

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF SEPTEMBER 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Bruce C. Goodson, Vice Chair, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Mr. Ed Oyer, a citizen from the Roberts District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION

Ms. Phyllis Errico, General Counsel to the Virginia Association of Counties (VACo), presented James City County with the 2011 VACo Achievement Award for “Outstanding Customer Service for Prospective Employees,” which was a collaborative effort that resulted in the website www.williamsburgworks.com.

F. PUBLIC COMMENTS

1. Mr. Randy O’Neill, 109 Sheffield Road, commented on health issues and exercise in James City County.

2. Mr. Ed Oyer, 139 Indian Circle, commented about a phone call received from Mr. McGlennon and follow up from staff after Hurricane Irene. He noted that he had noticed students from Lafayette High School having breakfast and wondered how much food was lost in schools because of the lack of emergency power. He also expressed his concern about the lack of emergency power, specifically at James River Elementary School, which prevents it from being used as a shelter.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy discussed grass and trash citations, repeat offenders having 30 days to clean/mow their property, and a lack of State legislation that allows harsher penalties. He also commented on the unsightly medians in the County that are not being maintained by the Virginia Department of Transportation (VDOT).

Mr. McGlennon commented on the Hurricane Irene response and restoration of power with Dominion Virginia Power and the need to improve in the event of future storms. He made comments on what Dominion Virginia Power should do to improve restoration of power to County residents: make certain they know the County better; re-evaluate equipment and personnel assigned to the County due to population growth and lack of density; Dominion Virginia Power should reposition transformers that are vulnerable and underground lines in certain areas; and make certain they have a better understanding of our priorities for restoration, for example, hospitals and public safety areas. He noted that Dominion Virginia Power needs to be able to give an honest evaluation of the scope of the problem and timetable for restoration of power. He asked that a work session be scheduled with Dominion Virginia Power.

Mr. Kennedy commented that Dominion Virginia Power has been asked to have a work session meeting with the Board to discuss improvements related to these issues.

Ms. Jones thanked the community for cooperating together during this critical time; thanked the first responders and staff; she also commented on the grinder pumps.

Mr. Icenhour commented on having a representative from VDOT attend the meeting with Dominion Virginia Power and the Board of Supervisors.

Mr. Kennedy commented on utilities and the infrastructure as well as Cox Communications and Verizon infrastructure due to Hurricane Irene.

Mr. McGlennon commented about Dominion Virginia Power conducting a two week project on the reconnaissance of their system.

Ms. Jones asked citizens to be patient during the debris pickup since there was a lot of intensive damage from the hurricane.

H. CONSENT CALENDAR

1. Minutes –
 - a. August 9, 2011, Work Session
 - b. August 9, 2011, Regular Meeting
 - c. August 30, 2011, Emergency Meeting

2. Establishment of the Department of Parks and Recreation

RESOLUTION

ESTABLISHMENT OF THE DEPARTMENT OF PARKS AND RECREATION

WHEREAS, Parks and Recreation is currently an operating division within the Department of Community Services; and

WHEREAS, the size of Parks and Recreation's organization and budget are out of balance with other divisions; and

WHEREAS, the nature of Parks and Recreation's work and the magnitude of its contact with citizens warrant a closer reporting link to County Administration; and

WHEREAS, creating Parks and Recreation as a department will improve communication and increase coordination of services; and

WHEREAS, the County Charter gives the Board of Supervisors the authority to create new departments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby creates the Department of Parks and Recreation.

3. Grant Award – Justice Assistance Grant (JAG) – \$11,875

RESOLUTION

GRANT AWARD – JUSTICE ASSISTANCE GRANT (JAG) – \$11,875

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for \$11,875; and

WHEREAS, funds will be used for the refurbishment and upgrade of the Simulated Impaired Driving Experience, known as SIDNE (a battery-powered vehicle that simulates the effects of impairment from alcohol and other drugs on a motorist's driving skills), the purchase of two radar units for the Department's motorcycles (currently ordered), and voice recorders for investigators; and

WHEREAS, the grant is a direct allocation and requires no match.

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

Revenue:

JAG (FY 11 Funds)

\$11,875

Expenditure:

JAG (FY 11 Funds)

\$11,875

4. Contract Award – Merrimac Trail Drainage Improvements – \$113,839

RESOLUTION

CONTRACT AWARD - MERRIMAC TRAIL DRAINAGE IMPROVEMENTS - \$113,839

WHEREAS, bids were publicly advertised for Merrimac Trail Drainage Improvements and funded by the Capital Improvement Program appropriated by the Board of Supervisors on April 28, 2009; and

WHEREAS, five bids were considered for award and Howard Brothers Contractors, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, sufficient funds are available to award the Base Bid amount of \$113,839.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract up to the amount of \$113,839 with Howard Brothers Contractors, Inc. for Merrimac Trail Drainage Improvements.

5. Change Order No. 2 – Longhill Road and Centerville Road Intersection Improvements

RESOLUTION

CHANGE ORDER NO. 2 - LONGHILL ROAD AND CENTERVILLE ROAD

INTERSECTION IMPROVEMENTS

WHEREAS, funds are available for James City County as part of the FY 2010-2015 Virginia Department of Transportation (VDOT) Six Year Secondary System Construction Program, listed as Priority No. 3, with Federal funding to cover the construction phase expenses for the Longhill Road and Centerville Road Intersection Improvements; and

WHEREAS, in accordance with the County Purchasing Policy, the cumulative change order total exceeds 25 percent of the original contract amount of \$536,699.73. The additional work for this Change Order will be reimbursed by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Change Order No. 2 for the Longhill Road and Centerville Road Intersection Improvements contract with Toano Contractors, Inc. in the total amount of \$205,201.74.

BE IT FURTHER RESOLVED that the budget for the project budget be increased as follows:

Revenue:

Commonwealth (VDOT)	<u>\$106,400</u>
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Expenditures:

Longhill Road and Centerville Road Intersection Improvements	<u>\$106,400</u>
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6. Appointment – 2011 County Fair Committee

RESOLUTION

APPOINTMENT – 2011 COUNTY FAIR COMMITTEE

WHEREAS, annually the Board of Supervisors appoints the James City County Fair Committee; and

WHEREAS, the 2011 County Fair will be held Saturday, September 24, through Sunday, September 25.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the attached list of volunteers to the 2011 James City County Fair Committee for the term of September 24 through September 25, 2011.

Mr. McGlennon asked that Agenda Item No. 7 be removed for further discussion.

Mr. Goodson made a motion to adopt the Consent Calendar.

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

7. Chesapeake Bay Preservation Ordinance Violations – Civil Charge – Linda Schaller, 2509 Sanctuary Drive, Governor's Land Subdivision

Mr. Michael Woolson, Senior Planner II, gave a presentation about the Chesapeake Bay Preservation Ordinance Violation civil charge in the Resource Protection Area (RPA). He also discussed the restoration plan for the damage caused in the RPA.

Mr. McGlennon asked staff about the reason for the charges and why three separate violations.

Mr. Woolson responded that the violations occurred on three parcels: 2505 Sanctuary Drive, 2509 Sanctuary Drive, and Governor's Land Foundation.

Mr. Kennedy asked about the replanting.

Mr. Woolson commented about the trees and size of the trees and that they are common nursery stock.

Mr. Kennedy asked staff how many cases have occurred in this subdivision and is there any type of control for these types of violations.

Mr. Middaugh commented that it is up to the Board to establish different criteria and that the fines can be more significant.

Mr. Icenhour asked staff about the cost of the restoration and staff responded the cost is \$10,000.

Mr. McGlennon asked for clarification on the cost of the trees.

Mr. Woolson responded by explaining what items the citizen is to restore as a result of the violation.

Mr. Icenhour asked staff about the restoration and what happens if the plants do not survive.

Mr. Woolson commented that the surety bond will be held for one year.

Mr. McGlennon made a motion to adopt the Chesapeake Bay Preservation Ordinance Violations – Civil Charge – Linda Schaller, 2509 Sanctuary Drive, Governor's Land.

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

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATIONS - CIVIL CHARGE –

LINDA SCHALLER, 2509 SANCTUARY DRIVE, GOVERNOR'S LAND SUBDIVISION

WHEREAS, Linda Schaller of 2509 Sanctuary Drive, Governor's Land, is the owner of a certain parcel of land commonly known as 2509 Sanctuary Drive, Williamsburg, Virginia, designated as Parcel Identification No. (PIN) 4420100016, within James City County's Real Estate system, herein referred to as the ("Property"); and

WHEREAS, Ms. Mish Kara and Mr. Jay Cone of 2505 Sanctuary Drive, Governor's Land, are the owners of a certain parcel of land commonly known as 2505 Sanctuary Drive, Williamsburg, Virginia, designated as PIN. 4420300017, within the James City County's Real Estate system, herein referred to as the ("Property"); and

WHEREAS, the Governor's Land Foundation is the owner and James City County is the holder of a conservation easement of a certain parcel of land commonly known as Open Space 13 within the Whittaker Island subdivision, Williamsburg, Virginia, designated as PIN 4420100016A, within James City County's Real Estate system, herein referred to as the ("Property"); and

WHEREAS, on or about April 27, 2011, Ms. Schaller caused the removal of vegetation from within the Chesapeake Bay Preservation Area and conservation easement on the Property; and

WHEREAS, Ms. Schaller will execute a Chesapeake Bay Restoration Agreement with the County agreeing to install native canopy trees, native understory trees, and native shrubs within the Resource Protection Area (RPA) on the Property in order to remedy a violation of the County's

Chesapeake Bay Preservation Ordinance and will post sufficient surety guaranteeing the installation of the aforementioned improvements and the restoration of the RPA and conservation easement on the Property; and

WHEREAS, Ms. Schaller has agreed to pay a total of \$13,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$13,000 civil charge from Ms. Schaller as full settlement of the Chesapeake Bay Preservation Ordinance Violations on the Property.

I. PUBLIC HEARINGS

Ms. Jones recognized Mr. Joe Poole with the Planning Commission.

1. SUP-0005-2011 – Williamsburg Landing Construction Commencement Extension

Mr. Jason Purse, Senior Planner II, presented the Williamsburg Landing Construction Commencement Extension to the Board as amended.

Mr. Paul Gerhardt, partner at the legal firm Kaufman and Canoles, applied to amend the Special Use Permit (SUP) conditions to allow for an extension to the construction time limit which was established for 36 months in January 2009. The extension allowed for additional time to construct the previously approved 100-bed nursing home facility, 100 assisted living units, and 87 independent units. No increase in units or change to the development plans was requested. The applicant was only requesting an additional 36-month construction window for the project. This will move the expiration date to January 2015.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-0005-2011. WILLIAMSBURG LANDING

CONSTRUCTION COMMENCEMENT EXTENSION

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. Paul Gerhardt has applied to amend the SUP conditions for SUP-0018-2008 to allow for an extension to the construction time limit that was established for 36 months in January 2009; and

WHEREAS, the extension of the construction commencement condition will be valid through January 2015; and

WHEREAS, the extension will allow for additional time to construct the previously approved 100-bed nursing home facility, 100 assisted living units, and 87 independent units; and

WHEREAS, the property is located at 5560 Williamsburg Landing Drive, is zoned R-5, Multi-family Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 4820100003; and

WHEREAS, the Planning Commission of James City County, following its public hearing on August 3, 2011, recommended approval of this application by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve the issuance of SUP No. 0005-2011 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the master plan entitled "Williamsburg Landing Conceptual Plan" and dated November 7, 2008, as determined by the Director of Planning. Minor changes may be permitted by the Director of Planning, as long as they do not change the basic concept or character of the development.
2. If construction has not commenced on the project by January 15, 2015, it shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
3. This SUP shall be limited to the following specially permitted uses:
 - Single-family dwellings
 - Nursing homes and facilities for the residence and/or care of the aged

These specially permitted uses are in addition to those generally permitted uses specified in Proffer 1 of the Amended Proffers. Nursing home facilities shall be limited to one 100-bed nursing home. Assisted living units shall be limited to 100 units. Independent units shall be limited to 87 units.

4. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
2. Endorsement of SeaWorld Parks & Entertainment dba Busch Gardens Williamsburg Application to Participate in the Virginia Department of Transportation Comprehensive Roadside Management Program

Mr. Robert Middaugh, County Administrator, explained to the Board that currently under consideration is a multijurisdictional project for the enhancement and beautification of the Route 60 East corridor from its intersection with Page Street, York Street, and Lafayette Street to the I-64 overpass at Busch Gardens.

As part of this project, SeaWorld Parks & Entertainment dba Busch Gardens Williamsburg (Busch Gardens) proposes to landscape and maintain the Grove Interchange which lies within James City County. In order to obtain authorization for the landscaping and maintenance, Busch Gardens must apply to VDOT to participate in the VDOT Comprehensive Roadside Management Program.

Under the proposal James City County will contribute \$20,000 from the tourism incentive fund for this project, York County would contribute \$5,000, and Busch Gardens would contribute \$65,000. VDOT requires that the local government endorse and take administrative and operational responsibility for the project activities.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

ENDORSEMENT OF SEAWORLD PARKS & ENTERTAINMENT dba BUSCH GARDENS WILLIAMSBURG APPLICATION TO PARTICIPATE IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION COMPREHENSIVE ROADSIDE MANAGEMENT PROGRAM

WHEREAS, a multijurisdictional project for the enhancement and beautification of the Route 60 East corridor is under consideration; and

WHEREAS, SeaWorld Parks & Entertainment dba Busch Gardens Williamsburg (Busch Gardens) proposes to landscape and maintain the Grove Interchange which lies within James City County; and

WHEREAS, to obtain authorization for the landscaping and maintenance, Busch Gardens must apply to the Virginia Department of Transportation (VDOT) to participate in the VDOT Comprehensive Roadside Management Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses Busch Gardens' participation in the VDOT Comprehensive Roadside Management Program for the landscaping of the Grove Interchange.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to enter into a Memorandum of Understanding with Busch Gardens to formalize the understanding between the parties related to the installation and maintenance of the landscaping under the VDOT Comprehensive Roadside Management Program.

3. ZO-0003-2011 – Economic Opportunity District

Mr. Jason Purse, Senior Planner II, presented the final Economic Opportunity (EO) ordinance to the Board. A draft ordinance was originally presented to the Policy Committee in April 2011, and comments from that meeting were incorporated into a draft ordinance reviewed by the Board of Supervisors in June 2011. Staff then presented the Board's changes to the full Planning Commission at a Policy Committee meeting in July. Finally, on August 3, 2011, staff presented the ordinance at the regularly scheduled Planning Commission meeting. The Planning Commission voted 4-2 to recommend approval of the ordinance. The Planning Commission approval added language that is not supported by staff. The added language would recommend open space design techniques for the primary workplace areas (the main industrial areas of the EO development). After consulting with the Office of Economic Development, staff does not support the new language as additional regulations may impact the marketability of the property and impact the economic development potential of these areas. Staff continues to believe that open space design is important for residential development, and open space design techniques are included for the urban/residential core of the EO area. The purpose of the EO district is to facilitate economic development, an increased non-residential tax base and the creation of jobs.

Mr. McGlennon asked staff about examples of enterprises that have utilized this type of zoning district.

Mr. Russ Seymour, Director of Economic Development, stated that this type of development is increasing as a mainstay. An enterprise looking for this type of development opportunity has looked at the County.

Mr. McGlennon and Mr. Seymour further discussed the possible developer and possible type of businesses that would locate in the EO zone.

Mr. McGlennon asked staff about the unemployment situation and whether the EO district would help alleviate those problems.

Mr. Seymour stated that he believed the unemployment rate was near 4.9 percent.

Mr. McGlennon further discussed the County citizens who are working in other localities and not locally. He asked staff about the planning process of the EO district, and particularly whether citizens would be able to opt-out of the master planning process.

Mr. Purse replied that the opt-out language in the ordinance goes back to the Steering Committee. He stated that there was language included in the Comprehensive Plan that said that all property owners with land designated EO should be asked if they ultimately wish to be included in an EO area; however, property owners who did not wish to participate should not be precluded for future development of their property. He further stated that safeguards were also included in the Comprehensive Plan for landowners who did not wish to participate and buffers could be established during the legislative review of any master plan or rezoning application.

Mr. Goodson asked staff about the time frame for ultimately developing any properties designated EO, and whether there was any immediate development potential of the area.

Mr. Seymour replied that this would take a few years. Businesses are looking at a broad plan and the master plan component.

Board members and staff discussed additional timing issues that may affect the EO district.

Mr. Icenhour asked staff about the language in the Statement of Intent that stated the purpose of the EO is to increase the non-residential tax base and create jobs.

Mr. Purse replied that the language was included in the Comprehensive Plan.

Mr. Icenhour asked staff what unique purpose does the EO zone provide and what differentiates it from other zoning districts.

Mr. Purse commented that other zoning districts contained predominantly commercial or industrial uses and the Steering Committee's vision for EO included a mixture of those individual uses.

Mr. Steven Hicks, Manager of Development Management, discussed the positive economic development potential of these properties and stated that this unique piece of land has the opportunity to develop because of the flexibility of the ordinance through master planning efforts. He further stated that this particular area is different than other districts because it has major types of transportation infrastructure, including multiple interstate interchanges, parallel streets, and CSX Railroad nearby.

Mr. Icenhour commented about the research and technology district which was created 10 years ago and that it has yet to be used. He questioned the need to come up with new zoning categories if no one wants to fix the old ones. He asked staff if the Steering Committee gave serious consideration about going back and fixing the old categories as opposed to creating a new one.

Mr. Purse commented that there was discussion about the nature of the EO development and the EO district and whether or not it should be commercial or industrial and whether the vision of the EO district would require a new and specific ordinance. He further commented that the Comprehensive Plan and the new ordinance will tie together with the EO district in a way that research and technology zone did not.

Mr. McGlennon asked staff about the Primary Service Area (PSA) and how the ordinance states that parcels zoned EO must be located inside the PSA, yet this parcel is not.

Mr. Purse stated that there is language in the Comprehensive Plan that the land would need to be brought into the PSA during the master planning efforts if it was determined that the development proposal met the requirements of the Comprehensive Plan.

Mr. McGlennon commented on an enterprise that may want to come in the area and could propose a rezoning for a mixed use, and/or business under the existing categories.

Mr. Purse commented that they could.

Mr. McGlennon commented that there is the assumption that the area will be moved into the PSA area and not necessarily be rezoned to EO if this is the proper thing to do.

Mr. Purse commented that these questions would be reviewed in any rezoning case for the area. He further commented that if it is designated as EO on the Comprehensive Plan it is expected as an EO zoning district.

Mr. Icenhour commented about a written statement on the document and asked staff if homeowners are able to keep their parcels A-1 zoning with buffer to protect against having a six-story building 100 feet from their parcel.

Mr. Purse stated that individual buffer language for rural land properties was included in the ordinance and individual buffers for other specific areas would have to be taken into consideration during the legislative review.

Mr. Icenhour asked how many citizens that live in the EO designation were opposed to it and asked whether they have the right to maintain their A-1 zone.

Mr. Purse commented that no property owners were required to designate their property to EO. Those who opposed were not included in the EO zone.

Mr. Icenhour commented on the citizens who were in the EO zone and did want to be in the EO zone.

Mr. Purse stated that he did not think those property owners were designated EO on the Comprehensive Plan, but he would produce a map to help avoid further confusion.

Mr. Goodson asked staff about the limitation of height.

Mr. Purse commented that it would be between 12 and 15 feet per floor.

Mr. McGlennon asked where in the ordinance it states this information.

Mr. Purse commented that there is language which does allow for height waivers.

Mr. McGlennon commented about submittal requirements in Section 24-23. He asked staff how this could be done in an EO zone.

Mr. Purse commented that it would be evaluated during the legislative review. It is part of an environmental inventory. He further commented about commuter parking and light rail recommendations. These types of issues would need to be addressed at the rezoning/master plan level and would be dealt with on a case-by-case basis.

Mr. Icenhour asked staff about the attached construction phase and guidelines and whether the Board wanted construction phasing for commercial to lead the residential throughout. He showed the Board and

citizens a graph he produced that showed the rate of commercial growth in relation to residential growth. He further commented about how the graph indicated residential growth outpacing commercial development at certain points of the construction phasing guideline.

Mr. Purse stated that he would reword it if necessary.

Mr. Goodson commented on how the residential development of an EO area was limited so residential growth would not outpace the commercial/industrial growth.

Mr. Purse commented that the residential is limited to 10 percent of the total developable EO area. The Board further discussed construction phasing.

Mr. Icenhour discussed how the phasing of guidelines is written and that it needs more clarification.

Ms. Jones commented that residential growth is being permitted in the core area. She read the statement in the guidelines which states only ten percent of the development is residential. She further commented on expanding the economic base in James City County. This component came from people having the opportunity to live where they work and mainly the opportunity of jobs.

Mr. Icenhour stated that the EO district is designed to offer high paying jobs and if the County is successful most people would not be interested in living in an industrial or commercial setting.

Ms. Jones commented that the intent for EO is to offer a diverse opportunity for jobs and hopefully businesses will grow. She further commented on the schools located here and that hopefully students, upon graduation, will continue to stay in the area. This would be an excellent opportunity for entrepreneurs to locate to James City County.

Ms. Jones opened the Public Hearing.

1. Jack Haldeman, 1597 Founder's Hill North, commented his concerns and why he is opposed to the EO district. He stressed his concerns of possible development for the area and that the conservation of open space needs to be protected.

2. Mr. Jim Brown, 4 Longleaf Circle, commented about being affected by the EO district and the possible reduction of real estate assessment for personal property.

3. Mr. Dick Schreiber, President of the Greater Williamsburg Chamber and Tourism Alliance, commented on the balance of growth and preservation of the quality of life. The Alliance supports the EO district and he applauds staff and the Planning Commission on their recommendation.

4. Mr. Thomas Tingle, 316 The Maine West, Chairman of the Economic Development Authority, stated his support for the EO district. He commented on other guidelines based on the Business Climate Task Force (BCTF) and what the EO district is intended to do for the attraction of high paying jobs.

5. Ms. Susan Gaston, 205 Par Drive, spoke on behalf of the Williamsburg Area Association of Realtors, commenting on five goals, spoke about building better communities, and the support for the EO district.

6. Mr. Jack Fowler, 109 Wilderness Lane, commented that he does not support the EO district and further commented about other commercial buildings within the County that are vacant.

7. Mr. Ed Oyer, 139 Indian Circle, commented on the For Sale Auctions of commercial buildings located in the area. He further commented about and used as a reference New Town and Coliseum Mall, located in Hampton, Virginia.

8. Ms. Linda Rice, 2394 Forge Road, commented that she does not support the EO district and she further commented on the Community Character Corridor (CCC) and Historic Downtown Toano. She also gave examples of several commercial buildings that are vacant in the area. She recommended that the entrance area look as attractive as the commercial area.

9. Ms. Linda Riese, 511 Spring Trace, commented that she does not support the EO district.

10. Ms. Shereen Hughes, 103 Holly Road, commented about the property rights of those in the master plan of the EO and the impact.

11. Mr. Mark Rinaldi, commented about the balance of property rights and community good. He further discussed land being protected and his support of the EO district.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Purse showed the EO zone map to the Board. He explained to the Board the properties in purple were re-designated as EO and the properties which are green are designated as rural lands.

Mr. Icenhour asked staff about the Croaker Road extension and how it extended through properties designated rural lands.

Mr. Purse commented that the road alignment is not definite and future studies will ultimately choose the final location of the needed right-of-way.

Mr. Goodson made a motion to adopt the staff recommended version.

Mr. McGlennon asked staff about the road alignment.

Mr. Hicks commented on the study process and that staff will review multiple alignments.

Mr. Kennedy commented on the extension of the road due to difficulties after Hurricane Isabel.

Mr. Hicks stated Mooretown Road will still be studied for those purposes as well.

Mr. McGlennon commented about the proposal and the arguments from the business community. The concept of the ordinance is sending the message to businesses that "we want you to come here and we will make it easy for you." He further commented about the amount of pages and used as example York County's EO zone which only has two pages. He felt that the new EO district did not fully clarify the zone.

He was concerned it may be like the research and technology ordinance that was previously adopted and never used. He commented on citizen's concerns about infrastructure and the planning process. He also commented on concerns about property rights of citizens in the EO district.

Mr. Goodson commented about how the BCTF identified the need for future EO zones. It may not be perfect, but it is a good starting point. The ordinance lets the business community know we are open for business and it may be 20 years before it is developed. He further commented that citizens need to know about a balanced approach in the County where the tax revenue and jobs will support the infrastructure cost.

Mr. Icenhour expressed his thanks to the citizens who came out to speak on this issue. He stressed his concerns about the construction phasing guidelines and stated that he believed that they should be included in the ordinance. His concerns included: lack of support and that citizens were not supportive of this concept; lack of clearly defined purpose; reliance of tax payer funding to build the infrastructure of the zone; extended Mooretown Road will be complete in 2018. He further commented on the high probability of loss of property rights and condemnation. He stated that based on the comments of the citizens the EO zone is not wanted.

Mr. Kennedy commented that the Mooretown Road extension was originally contemplated due to Hurricane Isabel to allow traffic to move more freely in the County to provide services to County residents. He further commented about Transfer of Development Rights (TDR) and its applicability to the EO zone. He also stated his support for the EO district for years.

Ms. Jones commented about property rights of the citizens such as the Ironbound Road development and commented about eminent domain. She discussed her involvement and that the homes are still in that location. She reminded everyone that this is an ordinance and she read the definition of what EO is about. The new ordinance would make this consistent with the ordinance as it remains now.

Mr. Goodson made a motion to amend to include the construction phasing guidelines.

The Board further discussed Mooretown Road as an emergency access.

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

The Board took a break at 10:00 p.m. and reconvened at 10:16 p.m.

4. Authorization to Execute a Lease for Operation and Management of the Jamestown Yacht Basin

Mr. John McDonald, Manager of Financial and Management Services, stated that a competitive sealed Request for Proposals (RFP) was issued in March 2011 for the management and operation of Jamestown Yacht Basin. Two proposals were received from Chesapeake Mastercraft, Ltd., dba Master Marine and Eco Discovery Park, Inc. Based on the evaluation criteria listed in the RFP the evaluation committee determined that Eco Discovery Park, Inc. was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A lease was negotiated with Eco Discovery Park, Inc.

Mr. Kennedy asked staff about the debt payment, staffing, operating cost, and revenue.

Mr. McDonald stated that the marina has not made any money nor was any money lost.

Mr. Kennedy asked what is the debt service on the marina.

Mr. McDonald replied that some of the money was reimbursed back to the County through sales of properties to the Jamestown Yorktown Foundation and VDOT. He also stated that grant funding was received as well.

Mr. Kennedy commented about the value of the marina.

Mr. McDonald commented that the marina has a lot of potential depending on the adjacent development.

Mr. Kennedy asked about selling the asset and if this is the best that can be done with the proposals that were submitted.

Mr. McDonald replied that it is the best that can be done under the current economic conditions and further commented about the Jamestown Beach area and improvements as an example.

Mr. Kennedy asked staff about the lift at the marina and would it be a cost to the County.

Mr. McDonald replied that it may be a possibility. He stated that in the agreement the County would not buy the lift, but Eco Discovery Park, Inc. may buy the lift and the County would help.

Mr. Goodson commented about the boat lift and this being an opportunity for boat owners in the County.

Mr. McDonald commented on the benchmark to maintain a minimum occupancy of 80 percent of the slips, and that the operator would have to meet the benchmark.

Ms. Jones commented that if a lift is not provided then citizens would have to go further away for those services and citizens are requesting specific language for the lift.

Mr. Middaugh commented that Mr. Steve Rose, Owner of Williamsburg Event Rentals, will ensure the lift if available and the Board can include the language in the resolution and figure out the correct financial operation.

Mr. Kennedy asked about the citizens' usage of the marina.

Mr. McDonald stated that there are 100 slips and 60,000 County residents and that some boat owners come in and launch. He further discussed other elements of the park such as kayak rentals. Mr. McDonald commented about the acquisition costs of the marina and the ability for County residents to enjoy the marina.

Ms. Jones commented about getting the marina back to the private sector.

Mr. McDonald replied that the purchase of the marina came as part of the package and was funded through grants.

Ms. Jones opened the Public Hearing.

1. Tinsley Goad, 118 Ferncliff Drive, commented about the yacht basin and the concept of the Eco Discovery Park and the opportunity due to a unique setting.

2. Ms. Shirley Vermillion, 106 Greenbrier, commented about her support for the Eco Discovery Park marina lease and Mr. Steve Rose.

3. Mr. Tom Austin, 3309 Ashview, commented about his support for the Eco Discovery Park marina lease and improvements to the marina as well as the needs of local citizens.

4. Mr. William Helseth, 1782 Jamestown Road, commented on the marina and his concerns of the cost of repairs for the marina.

5. Captain Bixler Clarke, 2733 Holly Ridge Lane, commented on his concerns about the marina and that he is opposed.

6. Mr. Brett Trimbath, 106 Godspeed Lane, owner of Master Marine, stated that he opposes the Eco Discovery Park lease and wants to retain his business at the marina. He further commented about slip holders and that other marinas are down due to economy.

7. Mr. Craig Metcalfe, 4435 Landfall Drive, commented on his support for Eco Discovery Park.

8. Mr. John Bookless, 3 Clarendon Court, commented on his concerns over the Marina and Eco Discovery Park operating the marina.

9. Mr. Roy Snyder, 514 Spring Trace, commented on his support of the Eco Discovery Park.

10. Ms. Caren Schumacher, 119 Elizabeth Harrison Lane, of the Williamsburg Land Conservancy, commented on her support for Eco Discovery Park.

11. Mr. Bob Harris, 100 Mount Pleasant Drive, Greater Williamsburg Chamber of Commerce and Tourism Alliance, commented on the Chamber's support for the Eco Discovery Park and discussed the market for the Eco Park.

12. Mr. Rick Batten, 4068 Powhatan Secondary, commented on the Eco Discovery Park and his concerns about the maintenance of the boats.

13. Mr. Tim Cleary, 103 Lands End Drive, commented that the Board should use caution before voting on Eco Discovery Park.

14. Mr. Randy Stevens, commented that Eco Discovery Park will continue to operate as a marina.

15. Ms. Monica Segment, 4219 New Town Avenue, commented on her support for Eco Discovery Park.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Middaugh commented on the process in reference to the Authorization to Execute a Lease for Operation and Management of the Jamestown Yacht Basin. He stated that there seems to be confusion on what is being offered. He clarified that Mr. Rose proposes to continue the current service of the marina, and that he will add the Eco Discovery Park to the marina, not get rid of the marina.

Mr. Kennedy asked staff about maintenance and any development around the marina.

Mr. John Horne, Manager of General Services, stated what has been done as well as what is in the master plan. Short to medium repairs have been made to see if a purchaser would want the property based on the market. Repairs, such as electrical, have been done as well as some temporary repairs have been done to the bulkheads. In addition, the water distribution system has been rebuilt. The investment in these improvements has been the same as lease payments and these repairs have expanded from three to seven years.

Mr. Kennedy asked staff about dredging at the marina.

Mr. John Horne, Manager of General Services, commented that there is no indication if the marina may need to be dredged sooner or later, but in the long run it will need to be re-dredged.

Mr. Kennedy asked staff if there is a cost analysis for permanent repairs that will last 10 to 15 years.

Mr. Horne commented that the investments are in the master plan.

Mr. Kennedy commented about his concerns on Eco Discovery Park and he believes that not a lot of information has been given about the park. He further commented about concerns of costs and subsidized costs. He would like to see better figures and more information about the park. He wants additional information and a work session about "Shaping Our Shores." He is more concerned about the financial aspect for the proposal.

Mr. McGlennon asked about the time frame of the lease.

Mr. Middaugh commented that the current lease ends at the end of the calendar year.

Mr. McGlennon commented about his confidence in Mr. Rose and he wants clarity of the services provided at the marina.

Mr. Kennedy commented on the cost of the facility to have it operational. He stated his concerns about the marina competing with other County projects during budget deliberations.

Mr. Goodson asked Mr. Rose about time constraints on how long it will take for the marina to become operational.

Mr. Rose commented that three months remain until January, when the lease takes effect. He mentioned that the lift is in the RFP and a full service marina will be offered. The ability to lift boats out of the water will be available; it is a full service marina.

Mr. Middaugh asked Mr. Rose if the Board delays would this affect his lease.

Mr. Rose commented that the lease states they will get the boats in and out of the water.

Ms. Jones commented about the questions citizens have asked the Board in relation to the park and that the Board is hearing from another business owner in the County about the lease.

Mr. Kennedy asked when negotiations began for the lease.

Mr. McDonald commented that they began in March or April. He stated that his concerns for the amount of time for the Board to make decisions and the time constraint based on the lease.

Mr. Goodson commented about approval of the lease and when the lease can be signed. He wants the applicant to know that the Board agrees with the proposal.

Mr. McGlennon commented about terms of the three-year lease and what the potential exposure would be for the County financially as far as major repairs.

Mr. McDonald stated that the County is responsible for certain improvements based on the capital expenditures as the Board is willing to undertake them. The lease is to operate the County property.

Mr. Leo Rogers, County Attorney, commented that the lease document cannot violate Virginia law which would mean you have to have the appropriation of funds. This language could be added with expenditures not to exceed the sum of the rent without Board approval.

Mr. Kennedy commented about the situation to discuss keeping the marina open knowing that repairs need to be made to the marina.

Mr. McGlennon commented on the two proposals and that both knew the conditions of the marina. It is a substandard facility. The County's exposure will be limited if the unexpected happens.

Mr. Rogers commented that Board concerns could be addressed and brought back to the Board in two weeks.

Ms. Jones commented that the Board does not want a deferral.

Mr. Rogers commented about the issues and these issues can be addressed.

Mr. Goodson commented about not spending any more funding without Board appropriation and suggested adding a specific provision to the lease about the ability to remove boats.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Goodson, McGlennon, Icenhour, Jones (4). NAY: Kennedy (1).

RESOLUTION

AUTHORIZATION TO EXECUTE A LEASE FOR OPERATION AND MANAGEMENT OF THE

JAMESTOWN YACHT BASIN

WHEREAS, a request for proposals for the operation and management of the Jamestown Yacht Basin was advertised; two interested firms submitted proposals; and

WHEREAS, staff reviewed the proposals, selected Eco Discovery Park, Inc. as the most fully qualified and best suited to the County's needs as defined in the Request for Proposals, and negotiated a lease for the operation and management of the Yacht Basin; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should lease the operation and management of the Jamestown Yacht Basin to Eco Discovery Park, Inc. under the terms and conditions of the lease agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a lease with Eco Discovery Park, Inc. for the operation and management of the Jamestown Yacht Basin, subject to a provision limiting County exposure for repairs to the rent paid under the lease, unless approved by the Board, and a provision that the County and Eco Discovery Park, Inc. would cooperate on the purchase and installation of a boat lift.

J. BOARD CONSIDERATION

1. County Lease Revenue Financing

Mr. John McDonald, Manager of Financial and Management Services, discussed proposals submitted for three Capital Improvements Program (CIP) projects: Fire Station 4, Mid-County Park and Building D. The best proposal received was from RBC Bank at an interest rate of 2.18 percent.

Mr. Goodson asked if the interest rate would be 2.18 percent.

Mr. McDonald replied that is correct.

Mr. Goodson made the motion to adopt the lease revenue financing resolution.

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

RESOLUTION OF THE BOARD OF SUPERVISORS

OF JAMES CITY COUNTY, VIRGINIA

WHEREAS, James City County, Virginia (the "County") proposes to finance (i) a new fire station (the "Fire Station Project"), (ii) renovations to a building in the County Government Center (the "Government Center Renovation Project"), and (iii) infrastructure improvements at a district park (the "Park Improvements Project" and, together with the Fire Station Project and the Government Center Renovation Project, the "Projects") through the issuance by the Economic Development Authority of James City County, Virginia (the "Authority") of its up to \$6,900,000 Lease Revenue Bond (County Government Projects), Series 2011 (the "Bond"). The County will lease the real estate upon which the Fire Station Project is located to the Authority pursuant to a Ground Lease, dated as of September 1, 2011 (the "Ground Lease"), between the County and the Authority. The Authority will lease such real estate and the Fire Station Project back to the County pursuant to a Lease Agreement, dated as of September 1, 2011 (the "Lease"), between the Authority and the County; and

WHEREAS, the Bond will be payable from revenues derived by the Authority from the "Basic Rent" to be paid by the County pursuant to the Lease, which has been calculated to be sufficient to pay the principal of and interest on the Bond, and from certain "Additional Rent" to be paid by the County pursuant to the Lease for any prepayment premium. The Bond will be issued and sold pursuant to the Bond Purchase Agreement, to be dated the date of the issuance of the Bond (the "Bond Purchase Agreement"), among the Authority, the County and RBC Bank, as the holder of the Bond (the "Bank"). The obligations of the Authority to the Bank will be secured by the Assignment of Rents and Leases, dated as of September 1, 2011 (the "Assignment"), between the Authority and the Bank, and by the Leasehold Deed of Trust, dated as of September 1, 2011 (the "Leasehold Deed of Trust"), from the Authority to the deed of trust trustees named therein for the benefit of the Bank. The obligation of the County to pay Basic Rent and Additional Rent will be subject to appropriation by the County's Board of Supervisors (the "Board"); and

WHEREAS, the Ground Lease, the Lease, the Bond Purchase Agreement, the Assignment and the Leasehold Deed of Trust are referred to in this Resolution as the "Basic Documents."

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

1. **Request for and Approval of Financing.** The Board finds and determines that it is in the best interests of the County to proceed with the financing of the Projects. The Board hereby formally selects the commitment letter dated September 1, 2011 of the Bank (the "Commitment Letter") as the winning proposal with respect to the purchase of the Bond. The Chairman and Vice Chairman of the Board and the County Administrator, any of whom may act, are each authorized to execute the Commitment Letter. The Board hereby requests the Authority to assist in the financing of the Projects by issuing the Bond. The Board considers the Projects to be essential public projects. The Board approves the issuance of the Bond and sale thereof to the Bank in a principal amount not to exceed \$6,900,000, bearing interest at the rate of 2.18% per year (but subject to adjustment as provided in the Bond), and maturing on July 15, 2021. The sale price of the Bond to the Bank shall be equal to the principal amount thereof, and the prepayment provisions and other terms of the Bond shall be as provided for in the form of the Bond.
2. **Authorization of Basic Documents.** The forms of the Bond and the Basic Documents were made available to the members of the Board prior to the adoption of this Resolution. The Bond and the Basic Documents are approved in substantially the forms made available, with such changes, insertions or omissions (including, without limitation, changes of the dates therein and thereof) as may be approved by the Chairman or Vice Chairman of the Board or the County Administrator, any of whom may act, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery by the County of, and the performance by the County of its obligations under, the Basic Documents to which it is a party are authorized.
3. **Execution of Documents.** The Chairman and Vice Chairman of the Board, the County Administrator and such other officers, employees and agents of the County as the Chairman and Vice Chairman of the Board and the County Administrator may designate, are authorized and directed to execute and deliver the Basic Documents to which the County is a party and, if required, the Clerk or any Deputy Clerk of the Board is authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents to which the County is a party and to attest such seal. Further, the Chairman and Vice Chairman of the Board, the County Administrator and such other officers, employees and agents of the County as the Chairman or Vice Chairman of the Board or the County Administrator may designate, are authorized and directed (A) to execute and deliver and any and all other instruments, certificates and documents required to carry out the purposes of this Resolution, and (B) to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the purposes of this Resolution or contemplated by the Basic Documents, and all of the foregoing, previously done or performed by such officers, employees or agents of the County are in all respects approved, ratified and confirmed.
4. **Nature of Obligations.** The Board hereby agrees, on behalf of the County, to pay to the Authority amounts sufficient to pay the Rental Payments, as defined in the Lease, and any other amounts owed by the County to the Authority pursuant to the Lease, subject to annual appropriation by the Board. The County Administrator is directed to submit for each fiscal year a request to the Board for an appropriation to the Authority separate from all other appropriations to the Authority for an amount equal to the Rental Payments and all other payments coming due under the Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to the Lease shall be subject to and dependent upon annual appropriations being made from time to time by the Board for such purpose. Nothing in this Resolution, the Bond or the Lease shall constitute a pledge of the full faith

and credit of the County beyond the constitutionally permitted annual appropriations. The Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease. If the County exercises its right not to appropriate money for Rental Payments under the Lease, the Bank may terminate the Lease or otherwise exclude the County from possession of the Fire Station Project.

5. **Appointment of Bond Counsel.** The Board hereby selects and designates Troutman Sanders LLP as **Bond** Counsel with respect to the Bond, and the Authority is hereby requested to designate them as such.
6. **Qualified Tax-Exempt Obligation.** The Board requests the Authority's designation of the Bond as a "qualified tax-exempt obligation" under Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Board does not reasonably anticipate that the County and any "subordinate entities," together with the Authority, will issue more than \$10,000,000 in qualified tax-exempt obligations during calendar year 2011, and the Board agrees that it will not designate more than \$10,000,000 (including the Bond as designated by the Authority) of qualified tax-exempt obligations in calendar year 2011.
7. **Tax Covenants.** The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto, or otherwise cause interest on the Bond to be includable in the gross income for federal income tax purposes of the Bank under existing law.
8. **Reimbursement Declaration.** The County hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself or the Authority, as appropriate, with the proceeds of the Bond or other indebtedness of the Authority or the County for expenditures made with respect to the Projects on, after or within sixty (60) days prior to the date of the adoption of this Resolution. Further, expenditures made more than sixty (60) days prior to the date of the adoption of this Resolution may be reimbursed as to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.
9. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

K. PUBLIC COMMENT

Ms. Jones opened the Public Comment.

As no one wished to speak, Ms. Jones closed the Public Comment.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh commented that debris collection is going on throughout the County and he gave a report to the Board members.

Mr. Icenhour asked staff about a Memorandum of Agreement (MOA) for gated communities with Homeowner Associations.

Mr. Middaugh commented that debris removal will begin shortly in those communities. Staff had a meeting with the Federal Emergency Management Agency (FEMA) and the County should get reimbursed from the Memorandum of Understanding's (MOU's).

Mr. Horne commented about two large gated communities and that he is hopeful debris removal will begin in two to four days.

Mr. McGlennon made the motion to adopt the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.
 - a. Historical Commission to appoint – Edith Harris-Bernard
Arthur Grant
Lafayette Jones
John Labanish
Alain Outlaw
 - b. Colonial Community Criminal Justice Board – Judge Colleen K. Killian
 - c. Parks and Recreation Advisory Commission – Darlene S. Ingram
 - d. Social Services Advisory Board – Roger C. Allen
Nancy C. Shackleford

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

M. BOARD REQUESTS AND DIRECTIVES

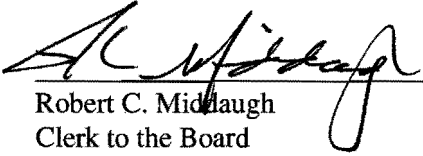
Mr. Icenhour made a correction about a statement in reference to Mr. Jack Fraley, Planning Commission, being the author of EO Zone. It was Mr. Tingle and not Mr. Fraley who was the originator.

Mr. McGlennon commented about a citizen dissatisfied about the biannual real estate assessments.

N. ADJOURNMENT to 4 p.m. on September 27, 2011.

At 12:05 a.m. Mr. McGlennon made the motion to adjourn until 4 p.m. September 27, 2011.

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


Robert C. Middleaugh
Clerk to the Board

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