce Abbott of AES Consulting Engineers has applied for an SUP to expand the parking lot at Rawls Byrd Elementary School by 43 parking spaces and relocate the paved play area; and

WHEREAS, the property is currently zoned R-2, General Residential, and is designated State, Federal, and County Lands on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 112 Laurel Lane on property more specifically identified as Parcel No. (6-171A) on James City County Real Estate Tax Map No. (48-1); and

WHEREAS, on March 7, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-34-06 as described herein with the following conditions:

1. This SUP shall be valid for the expansion of the south side parking lot and proposed paved play area (the "Project") as shown on the conceptual plan titled "Conceptual Plan Rawls Byrd Elementary Bus Loop and Additional Parking for WJCC Public Schools" dated December 21, 2006, and prepared by AES Consulting Engineers (the "Master Plan"). Development of the Project shall be generally in accordance with the Master Plan as determined by the Development Review Committee of the James City County Planning Commission (the "DRC"). Minor changes may be permitted by the DRC as long as they do not change the basic concept or character of the Project.
2. Any new exterior site or building lighting shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Light trespass, defined as light intensity measured at 0.1 footcandle or higher extending beyond any property line, shall be prohibited.

3. If construction has not commenced on the substantiated Project within 36 months from the issuance of this SUP, this SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation that have passed required inspections.
4. Existing perimeter vegetation along the south property line shall not be removed (except where necessary for construction of the Project) unless prior written approval has been obtained from the Planning Director.
5. Plans for fencing shall be provided for the proposed play area. The fence shall be compatible with the architectural features of the site and be approved by the Planning Director prior to final site plan approval.
6. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-32-06/MP-11-06. Prime Outlets Master Plan Amendment

Ms. Kate Sipes, Planner, stated Mr. Greg Davis has applied on behalf of Prime Retail, L.P. to amend the existing approved Master Plan and SUP for the Prime Outlets to expand onto the existing Comfort Inn hotel site and allow for the construction of an additional 49,000 square feet of retail space. Currently, Phases 1-5 of Prime Outlets are existing phases for a total of 364,031 square feet. Phase 6, proposing approximately 5,531 square feet, was approved in September 2005. In July 2006, an SUP and Master Plan amendment were approved allowing for the expansion of Prime Outlets onto the adjacent Ewell Station site (Phases 7 and 8). That approved Master Plan allows for an additional 81,000 square feet for a total of 518,264 square feet of retail space, including the existing Ewell Station shopping facility. The current proposal increases Phases 7 and 8 by approximately 54,933 square feet and eliminates the previously approved Phase 6. If this proposal were approved, the total gross building area for Prime Outlets would equal 567,666 square feet.

Staff found the proposal to be generally consistent with the Comprehensive Plan. With the conditions, staff believes the proposal substantially mitigates the associated impacts of the development.

At its meeting on March 7, 2007, the Planning Commission recommended approval by a vote of 7-0.

Staff recommended approval of the application.

Mr. McGlennon opened the public hearing.

1. Mr. Greg Davis of Kaufman and Canoles, on behalf of the applicant, gave an overview of the master plan amendments, highlighting the incorporation of the Comfort Inn/Ewell Station property into Prime Outlets. He outlined efforts to address environmental impacts, traffic impacts, parking, the Community Character Corridor buffer, and sales tax revenue from the commercial redevelopment. Mr. Davis requested approval of the application.

2. Ms. Sarah Kadec, 3504 Hunter's Ridge, on behalf of the James City County Concerned Citizens Group, thanked the applicant for efforts to maintain environmentally progressive design and asked to work with the applicant to additionally reduce impervious cover. She asked the applicant to continue sound environmental enhancements and requested water reuse systems and green roof technology. She recommended approval of the application.

As no one else wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. Harrison asked if the off-duty officers were available when they were being contracted for traffic regulation at the site.

Mr. Wanner stated the officers were on-call and compensated by the applicant.

Mr. Goodson made a motion to adopt the resolution and stated his thanks to the applicant.

Mr. Harrison thanked the applicant for partnering with local groups and stated his position has not changed on opposition to this application. He stated his conflict with the use of additional police officers to address traffic issues and stated the County did not have the population needed to support this amount of retail.

Mr. Icenhour stated his concern that the Comprehensive Plan limited commercial space to 200,000 square feet, and the Prime Outlets site was already beyond that limit when it was adopted. He stated that since then, more square footage has been added. He expressed concern over the environmental impacts of the remaining impervious cover after the master plan amendments, which still exceeded the recommended percentage, as well as parking and traffic issues.

Mr. Bradshaw stated he concurred with Mr. Icenhour's comments regarding the Comprehensive Plan and that since this was an interior and a redevelopment parcel, he did not anticipate that it could expand much more. He addressed the limitations of how much retail the County could support and stated that Prime Outlets was unique in that it was "destination retail" or "tourist retail," which the local population did not primarily support. He stated concern for transportation but was impressed by environmental innovations by the application, such as pervious concrete and LEED certification technology. He stated he was comfortable with supporting the application.

Mr. McGlennon stated that ultimately this was an opportunity to improve on the project with redevelopment through removing impervious cover, better stormwater management, and better traffic direction internally. He stated that as this plan has already been adopted, this action could not dramatically change conditions with surrounding neighborhoods, and the amendment provided a better project overall. He stated his support for the application.

On a roll call vote, the vote was: AYE: Bradshaw, Goodson, McGlennon. (3). NAY: Harrison, Icenhour (2).

RESOLUTION

CASE NO. SUP-32-06/MP-11-06 PRIME RETAIL MASTER PLAN AMENDMENT

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. Greg Davis has applied on behalf of Prime Retail, L.P., for an SUP to allow an expansion of approximately 49,402 square feet on existing and adjacent sites; and

WHEREAS, Mr. Greg Davis has also applied to amend the existing conditions of approval of James City County Case Nos. SUP-4-06 and MP-1-06; and

WHEREAS, the conditions listed below replace and supersede the conditions of approval of James City County Case No. SUP-4-06; and

WHEREAS, the proposed expansion is shown on the Master Plan prepared by LandMark Design Group, dated February 20, 2007, and entitled "Master Plan Prime Retail Phases I-VIII" and the "Master Plan" and references to phases below refer to phases shown on the Master Plan;

WHEREAS, the property is located on land zoned B-1, General Business, with proffers that can be further identified as Parcel Nos. (1-28), (1-29), (1-33A), (1-33D), (1-33E), (1-33F), and (1-33G) on James City County Real Estate Tax Map No. (33-1) and on land zoned B-1, General Business, that can be further identified as Parcel No. (1-2) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 7, 2007, recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-32-06 as described herein with the following conditions:

Conditions Applicable to all Phases of Prime Retail

1. This SUP shall be valid for the approximately 134,743 square feet expansion of Prime Retail Phases 7 & 8. The total gross building area shall not exceed 567,666 square feet as shown on Master Plan Titled "Prime Retail Phases I-VIII" dated February 20, 2007, and prepared by LandMark Design Group (The "Master Plan").
2. Development of the site shall be generally in accordance with the above-referenced Master Plan and any questions as to compliance shall be determined by the Development Review Committee (DRC). Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development. This SUP and these conditions shall supersede the existing conditions of approval of James City County Case No. SUP-4-06, and prior SUP conditions affecting the Prime Retail development.
3. Any new exterior site lighting shall be limited to fixtures, which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines (with the exception of entrance lighting required herein). The use of temporary flood lighting shall be prohibited unless written approval is obtained by the Planning Director for use during a special event.
4. Prior to any final site plan approval for future expansion, all new and existing dumpsters shall be: a) in locations approved by the Planning Director; and b) screened by landscaping or fencing as approved by the Planning Director. Said information shall be submitted on a single plan.
5. Prior to issuance of any Certificate of Occupancy for any expansion, the owner shall complete the following: 1) internal driveways shall be designated as "One Way" traffic only, where applicable; 2) fire lane shall be properly marked in accordance with the

Virginia Statewide Fire Prevention Code as modified by Chapter 9 of the James City County Code; and 3) the owner shall install signage for the rear parking lots and service drives clearly indicating the existence of additional parking spaces for customers and employees. Prior to installation of any new signage, the owner shall prepare and submit a comprehensive signage plan for review and approval by the Planning Director.

6. Permanent lighting shall be maintained for all entrances, as shown on the Master Plan, from the property onto Richmond Road and Olde Towne Road. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet from existing grade.
7. If construction has not commenced on this project within 36 months from the issuance of this SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
8. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Conditions Specific to the Phase 5A Expansion

1. Landscaping planters (the type and size of planters to be specified by the landscaping plan) along the entire store frontage of the Phase 5A Expansion as shown on the Master Plan, shall be approved by the Planning Director or his designee prior to final site plan approval for any future expansion. The planters shall be installed prior to issuance of any final Certificate of Occupancy for any future expansion.
2. Owner has installed a 35-foot-wide transitional buffer planted along the northern most property line adjacent the 5A expansion. This area has been planted and shall be maintained at 133 percent of the numerical standards found in Section 24-94 of the James City County landscape ordinance, and with an emphasis on evergreen shade and understory trees as determined by the Planning Director. The fence installed in this area shall be a maximum of eight feet high, shall be maintained with a vinyl coating, and shall be either black or green in color. Furthermore, the fence shall be maintained with a setback from the property line of at least three feet.

Conditions Specific to the Phases 7 & 8 Expansions

1. Prior to any final site plan approval for the Phase 7 & 8 expansions (Building B, C, D or E as shown on the Master Plan), a mass transit plan in accordance with Section 25-59(f) of the James City County Code shall be approved by the Planning Director for Prime Retail. The plan, at a minimum, shall include a replacement bus transfer stop for Williamsburg Area Transit, or its successor, currently located in the Ewell Station Shopping Center. Installation of all bus stops, shelters, and other items approved as part of the mass transit plan shall be completed prior to issuance of any temporary or final Certificate of Occupancy for the Phase 7 & 8 expansions.
2. Prior to any final site plan approval(s) for the Phase 7 & 8 expansions (Building B, C, D or E as shown on the Master Plan), the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 7 & 8 expansions, including exterior architectural modifications to the existing Ewell Station Shopping Center. Such building(s) shall be reasonably consistent, as determined by the Planning

Director, with the architectural elevations titled, "Concept Elevations, Drawings Nos. 1, 2, and 3," submitted with this SUP application dated October 23, 2006, and associated designs shall include a screening plan for exterior items identified by the Planning Director, including but not limited to mechanical systems, utility meters, and condenser units.

3. The property owner shall achieve LEED (Leadership in Energy and Environmental Design) certification as set forth in the U.S. Green Building Council's (USGBC) Rating System for the LEED certification program. Alternatively, for the Phases 7 & 8 expansions, the property owner shall use "green building" techniques consistent with the USGBC or a similar organization's guidelines, as approved by the Director of Planning. Green building techniques may include recycling waste material from the demolition of the existing hotel and vehicular cut-through, using Certified Wood from renewable sources for all new construction, recycling groundwater for irrigation of landscaping, and requiring the use of environmentally preferable cleaning products. Documentation of such certification or green building practices shall be provided to the Director of Planning upon his request.
4. Prior to any final site plan approval(s) for the Phase 7 & 8 expansions (Building B, C, D or E as shown on the Master Plan), a landscape plan for the existing Ewell Station building, including foundation landscaping in accordance with Section 24-94 of the James City County Code and consistent with existing Phases 1 through 3, shall be approved by the Planning Director or his designee. Such landscaping shall be installed or bonded prior to any Certificate of Occupancy being issued for Building B (as shown on the Master Plan).
5. Site plans for the Phase 7 & 8 expansions (Buildings B, C, D and E as shown on the Master Plan) shall include landscape plans in accordance with Section 24-94 of the James City County Code and consistent with existing Phases 1 through 3, subject to the approval of the Planning Director.
6. Landscaping shall be installed or bonded, prior to issuance of any Certificate of Occupancy for Building D (as shown on the Master Plan), along the entire Richmond Road frontage of the existing and expanded Prime property that exceeds plant material size requirements in Section 24-90 of the James City County Code by 125 percent. Additionally, landscaping along Richmond Road shall include a hedgerow, a minimum of 42 inches in height to screen those existing parking areas that encroach on the 50-foot Community Character Corridor buffer per Sections 24-96 and 24-97 of the James City County Code. Such landscaping shall be included on the site plan for Building, D, as shown on the Master Plan), and subject to approval by the Planning Director.
7. Landscaping shall be installed or bonded prior to any Certificate of Occupancy for Building B (as shown on the Master Plan), along the Olde Towne Road frontage that meets Sections 24-95 and 24-96 of the James City County Code. Such landscaping shall be included on the site plan for Building B (as shown on the Master Plan), and subject to approval by the Planning Director.
8. The owner shall install two pedestrian promenades with landscaping, as generally shown on the Master Plan. A detailed landscaping plan for the promenades shall be included on the site plan for the parking lot immediately surrounding each promenade and be subject to the review and approval of the Planning Director. The pedestrian promenade and the landscaping for the promenade generally connecting the existing Ewell Station to proposed Building B (as shown on the Master Plan) shall be installed prior to any Certificate of Occupancy being issued for Building B (as shown on the Master Plan). The pedestrian

promenade and the landscaping for the promenade generally connecting proposed Buildings D and E (as shown on the Master Plan) shall be installed prior to any Certificate of Occupancy being issued for Building D (as shown on the Master Plan).

9. Prior to the issuance of any final Certificate of Occupancy for the Phase 7 & 8 expansions (Building B, C, D or E as shown on the Master Plan), lighting shall be installed for the existing entrances from the property onto Olde Towne Road as shown on the Master Plan. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
10. Prior to any final site plan approval for the Phase 7 & 8 expansions (Building B, C, D or E as shown on the Master Plan), the owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote the intent of this condition which is to conserve water and minimize the use of public water resources to the greatest extent possible, per the Water Conservation Guidelines approved by the Board of Supervisors, June 25, 2002.
11. Irrigation wells shall be prohibited for the development, unless approval is granted by the JCSA General Manager. In the event such approval is granted, wells shall only withdraw from the Aquia or the Potomac Aquifers.
12. Prior to issuance of any final Certificate of Occupancy for the Phases 7 & 8 expansions, the owner shall submit Record Drawings to the JCSA for acceptance of the water and sanitary sewer system improvements.
13. The approved site plan for the Phase 7 expansion shall reflect the following stormwater management facility improvements:
 - a. PC-186 (located along Olde Towne Road): Infiltration capacity shall be added in accordance with approved James City County Site Plan (SP) 110-02, or equivalent measures provided, as approved by the Environmental Director;
 - b. PC-124 (located along Olde Towne Road): Shall be retrofitted to improve water quality in accordance with approved James City County SP-110-02, or equivalent measures provided, as approved by the Environmental Director;
 - c. PC-036 (behind the existing Food Lion): Shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director; and
 - d. Pretreatment measures shall be incorporated into development plans as approved by the Environmental Director. At least two pretreatment systems shall be used for PC-036 and PC-066.

The sequence of construction shall be approved by the Environmental Director but under no circumstances shall the aforementioned stormwater facilities be completed later than the issuance of any Certificate of Occupancy representing approximately 75 percent occupancy of the Phase 7 expansion (Buildings C, D and E as shown on the Master Plan).

14. Stormwater facility PC-055 (along Richmond Road) shall be modified to incorporate water quality and increased water quantity control as approved by the Environmental Director as part of the site plan reflecting improvements to PC-066.
15. The existing stormwater management facilities PC-066 and PC-036 serving the property shall be reconstructed to permit ground level parking of approximately 493 spaces co-located in, atop and around such facility, as generally depicted on the Master Plan.

The reconstruction of PC-066 shall be reflected on the site plan for and be completed as part of Phase 7 (Buildings C, D, and E) as shown on the Master Plan. Said site plan shall also reflect improvements to PC-055 as described in Condition No. 13.

Prior to issuance of any Certificate of Occupancy for Building D, the above-referenced stormwater facilities/parking reconstruction shall be completed or surety shall be provided in an amount acceptable to the Environmental Director and in a form acceptable to the County Attorney. Said amount shall include any related engineering costs necessary to produce final approval of plans and to complete construction of said project.

Reconstruction shall be in accordance with all applicable stormwater management ordinances and regulations, and subject to approval by the Environmental Director. Specifically, PC-066 shall be modified to meet the current County requirements for both water quality and channel protection, and PC-036 shall be modified to incorporate water quality protection. The parking reconstruction shall be implemented unless the Environmental Director determines that it cannot be achieved: a) due to engineering constraints; b) due to environmental, stormwater management, or other regulations, ordinances or laws; or c) that the reconstruction cannot be achieved using soil-covered RainTank (R) devices and pervious concrete or equivalent underground stormwater storage units and pervious cover approved by the Environmental Director.

In the event the parking reconstruction is not implemented as described above, the Owner shall perform and submit a Parking Study, the methodology and parameters of which are subject to approval of the Planning Director. Said study shall be approved by the Board of Supervisors, upon recommendation of the Planning Commission, prior to any site plan approval for the last three buildings to be constructed (Building B, C or E as shown on the Master Plan). Specific elements of the study shall include: the identification of the existing parking inventory for Prime Outlets at the time of analysis, the occupancy rate of parking inventory for Prime Outlets for identified periods of analysis, an employee parking analysis, and improvement recommendations. Said site plans shall incorporate approved improvement recommendations and be constructed or bonded prior to any Certificate of Occupancy being issued for Buildings B, C, or E (as shown on the Master Plan).

16. Pervious concrete shall be used as the finish material above PC-036 and PC-066, and in all other locations shown on the Master Plan. Furthermore, pervious concrete may be used in place of turf-stone surfaces as identified on the Master Plan, subject to approval by the Environmental and Planning Directors. Installation of said material in all locations shall include at least six inches of gravel underlayment; all other design specifications are subject to the approval of the Environmental Director.
17. The following road improvements are subject to approval by VDOT and the Planning Director, and shall be made prior to the issuance of any Certificate of Occupancy for any of

the proposed additional buildings in the Phase 7 & 8 expansions (Building B, C, D or E as shown on the Master Plan):

- a. Install dual exclusive left-turn lanes with 350 feet of storage and a 400-foot taper on westbound Richmond Road at Olde Towne Road.
 - b. Widen southbound section of Olde Towne Road from Richmond Road to the first shopping center entrance (“Bowling Alley entrance”) to two full-width lanes, creating two receiving lanes for the dual left-turn lanes referenced in Condition (a) above. The outside lane will be a right-turn “drop” lane and the inside lane shall serve as a through travel lane.
 - c. Install an exclusive left-turn lane with a minimum of 200 feet of storage and 200-foot taper on eastbound Richmond Road at Olde Towne Road to accommodate U-turn movement from eastbound Richmond Road to westbound Richmond Road. Install necessary traffic signal equipment to accommodate the U-turn movement with a protected left-turn phase at the intersection, and install appropriate signage, subject to VDOT approval.
 - d. Provide a signal-timing plan and necessary traffic signal equipment at the Richmond Road/Olde Towne Road intersection to accommodate proposed lane configurations and identified new traffic movements.
 - e. Remove sections of asphalt or otherwise modify the existing continuous right-turn lane on eastbound Richmond Road, subject to approval by VDOT and the Planning Director.
18. Concurrent with the closing of the existing Mikasa entrance (pursuant to a separate agreement between the Owner and the County), the existing inside exclusive left-turn lane from westbound Richmond Road at the Mikasa entrance shall be removed by the owner and the existing left-turn lane from westbound Richmond Road at the western Prime entrance shall be modified by the owner such that the outside westbound left-turn lane consists of a minimum of 350 feet of storage and a 200-foot taper, subject to review and approval by VDOT and the Planning Director.
19. The Owner shall provide signal timing plans (AM, Midday, PM, seasonal peak period, Saturday Midday) and intersection level of service analysis for the Richmond Road corridor from Airport Road to the western signalized entrance to the property to best optimize traffic progression. Such plans shall be subject to the review and approval of the Planning Director and VDOT, and shall be submitted no earlier than six months and no later than 12 months after the completion of all road improvements set forth in subsections (a) through (e) of Condition No. 16 and approved prior to the issuance of the Certificate of Occupancy representing approximately 90 percent occupancy of Phase 7 (Buildings C, D and E, as shown on the Master Plan). The Owner shall construct any improvements identified in such plans prior to any Certificate of Occupancy being issued for Phase 8 (Building B as shown on the Master Plan).
20. A Signal Warrant Analysis for the Olde Towne Road/Shopping Center entrances shall be submitted and approved by VDOT and the Planning Director prior to issuance of any Certificate of Occupancy representing approximately 75 percent occupancy of the entire expansion (Buildings B, C, D and E as shown on the Master Plan), provided said Certificate of Occupancy is requested within 30 months of the approval of this SUP. The Planning Director may require said analysis 24 months after the approval of this SUP and again prior

to issuance of the Certificate of Occupancy representing approximately 75 percent occupancy of the entire expansion (Buildings B, C, D and E as shown on the Master Plan). The analysis shall satisfy VDOT Standard Signal Warrant Analysis requirements, subject to approval by VDOT and the Planning Director. Should traffic signal warrants be met, Owner shall provide a signal-timing plan, traffic signal(s), and necessary traffic signal equipment (including that associated with cross-coordination of traffic signals and pedestrian equipment and facilities) at the Olde Towne Road shopping center entrance(s) in a manner acceptable to VDOT and the Planning Director. Furthermore, Owner shall provide signal-timing plans (AM, Midday, PM, seasonal peak period, Saturday Midday) such that the potential traffic signal(s) shall be coordinated with the Richmond Road/Olde Towne Road traffic signal, subject to the approval of VDOT and the Planning Director. Such signal(s) and coordination improvements shall be guaranteed by surety prior to issuance of any building permit for the final phase of expansion (Building B, C, D or E as shown on the Master Plan).

21. Upon completion of the first building to be constructed (Building B, C, D or E as shown on the Master Plan), and the vehicular access through the existing Phase I, as shown on the Master Plan, Owner shall provide an evaluation of potential access driveway closures or implementable access management strategies along Richmond Road and Olde Towne Road. Said evaluation shall be subject to the approval of VDOT, the Planning Director, and the Development Review Committee prior to any Certificate of Occupancy for the final phase of expansion (Building B, C, D and E as shown on the Master Plan). Such improvements shall be guaranteed by surety prior to issuance of a building permit for the final phase, as described above.
22. Prior to any Certificate of Occupancy being issued for Phase 7 (Buildings C, D and E as shown on the Master Plan), the Owner shall install the vehicular access identified on the site plan submitted for the previous Phase 6 expansion (SP-133-05, or subsequent approved amendments to said plan). Two-way traffic shall be accommodated between this vehicular access and the expanded parking above reconstructed PC-066.
23. The demolition of a portion of Phase 1 behind the proposed Building D, as shown on the Master Plan, shall be completed and vehicular access provided between the existing Prime property and the proposed expansion (identified as Phases 7 & 8 on the Master Plan) no later than six months after the first Certificate of Occupancy is issued for Building D, as shown on the Master Plan.
24. The Owner shall, prior to final site plan approval, pay to the County the sum of \$200,000 representing costs to be incurred by the County in engineering, design, and construction work for stream restoration and mitigation of impacts of stormwater runoff into the Chisel Run tributary of Powhatan Creek. The restoration and/or mitigation work necessary shall be determined in the discretion of the County Environmental Director, and may include but not may not be limited to the following:
 - a. Restoration of degraded stream channel and stabilization of the channel for a distance of approximately 250-linear feet adjacent to the Scott's Pond subdivision, which channel degradation and instability may be attributed in part to BMP PC-069; and
 - b. restoration of degraded stream channel and stabilization of the channel for a distance of approximately 250-linear feet in an area located off Chisel Run Road, which channel degradation and instability may be attributed in part to BMP outfalls and unregulated

outfalls downstream from the Prime Outlets site but upstream from the site of stream damage.

25. Approval of this SUP shall not invalidate the Ewell Station Shopping Center Phase 2 site plan titled "SP-110-02." SP-110-02 shall be invalidated when construction is commenced pursuant to any site plan associated with this SUP. Construction shall be defined as obtaining permits for building construction and footings and/or foundation that has passed required inspections.

5. Case No. SUP-3-07. Newago Family Subdivision

Mr. Bradshaw stated he would be abstaining as the Newagos sought his counsel regarding this application.

Mr. Matt Smolnik, Planner, stated Ms. June Newago has applied for an SUP to allow a family subdivision generating one lot less than three acres in size in an A-1, General Agricultural District, located at 9128 Croaker Road. The property is located directly north of the Ware Creek Manor subdivision where lot sizes range from 0.4 to 1.62 acres within this subdivision. The existing property is approximately 7.58 acres and can be further identified as Parcel No. (1-16) on James City County Real Estate Tax Map No. (7-4). Owned by the family since 1973, one acre of the property was requested to be conveyed to Ms. Newago's daughter.

Staff found the proposal to be consistent with the surrounding zoning and development and Section 19-17 of the James City County Subdivision Ordinance.

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

Mr. McGlennon opened the public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. Goodson commented that a previous family subdivision application was not approved because it was not a legacy property, but since this property has been owned by the family since 1973, he believed that they plan to stay there and stated his support for the application.

Mr. McGlennon noted that in a previous case the applicant purchased property with the intent to subdivide, which was not how family subdivisions were intended to be used.

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

RESOLUTION

CASE NO. SUP-3-07. NEWAGO FAMILY SUBDIVISION

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 applicants have requested an SUP to allow for a family subdivision in an A-1, General Agricultural District, located at 9128 Croaker Road, further identified as Parcel No. (1-16) on James City County Real Estate Tax Map No. (7-4); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing was held on Case No. SUP-3-07; and

WHEREAS, the Board of Supervisors, following a public hearing, are of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

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. 3-07 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot of approximately 1.00 acres with one parent lot of approximately 5.91 acres remaining, generally as shown on the preliminary subdivision plat submitted with this application.
2. Final subdivision approval must be received from the County within twelve months from the issuance of this SUP or the permit shall become void.
3. Only one entrance shall be allowed onto Croaker Road. A shared driveway agreement for these parcels shall be completed prior to final subdivision approval.
4. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that based on his calculations, the proposed budget fees would equate to a three-cent increase of the tax rate and that the Board could decrease the tax rate by three cents to have a possible zero base.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that when the Board completed its business it should adjourn until 7 p.m. on Thursday, April 12, 2007, for a budget work session to discuss funding for the School Board, the stormwater utility fee and revenues, and address ALS/BLS fees. He stated the remaining budget work sessions would be on Monday, April 16, 2007, at 7 p.m. and Tuesday, April 17, 2007, at 7 p.m. to discuss expenditures and impacts of discussion from the public hearing. He stated the Board would then have its next regular meeting to adopt the budget on April 24, 2007, at 7 p.m.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson announced that Neighborhood Connections would have a Roberts District Porch Talk on Monday, April 30, 2007, beginning at 6:30 p.m. at James River School.

Mr. Harrison stated on April 11, 2007, at 1 p.m. at Mount Pleasant Baptist Church, there would be a ceremony to unveil highway signs in memory of Pastor James B. Tabb in recognition of his leadership as a civic representative. He stated that on April 25, 2007, at 7 p.m. at Mt. Gilead, a meeting would be held among the faith community, nonprofit agencies, and governmental agencies to discuss violence prevention and gang awareness for the public.

Mr. Icenhour stated on April 19, 2007, at 7:30 p.m. at D.J. Montague Elementary School multipurpose room, a meeting would be held with County staff, Board representatives, and homeowners to address questions regarding how RPA buffer requirements would affect current property or lots that have not been developed yet.

Mr. Rogers stated William Apperson, Chair of the Chesapeake Bay Board, Development Management staff, and Drew Mulhare would be at that meeting to address questions and to talk about maintenance in the RPA.

Mr. McGlennon stated that there had been discussion about some people being treated unfairly or pressured during the process of revitalization of Ironbound Square. He said the Board would welcome direct information on these allegations, but in absence of any report, the Board had strong confidence in the professionalism and integrity of staff over the years and emphasized staff's ability to address this issue. Mr. McGlennon commented that eminent domain is not a collaborative effort, but he believed that in dealing with citizens, staff has been encouraging cooperation and settlement without the process of eminent domain.

Mr. Harrison thanked Mr. McGlennon for his comments and reiterated the confidence he has in staff and his willingness to look into these issues.

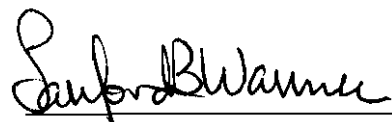
Mr. McGlennon stated the Board would investigate if there were concerns that came forward.

K. ADJOURNMENT

Mr. Harrison made a motion to recess.

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

At 10:50 p.m. Mr. McGlennon recessed the Board until 7 p.m. on April 12, 2007, for a Budget Work Session.



Sanford B. Wanner
Clerk to the Board