

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH 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** – Holden Lipscomb, a ninth-grade student at Warhill High School, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATION – CERT Graduation**

Ms. Kate Hale, Director of Emergency Management, and Chairman Jones recognized volunteers who have recently graduated from the James City County Community Emergency Response Team (JCC CERT) training program:

Mr. Kenneth Barnhart, III	Riverview
Mr. Mark Callazzo	Pointe at Jamestown
Ms. Gina Clayton	Ford's Colony
Ms. Linda Cole	Villages at Westminster
Mr. Jeffrey S. Lovejoy	Kingsmill
Mr. Paul S. Pao	Kingsmill
Mr. Jeff Saly	Colonial Heritage
Mr. Spencer Tuftee	Stonehouse Glen

**F. PUBLIC COMMENT**

1. Ms. Sue Sadler, 9929 Mountain Berry Court, commented on her opposition to Agenda 21 and the International Council for Local Environmental Initiatives (ICLEI).

2. Mr. Ed Oyer, 139 Indian Circle, commented about recent property sales and compared them to similar sales in 1993, he also commented on the use of consultants by the schools.

**G. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon asked that the County emphasize, particularly to senior citizens, the points in a recent press release warning of scams relating to tree removal.

Mr. McGlennon also asked that the Virginia Department of Transportation (VDOT) be notified of citizen concerns about the lack of any lane striping in the repaving project on Route 199. At night or when raining, drivers do not know where the pavement boundaries exist and this creates a dangerous driving situation.

**H. CONSENT CALENDAR**

- 1. Minutes-
  - a. September 13, 2011, Regular Meeting
- 2. Grant Award – Department of Motor Vehicles – \$41,212

**RESOLUTION**

**GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES – \$41,212**

WHEREAS, the James City County Police Department has been awarded a highway safety grant award from the Virginia Department of Motor Vehicles (DMV) for \$41,212; and

WHEREAS, funds are to be used towards traffic enforcement overtime and related training and equipment; and

WHEREAS, the grant requires an in-kind 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:

DMV – FY 12 Grant	<u>\$41,212</u>
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Expenditure:

DMV – FY 12 Grant	<u>\$41,212</u>
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3. Purchasing Policy Update and Public-Private Educational and Infrastructure Act (PPEA) Procedures Update

**RESOLUTION**

**PURCHASING POLICY AND PUBLIC-PRIVATE EDUCATIONAL AND  
INFRASTRUCTURE ACT (PPEA) PROCEDURES UPDATES**

WHEREAS, the Board of Supervisors adopted the current Purchasing Policy on January 9, 2001, and the current PPEA Procedures on June 24, 2003; and

WHEREAS, recent changes to the Code of Virginia, County policies, and widely recognized purchasing best practices require updates to the Purchasing Policy and the PPEA Procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached updated versions of the Purchasing Policy and PPEA Procedures.

Mr. Icenhour made a motion to approve the Consent Calendar with two spelling changes in names of persons in the minutes.

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

**I. PUBLIC HEARINGS**

**1. Qualified School Construction Bonds**

Mr. John McDonald, Manager of Financial and Management Services, presented this matter to the Board with an accompanying resolution.

Ms. Jones opened the Public Hearing.

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

Ms. Jones indicated that while she supported the project at Jamestown High School, she did not support the additional debt.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED \$1,000,000  
GENERAL OBLIGATION SCHOOL BOND, SERIES 2011A, OF THE COUNTY OF  
JAMES CITY, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF

- WHEREAS, the Board of Supervisors (the "Board") of the County of James City, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$1,000,000 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing an expansion to Jamestown High School, which constitutes a capital project for public school purposes (the "Project"); and
- WHEREAS, the County held a public hearing, duly noticed, on September 27, 2011, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and
- WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond; and
- WHEREAS, the Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the fall of 2011 (the "VPSA Bonds"); and
- WHEREAS, VPSA intends to issue the VPSA Bonds as "qualified school construction bonds" (referred to below as "QSCBs") within the meaning of Section 54F of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which section was added to the Tax Code by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355), enacted on February 17, 2009; and
- WHEREAS, VPSA intends to elect to treat the VPSA Bonds as "specified tax credit bonds" under Section 6431 of the Tax Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 123 Stat. 301), enacted on March 18, 2010, which status enables an issuer of a QSCB to receive a direct payment of a refundable credit in lieu of providing a tax credit to the purchaser or holder of the QSCB; and
- WHEREAS, the refundable credit payable with respect to each interest payment date will be equal to the lesser of (i) the amount of interest payable under the QSCB on such date or (ii) the amount of interest which would have been payable under the QSCB on such date if such interest were determined at the applicable credit rate determined under Section 54A(b)(3) of the Tax Code (that is, the rate used in computing the amount of tax credit that could be claimed by the QSCB holder absent the "specified tax credit bond" refundable credit election); and
- WHEREAS, subject to the terms and conditions set forth or referred to below, VPSA will transfer to the County the allocable portion of the refundable credit actually received in cash by VPSA with respect to the VPSA Bonds; and

WHEREAS, the allocation of QSCB volume cap pursuant to which VPSA will issue the VPSA Bonds will be made by Executive Order to be issued by the Governor of the Commonwealth of Virginia (the "Executive Order"), to finance the Project along with a number of other projects selected through a competitive evaluation process administered by the Virginia Department of Education; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$1,000,000 is the amount of proceeds requested (the "Proceeds Requested") by the County from the VPSA in connection with the sale of the Local School Bond; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VPSA from the sale of the VPSA Bonds, the underwriters' discount and the other issuance costs of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) because the maximum authorized principal amount of the Local School Bond set forth in paragraph 1 of this Resolution cannot exceed the Proceeds Requested, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

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

1. Authorization of Local School Bond and Use of Proceeds

The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in a principal amount not to exceed \$1,000,000 (the "Local School Bond") for the purpose of financing the Project and the County's allocable share of (A) VPSA's costs of issuing the VPSA Bonds and (B) any upfront flat fees of VPSA as determined by VPSA to be necessary to compensate VPSA for the on-going costs related to administering the local school bonds purchased with the VPSA Bonds, including the County's Local School Bond (such upfront fees may be in lieu of the Annual Administrative Fee described in paragraph 4 in this Resolution). The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution and the Bond Sale Agreement.

2. Sale of the Local School Bond

The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount on the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price of not lower than 90% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.

3. Details of the Local School Bond

The Local School Bond shall be dated the date of its issuance and delivery; shall be designated "General Obligation School Bond, Series 2011A;" shall bear interest from the date of delivery thereof payable semi-annually on dates specified by VPSA (each, an "Interest Payment Date" at the rates established in accordance with paragraph 4 of this Resolution; and shall mature annually in the years (each a "Principal Payment Date," and together with any Interest Payment Date, a "Payment Date") and in the amounts (the "Principal Installments") determined by the County Administrator, subject to the provisions of paragraph 4 of this Resolution.

4. Interest Rate and Principal Installments

The County Administrator is hereby authorized and directed to accept the interest rate on the Local School Bond established by VPSA, provided that each interest rate may be up to five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Bonds, to the extent required by VPSA (the "Annual Administrative Fee"), and provided further that the true interest cost of the Local School Bond does not exceed seven and a half percent (7.50%) per annum. The Payment Dates and the Principal Installments shall be specified by VPSA. The County Administrator is hereby authorized and directed to accept the final Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall be no later than the earlier of December 31, 2030, and the latest maturity date permitted under Section 54A of the Tax Code. The execution and delivery of the Local School Bond as described in paragraph 10 hereof shall conclusively evidence the approval and acceptance all of the details of the Local School Bond by the County Administrator as authorized by this Resolution.

5. Certain Acknowledgements

The County acknowledges that the interest rate on the Local School Bond will be set at the level necessary to pay the interest on the allocable portion of the VPSA Bonds plus the Annual Administrative Fee, if any, and that the County will be obligated to pay interest on the Local School Bond at the stated taxable rate thereon regardless of the elimination or reduction of the refundable credit to be received by VPSA due to (i) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code, (ii) any failure or determination by Congress not to appropriate funds necessary to pay the refundable credit, (iii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, or (iv) any action or omission by VPSA, the County or any other locality selling local school bonds to VPSA in connection with the VPSA Bonds that causes the VPSA Bonds to lose their status as QSCBs and/or specified tax credit bonds in whole or in part. It is also acknowledged that the County has the right to effect an extraordinary optional redemption of the Local School Bond in whole or in part upon the occurrence of any of these events as provided in the form of Local School Bond.

6. Certain Investment Earnings

The Board hereby acknowledges that VPSA will (i) issue the VPSA Bonds with multiple maturities or with a single "bullet" maturity, in either case, with a final maturity date on or shortly before the latest maturity date permitted for the VPSA Bonds under Section 54A of the Tax Code, (ii) invest the Principal Installments for the benefit of the County until they are applied to pay the principal of the VPSA Bonds and (iii) either remit the investment earnings periodically to the County or credit the investment earnings against the County's obligation to make Principal Installments, at the option of VPSA. The Board further acknowledges that VPSA may cause a portion of such earnings to be deposited into a reserve fund or account to be applied by VPSA for use to pay the costs, fees and expenses described in paragraph 15 below. Any balance in such reserve fund or account attributable to investment earnings on the County's Principal Installments as reasonably determined by VPSA will be remitted or credited to the County on the final maturity date of the VPSA Bonds.

7. Form of the Local School Bond

The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

8. Payment; Paying Agent and Bond Registrar

The following provisions shall apply to the Local School Bond:

- (a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal of and interest and premium, if any, on the Local School Bond shall be made in immediately available funds to, or at the direction of, VPSA at, or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Payment Date or date fixed for payment, prepayment or redemption.
- (b) The Bond Registrar and Paying Agent for the Local School Bond shall be the banking institution selected by VPSA for such purposes.

9. Prepayment or Redemption

The Principal Installments of the Local School Bond may be subject to optional prepayment or redemption prior to their stated maturities as determined by VPSA. The Principal Installments of the Local School Bond will be subject to extraordinary mandatory redemption (i) if certain proceeds of the Local School Bond have not been spent within three years after the date of its issuance and delivery (which three year period may be extended by the U.S. Secretary of the Treasury or his delegate), (ii) due to a loss of "qualified tax credit bond" and "qualified school construction bond" status of the VPSA Bonds corresponding to the Local School Bond under Sections 54A and 54F of the Tax Code, and (iii) if due to (a) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code or (b) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, there is a reduction or elimination of the direct payment of the refundable credit to be received by VPSA with respect to the VPSA Bonds. The Principal Installments of the Local School Bond shall be redeemed at the redemption prices and upon the other terms set forth in the Local School Bond.

10. Execution of the Local School Bond

The Chairman and the Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

11. Pledge of Full Faith and Credit

For the prompt payment of the principal of and interest and premium, if any, on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and interest and premium, if any, on the Local School Bond as such principal and interest and premium, if any, shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

12. Use of Proceeds Certificate and Tax Compliance Agreement

The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary for the VPSA Bonds to qualify as and to remain as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code and the applicable regulations. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Tax Code so that the VPSA Bonds will not lose their status as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code.

13. State Non-Arbitrage Program; Proceeds Agreement

The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer and the Manager of Financial and Management Services, either of whom may act, to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository. The Proceeds Agreement is hereby approved.

14. Continuing Disclosure Agreement

The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix E to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of



1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

15. Fees, Costs and Expenses

The County agrees to pay the following fees, costs and expenses incurred by VPSA in connection with its purchase and carrying of the Local School Bond within thirty days after receipt by the County Administrator of a written bill therefor:

- (a) The County's allocable share of (i) the fees, costs and expenses of the trustee, paying agent and bond registrar under the indenture pursuant to which VPSA will issue the VPSA Bonds and (ii) any fees, costs and expenses payable to third parties in connection with such indenture or VPSA's School Tax Credit Bond Program, as determined by VPSA; and
- (b) To the extent permitted by law, the reasonable fees, costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any false representation or certification or covenant default by the County or any County or School Board official, employee, agent or contractor under the Local School Bond, the Continuing Disclosure Agreement, the Tax Compliance Agreement, the Proceeds Agreement and/or any document, certificate or instrument associated therewith (collectively, the "County Documents"), or in connection with any extraordinary mandatory redemption of the Local School Bond as described in paragraph 9 above and the corresponding VPSA Bonds, any amendment to or discretionary action that VPSA makes or undertakes at the request of the County under any of the County Documents or any other document related to the VPSA Bonds.

16. Filing of Resolution

The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the City of Williamsburg and the County of James City.

17. Election to Proceed under Public Finance Act

In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

18. Further Actions

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and any such action previously taken is hereby ratified and confirmed.

19. References to Chairman and Clerk

Any references herein to the Chairman of the Board shall be deemed to include the Vice Chairman of the Board, and any references to the Clerk of the Board shall be deemed to include any Deputy Clerk.

20. Effective Date

This Resolution shall take effect immediately.

2. Ordinance to Amend and Reordain Chapter 15, Offenses – Miscellaneous, by Amending Section 15-36, Discharge of Firearms, Etc., in Certain Areas; Exceptions

Ms. Lola Rodriguez Perkins, Assistant County Attorney, presented three proposed changes to Section 15-36 of the County Code (Code) relating to the discharge of firearms. The changes clarified the definition of a recorded subdivision as related to these sections of the Code; expands exemptions allowed for properties subject to a Division of Game and Inland Fisheries (DGIF) management plan; and brings the Code into compliance with changes in State law enacted in 2011 by the General Assembly relating to pneumatic guns.

Responding to questions from Mr. Kennedy, Mr. Todd Englemeyer of DGIF explained the DGIF permit, currently allowed as an exemption, and a DGIF management plan, which is an additional exemption in the proposed amended ordinance. In 2010, 25 hunting permits were issued in James City County subdivisions, 14 have been issued so far in 2011.

Ms. Jones opened the Public Hearing and the following citizens spoke:

1. Mr. J. Stephen Roberts, 108 Wilderness Lane, asked that the Board exempt large subdivision parcels from the ordinance, presenting a 50-acre parcel owned by Mr. and Mrs. Charles Shephard on Fire Tower Road as an example.

2. Ms. Melissa Conner, 103 Land Drive, and representing Dreamcatchers, expressed her concern about any proposal to exempt large subdivided parcels. Dreamcatchers adjoins the Shepard property on Fire Tower Road.

3. Mr. Don Hazelwood, 9808 Fire Tower Road expressed his support to allow citizens to use firearms responsibly on their own property without government oversight.

4. Mr. Philip Van Cleve, 5509 West Bay Court, indicated that he was representing the Virginia Citizens Defense League and supported the least amount of governmental restrictions possible.

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

Mr. Kennedy questioned the need for a governmental process of annual permits for large acreage parcels if the permit process is being interpreted liberally and every permit application is being approved. Major Brad Rinehimer of the James City County Police Department and Mr. Englemeyer confirmed that, to their knowledge, no permit application had ever been denied.

Mr. Goodson indicated that he did not intend to support the amendment because the initiative was to solve problems for property owners like the Shephards and those property owners do not like the amendments.

Mr. Leo Rogers, County Attorney, indicated that the ordinance amendment included two necessary changes including one mandated by State law, regarding pneumatic guns, and another that improved the definition of a subdivision in the context of this firearms ordinance.

Mr. Icenhour indicated his support for an exception process that allows the Chief of Police to evaluate safety concerns of residents and adjoining property owners. He felt the addition of an additional exception to the prohibition in subdivisions, the DGIF management plan, allows large acreage property owners one more option in meeting their objectives.

Ms. Jones indicated that she also supported more options for citizens and the concern for safety.

Mr. McGlennon made a motion to approve the ordinance amendment.

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

3. Hampton Roads Water Supply Plan

Mr. Larry Foster, General Manager of the James City Service Authority (JCSA), presented the water supply plan as prepared by the Hampton Roads Planning District Commission (HRPDC). As a summary, the Plan indicates that based on projected population increases there is adequate water to meet the County's and the Virginia Peninsula's needs through 2040.

Mr. Goodson commented that the Plan is a State requirement, the County had previously agreed to participate in a regional planning effort managed by the HRPDC and that this Plan would be reviewed every five years.

Mr. McGlennon commented about the water conservation elements in the Plan, particularly changes in community demand. Mr. McGlennon also wished to advise the community that the Plan does not limit future discussions or decisions about water supply to only those included in the Plan.

Ms. Jones opened the Public Hearing.

1. Mr. Donald Phillips, 200 Dogwood Ct., York County, made a presentation about historical water demand that suggested that historical per-capita consumption has been reduced as a result of conservation efforts and projections of future usage may be overstated.

2. Mr. Kelly Place, 213 Waller Mill Road, representing the Virginia State Waterman's Association, expressed his concern about water use projections driving planning for water supply and indicated that past projections of use were substantially inflated, particularly those of the HRPDC and have resulted in poor decision making.

3. Mr. Ed Oyer, 139 Indian Circle, stated his concern about the County's significant dependence on groundwater and recommended use of the University of Virginia data base.

4. Mr. Jim Brown, 4 Longleaf Circle, expressed his concern about the costs of additional water supply, given the variability of the projections.

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

Mr. McGlennon asked that the meeting record indicate that the County will not substitute the regional plan for the County's decision-making when it comes to future water supply needs and moved the approval of the resolution.

Mr. Goodson concurred and indicated that this plan is reviewed every five years.

Mr. Icenhour indicated that he would support the Plan although the projections may overstate the need. He emphasized the need for reserve water supply capacity, but expressed doubts about the State planning process using the regional and local plans.

Mr. Kennedy commented that he felt pressured by deadlines when he voted several years ago to purchase water from Newport News Waterworks. He commented that wasteful lawn irrigation is still a problem and a challenge the County continues to deal with.

Ms. Jones pointed out that the plan "is more like a Hampton Roads information document as opposed to a plan," and that the Board looks at water demand trends at every JCSA board meeting.

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

## **RESOLUTION**

### **HAMPTON ROADS WATER SUPPLY PLAN**

WHEREAS, pursuant to Virginia Code §62.1-44.38:1 local governments are required to undertake a comprehensive water supply planning process for the development and establishment of a water supply plan; and

WHEREAS, the Virginia State Water Control Board Regulation 9 VAC 25-780, Local, and Regional Water Supply Planning, requires all counties, cities, and towns in the Commonwealth of Virginia to prepare and submit a water supply planning program to the Department of Environmental Quality (DEQ); and

WHEREAS, James City County is part of the Hampton Roads Regional Water Supply Plan which includes the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York, the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Towns of Boykins, Branchville, Capron, Claremont, Courtland, Dendron, Ivor, Newsoms, Smithfield, Surry, and Windsor; and

WHEREAS, the Hampton Roads Regional Water Supply Plan was prepared by the Hampton Roads Planning District Commission in accordance with the State Water Control Board Regulation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting the required public hearing at its regular meeting on September 27, 2011, hereby adopts the Hampton Roads Regional Water Supply Plan and approves the plan for submittal to the Virginia DEQ.

#### **J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on real property assessments declining in the next budget year and indicated that he believes that 101 Indian Circle appears to be abandoned. He also complimented staff on improvements to the sound system in the Boardroom.

2. Mr. J. Stephen Roberts, 108 Wilderness Lane, expressed his concern about the Board's vote on amendments to the gun control ordinance and unintended consequences, specifically changing the definition of a subdivision.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh indicated that the first collection of storm debris is finishing, and that an estimated 150,000 cubic yards has been collected. October 3, 2011, begins the second pass to collect debris.

Mr. Middaugh indicated that the possible change in the County logo, a change now being discussed in the community, needs clarity. The initiative is to create a brand or logo that creates one County identity that emphasizes a culture of excellence in public service. An implementation plan will be presented to the Board that will illustrate that costs will be minimized by incrementally replacing existing signs and logos over time.

**L. BOARD REQUESTS AND DIRECTIVES**

Ms. Jones moved to designate Mr. Goodson as the voting representative to the Virginia Municipal League at its annual conference.

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

**M. ADJOURNMENT**

Mr. McGlennon made a motion to adjourn until 7 p.m. on October 11, 2011.

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

At 9:27 p.m., Ms. Jones adjourned the Board until 7 p.m. on October 11, 2011.

  
Robert C. Middaugh  
Clerk to the Board