

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 7TH DAY OF JANUARY, NINETEEN HUNDRED NINETY-ONE, AT 5:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Roberts District
Stewart U. Taylor, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. ORGANIZATIONAL MEETING

Mr. Norman recommended the Board convene into executive session pursuant to Section 1.2-344(a)(7)(1) of the Code of Virginia to consider legal and personnel matters, appointments of Board members and individuals to County Boards and/or Commissions.

Mr. DePue made a motion to convene into executive session as recommended by the County Administrator at 5:04 p.m.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. DePue convened the Board back into open session at 6:10 p.m. for dinner.

Mr. DePue called the Board to order at 7:03 p.m.

Mr. DePue made a motion to approve the executive session resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

MEETING DATE: JANUARY 7, 1991

CERTIFICATION OF EXECUTIVE MEETING

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

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. DePue asked for nominations for Chairman.

Mr. Taylor nominated Mr. Norment.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. Norment expressed appreciation for the opportunity and thanked Mr. DePue for his leadership during the past year.

Mr. Norment made a motion to approve the organizational resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following rules shall apply for the year 1991.

1. Regular meetings of the Board shall be held as shown on the attached 1991 calendar, in the Board Room of the James City County Government Center. The meeting times shall be 7:00 p.m. for the first meeting of the month and 1:00 p.m. for the second meeting of the month, with exceptions as shown.
2. The Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows; provided, however, the Board may amend by Resolution the Rules as it deems appropriate.

Procedure in Small Boards: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate (15, 16) generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

A motion to rescind shall not be in order in a land use decision involving a rezoning or a special use permit. A motion to a reconsider such a decision must be made at the same meeting the decision is made by the Board.

Mr. Norment made a motion to approve the following annual appointments of Board members to Boards and Commissions and Board appointments of citizens to Boards and Commissions:

| | |
|---|----------------------|
| Chamber of Commerce | Norment |
| Community Action Agency | Edwards/Tony Conyers |
| | Norment/Don Messmer |
| | DePue/Rev. J. Moody |
| Courthouse Committee | Norment/Edwards |
| Emergency Preparedness | DePue |
| Farmers Advisory Committee | Taylor |
| Grove Advisory Committee | Norment |
| Joint Sanitary District No. 1 Board | Knudson/Norment |
| Pamunkey River Study Committee | Taylor |
| Hampton Roads Planning District Commission | DePue |
| Planning Commission | Knudson |
| Regional Issues Committee | Knudson |
| School Subcommittee | DePue/Edwards |
| Transportation Safety Commission | DePue |
| Virginia Peninsula Economic Development Council | DePue |

Mr. Norment reappointed A. G. Bradshaw to a four-year term expiring January 7, 1995, and appointed Donald C. Hunt to a four-year term expiring January 7, 1995, on the Planning Commission.

The Board expressed appreciation to Mr. Gary Massie for his leadership and service of the past four years.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. Norment reappointed Eula Radcliffe to a three-year term expiring January 7, 1994, on the Clean County Commission.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. Norment appointed Dr. Camilla Buchanan, Kenneth Axtell, Ann Yankovich, Dr. James Lee, Patricia Kearns, Loretta B. Garrett and Delphine Gray to the Health Services Advisory Committee.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. Norment opened the floor for nominations for Vice Chairman of the Board of Supervisors.

Mr. Edwards nominated Ms. Knudson as Vice Chairman.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. Norment made a motion to appoint the Board of Directors and officers of the James City County Transit Company.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

APPOINTMENT OF BOARD OF DIRECTORS AND OFFICERS FOR

JAMES CITY COUNTY TRANSIT COMPANY BY

BOARD OF SUPERVISORS

WHEREAS, the stockholders of the James County Transit Company (Transit Co.) have requested the Board of Supervisors to appoint the Board of Directors and the officers of the Transit Company for the year 1991.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby appoints as Directors of the Transit Company for the year 1991 the following individuals:

- Perry M. DePue
- Jack D. Edwards
- Judith N. Knudson
- Thomas K. Norment, Jr.
- Stewart U. Taylor

BE IT FURTHER RESOLVED, that the Board of Supervisors appoints the following officers:

- President - Jack D. Edwards
- Secretary/Treasurer - Anthony Conyers, Jr.

Mr. Norment declared a recess for a James City County Transit meeting at 7:17 p.m.

Mr. Norment reconvened the Board into open session at 7:20 p.m.

C. MINUTES - December 17, 1990

Mr. Norment asked if there were corrections or additions to the minutes.

Mr. Norment made a motion to approve the minutes as presented.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

D. PUBLIC HEARINGS

1. Pre-Budget

Mr. John E. McDonald, Manager of Financial Management and Services, stated that public comments were invited before the Fiscal Year 1992 budget was prepared.

Mr. Norment opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, stated concerns about costs of capital improvement programs through 1994 and felt taxes would significantly increase with the building of new schools.

2. Mr. Frank Sellinger, 29 Mile Course, expressed concerns about mandatory recycling, the school budget, and costs of inspection personnel during the slowdown in construction.

Mr. Norment closed the public hearing.

2. Case No. SUP-46-90. Williamsburg Farms, Inc.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. John Hopke had applied on behalf of Williamsburg Farms, Inc., for a special use permit to allow an inn and restaurant on approximately 292.37 acres, located at 2638 Lake Powell Road, zoned R-8, Rural Residential, further identified as Parcel No. (1-10) on James City County Tax Map No. (48-4).

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. Norment opened the public hearing.

1. Mr. Ed McCarty, 3722 Persimmon, spoke in opposition stating that transportation needs should be met prior to construction.

Mr. Norment closed the public hearing.

Following a brief discussion of road conditions, Mr. DePue asked that Case No. SUP-16-90 be postponed for further review until the next Board meeting.

The Board concurred with the postponement.

3. Case No. SUP-51-90. Outdoor World Expansion

Mr. Sowers stated that Mr. Daniel McMichael had applied on behalf of Outdoor World Corporation for a special use permit for a campground on 54.7 acres located at 4301 Rochambeau Drive, A-1, General Agricultural, identified as Parcel (1-10) on James City County Real Estate Tax Map No. (13-4).

Mr. Sowers further stated that the proposal was consistent with surrounding development and the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by an 8-1 vote, recommended approval of the special use permit with conditions listed in the resolution.

In response to a question from Mr. Norment regarding Condition 1, Mr. Sowers distributed an amended resolution that amended Condition 1 by adding a reference to the approved site plan for the campground.

Mr. Norment opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the special use permit.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-51-90. OUTDOOR WORLD EXPANSION

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 process; and

WHEREAS, the Planning Commission of James City County, following its public hearing voted to recommend approval of Case No. SUP-51-90 to permit a campground in the A-1, General Agricultural District on property identified as Parcel (1-10) on James City County Real Estate Tax Map No. (13-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-51-90 as described herein with the following conditions:

1. No more than 255 camp sites (total) shall be permitted with no more than 60 camp sites in the expanded areas as shown on the approved site plan prepared by the DeYoung Johnson Group, Inc., dated June 6, 1989.
2. No land disturbing activities shall take place within the Ware Creek Reservoir buffer area and pool area as indicated on the Rouse-Sirine Field Survey dated January 17, 1989, and such area shall remain in its natural vegetative state.
3. All sewage disposal and water distribution systems shall be approved by the Health Department and installed prior to the use of the expansion area.
4. If construction has not commenced on the project within 24 months from the date of issuance of the special use permit, it shall become void. During the 24-month period, all permits pertaining to the construction shall be secured, clearing and grading of the site shall be completed and/or foundations shall be installed.
5. An undisturbed buffer strip, 50 feet in width, shall be provided along the southerly property line of the site land opposite zoned R-1, Limited Residential.
6. If the Director of Code Compliance determines that any portion of the existing and/or future septic system has ceased to function, those camp sites affected shall be vacated or connected to public sewer, if available. Failure to comply when this determination is made, shall cause SUP-51-90 to become null and void.

4. Case No. SUP-58-90. Outdoor World Expansion/RPOD

Mr. Bernard M. Farmer, Jr., Director of Code Compliance, stated that Mr. Daniel McMichael had applied on behalf of Outdoor World Corporation for a special use permit to develop more than 5,000 square feet of impervious surface area within the Reservoir Protection Overlay District at 4301 Rochambeau Drive, on 54.7 acres, further identified as Parcel (1-10) on James City County Real Estate Tax Map No. (13-4). Staff recommended approval of the special use permit with conditions listed in the resolution.

Mr. Norment opened the public hearing, and as no wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the special use permit.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-58-90. OUTDOOR WORLD EXPANSION/RPOD

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 process; and

WHEREAS, the applicant has applied for a special use permit to allow the expansion of a campground in the RP, Reservoir Protection Overlay district on property identified as Parcel (1-10) on James City County Real Estate Tax Map No. (13-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-58-90 as described herein with the following conditions:

1. The final designs for all control measures shall be submitted along with the final site plan for the project. These structures shall be designed in accordance with the James City County Design Manual for Runoff Analysis.
2. An Inspection/Maintenance Agreement as approved by the County Attorney shall be executed prior to final site plan approval.
3. A soils test shall be provided for each infiltration trench for Division of Code Compliance approval prior to final site plan approval.
4. An observation well shall be provided in the center of each infiltration trench. Details of wells shall be shown on the site plan prior to site plan approval.

- 5. Construction of the infiltration trenches shall be delayed until disturbed areas draining to the trenches are stabilized. This shall be noted on the site plan.
- 6. If construction of this facility has not begun within a 24-month period from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading and pouring of footings approved by this permit.

5. Case No. SUP-52-90. W.H. Sparrer, Inc. (John's Used Auto Parts

Mr. Sowers stated that Mr. Wendell H. Sparrer of W. H. Sparrer, Inc., had applied for a special use permit to allow the expansion of an automobile graveyard at 8952 Richmond Road on 4.3 acres, A-1, General Agricultural, further identified as Parcel (1-8) on James City County Real Estate Tax Map No. (11-1).

Mr. Sowers further stated that the special use permit would require conformance with the Chesapeake Bay Preservation Ordinance.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. Norment opened the public hearing.

1. Mr. Wendell Sparrer stated that his business recycled from 50-100 cars monthly.

Mr. Norment closed the public hearing.

Mr. Taylor made a motion to approve the special use permit.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue (1).

R E S O L U T I O N

CASE NO. SUP-52-90.

W. H. SPARRER, INC. (JOHN'S USED AUTO PARTS)

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 process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on December 11, 1990, unanimously recommended approval of Case No. SUP-52-90 to permit an automobile graveyard in the A-1, General Agriculture District on property identified as Parcel (1-8) on James City County Real Estate Tax Map No. (11-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-52-90 as described herein with the following conditions:

1. Uncrushed vehicles shall not be stacked. Crushed vehicles may be stacked up to four vehicles high provided they are not visible from Richmond Road or Old Route 60 West.
2. No more than 250 total vehicles (crushed and/or uncrushed) shall be placed on the site.
3. Site plan approval by the Development Review Committee shall be required. Site plan approval must be obtained within 6 months of issuance of this permit.
4. A 12-foot high opaque fence shall be erected along the frontage of Richmond Road and the frontage of Old Route 60 West. No vehicles shall be visible from Richmond Road and Old Route 60 West. This fence shall be compatible with the surrounding environment, shall be well constructed (with details and cross sections provided on the required site plan), shall have a pattern which is continuous and consistent, shall have the top aligned parallel except where the height must be adjusted due to grade change, and shall have a base which is not more than 8 inches above the underlying grade. Additional landscaping shall be placed along the outside of the fence as approved by the Development Review Committee. All junk vehicles and parts thereof shall be placed inside the fence and shall be set back a minimum of 10 feet from the inside of the fence. A wire mesh fence 8 to 12 feet high shall be erected around the remainder of the property. The base of the fence shall be not more than 8 inches above the underlying grade.
5. A plan to control hazardous waste runoff shall be submitted to and approved by the Director of Code Compliance as part of the site plan before final site plan approval is granted.
6. The site shall be limited to one entrance on Richmond Road.
7. All vehicles, parts and other debris shall be removed from any of the slopes that border the stream on the site.
8. The owner shall submit an application to the Health Department for a well and a septic permit and receive approval of the application before installing any plumbing facilities.
9. Crushing of vehicles shall not take place before 10:00 a.m. or after 4:00 p.m., Monday through Saturday. No Sunday crushing shall be permitted. An enclosure shall be placed around and above the crusher motor to reduce noise. Openings in the enclosure shall be permitted for mechanical operation, ventilation and exhaust purposes as determined necessary by the Director of Code Compliance.

- 10. Antifreeze, petroleum, and/or petroleum-based products shall not be disposed of on site. Details of disposal methods shall be submitted to and approved by the Division of Code Compliance as part of the site plan submittal.
- 11. The crusher equipment shall be limited to that located on the site on December 21, 1989. Normal maintenance and repair shall be permitted. However, any additional or different crushing equipment shall be approved by the Development Review Committee before it is placed on site.
- 12. All conditions of this permit shall be met within 12 months of the issuance of this permit or it shall become void.

6. Case No. Z-14-90. James City County/James City Service Authority Operations Center Expansion

Mr. Sowers stated that Mr. Larry M. Foster of the James City Service Authority, on behalf of R. T., C. L. and C. B. Casey, had applied to rezone approximately 1.17 acres from R-8, Rural Residential, to M-1, Limited Industrial. Mr. Sowers further stated that the property is adjacent to 105 Tewning Road, further identified as part of Parcel (1-7) on James City County Real Estate Tax Map No. (38-4).

Mr. Sowers indicated that the proposed rezoning was consistent with the Comprehensive Plan and surrounding development and zoning and would provide a 2.88 acre parcel for acquisition and expansion of current facilities located at 105 Tewning Road.

Mr. Norment opened the public hearing.

1. Mr. Larry M. Foster, General Manager, James City Service Authority, supported staff's comments.

Mr. Norment closed the public hearing.

Ms. Knudson made a motion to approve the rezoning.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

CASE NO. Z-14-90. JAMES CITY COUNTY/JAMES CITY SERVICE AUTHORITY OPERATIONS CENTER EXPANSION

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-14-90 for rezoning

approximately 1.17 acres from R-8, Rural Residential to M-1, Limited Industrial, on property identified as part of Parcel (1-7) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, the Planning Commission of James City County, following its public hearing on December 11, 1990, unanimously recommended approval of Case No. Z-14-90.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-14-90.

7. Case No. Z-15-90. Cecil L. Lindsey, Sr.

8. Case No. SUP-53-90. Cecil L. Lindsey, Sr.

Mr. Sowers stated that Mr. A. J. Johnson, of Beacon Construction Company, had applied on behalf of Mr. Cecil L. Lindsey, Sr., to rezone approximately 6.62 acres from R-3, General Residential, to R-5, Multi-Family Residential, located on the west side of Pocahontas Trail and Magruder Avenue, further identified as Parcel No. (1-89) on James City County Real Estate Tax Map (52-3).

Mr. Sowers further stated that Mr. Cecil L. Lindsey, Sr., had applied for a special use permit for the site to be developed as a facility for the residence of the aged. He noted that the proposal was consistent with surrounding zoning and development.

In concurrence with staff, the Planning Commission unanimously recommended approval of Case No. Z-15-90 with proffers and SUP-53-90 with conditions listed in the resolution.

Following a brief discussion of landscaping and whether any units would be subsidized, Mr. Norment opened the public hearing.

1. Mr. John Johnson, on behalf of Mr. Lindsey, emphasized that the building would be constructed according to the submitted conceptual plan.

Mr. Norment closed the public hearing.

Mr. Edwards made a motion to approve the zoning and the special use permit.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O NCASE NO. Z-15-90. CECIL L. LINDSEY, SR.

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-15-90 for rezoning approximately 6.62 acres from R-3, General Residential to R-5, Multi-Family Residential, on property identified as Parcel (1-89) on James City County Real Estate Tax Map No. (52-3); and

WHEREAS, the Planning Commission of James City County, unanimously recommended approval of Case No. Z-15-90.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-15-90, and accepts the voluntary proffers.

R E S O L U T I O NCASE NO. SUP-53-90. CECIL L. LINDSEY, SR.

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 process; and

WHEREAS, the Planning Commission of James City County, following its public hearing recommended approval of Case No. SUP-53-90 to permit a facility for the residence of the aged in the R-5, Multi-Family Residential District on property identified as Parcel (1-89) on James City County Real Estate Tax Map No. (52-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-53-90 as described herein with the following conditions:

1. If construction has not commenced on this project within a period of 36 months from the date of issuance of the special use permit, it shall become void. During the 36-month period, permits pertaining to the construction of the facility shall be secured, clearing and grading of the site shall be completed and the footings and/or foundations shall be installed.
2. The required rear landscape buffer shall be transferred to the east edge of the Hampton Roads Sanitation District Easement.

9. Case No. SO-1-90. Subdivision Ordinance Amendments

Mr. Sowers stated that criteria had been developed to evaluate requests for extensions of preliminary subdivision approval.

In concurrence with staff, the Planning Commission unanimously recommended approval of the ordinance amendments.

After a short discussion, the Board asked staff to review additional information.

Mr. Norment opened the public hearing, and continued the public hearing until the January 22, 1991 meeting.

10. Case No. AFD-13-86. Gospel Spreading Church Farm Agricultural and Forestal District (Gilley Addition)

Mr. Sowers stated that Mr. and Mrs. Robert E. Gilley have applied for addition of 65.44 acres, located east of the Gatehouse Farms subdivision to the Gospel Spreading Church Farm Agricultural and Forestal Division (AFD-13-86), further identified as Parcels (47-4)(1-40) (part) and (47-4)(1-41) (part).

Staff recommended approval for a term consistent with AFD-13-86, expiration date December 1, 1994. The AFD Advisory Committee and the Planning Commission unanimously recommended approval with conditions listed in the resolution.

Discussion ensued regarding possible future right-of-way acquisition by the Virginia Department of Transportation.

Mr. Norment opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was: AYE: DePue, Taylor, Knudson, Norment (4). NAY: Edwards (1).

ORDINANCE NO. _____

GOSPEL SPREADING CHURCH FARM (GILLEY ADDITION)

AGRICULTURAL AND FORESTAL DISTRICT

(AFD-13-86)

WHEREAS, an Agricultural and Forestal District in the Neck-O-Land Road area has been established by the James City County Board of Supervisors; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Neck--O--Land Road area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 2, 1990, recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on December 11, 1990, recommended approval of the application.

NOW, THEREFORE BE IT ORDAINED:

1. That the Gospel Spreading Church Farm Agricultural and Forestal District is hereby amended by the addition of the following parcels:

| | | |
|--------------------|------------------|-----------|
| (47-4)(1-40)(part) | Jo Ann H. Gilley | 14.17 ac. |
| (47-4)(1-41)(part) | Jo Ann H. Gilley | 51.27 ac. |

Provided, however, that all land within 25 feet of the right-of-way of Neck--O--Land Road (Route 682) shall be excluded from the district.

2. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
 - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.
 - c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.

11. Virginia Peninsulas Public Service Authority

Mr. Sanford B. Wanner, Assistant County Administrator, stated that the Articles of Incorporation for the Virginia Peninsulas Public Service Authority need to be amended and restated in order to effect the joinder of Gloucester County as a member jurisdiction of the Authority. He further stated that the Gloucester County Board of Supervisors approved said joining.

Staff recommended approval of the resolution.

Mr. Norment opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

A RESOLUTION PROVIDING FOR THE
AMENDMENT AND RESTATEMENT
OF THE ARTICLES OF INCORPORATION OF THE
VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

BE IT RESOLVED by the Board of Supervisors of the County of James City:

1. That the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the Counties of Essex, James City, King & Queen, King William, Mathews, Middlesex and York, have heretofore established a public authority known as the Virginia peninsulas Public Service Authority pursuant to the provisions of the Virginia Water and Sewer Authorities Act, being Chapter 28, Title 15.1, Code of Virginia, 1950, as amended.

2. The member jurisdictions of the Authority and Gloucester County desire to provide for the joinder of Gloucester County as a member jurisdiction of the Authority.

3. That to effect the joinder of Gloucester County as a member jurisdiction of the Authority, the Articles of Incorporation for the Virginia Peninsulas Public Service Authority shall be amended and restated as follows:

-17-

AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF
VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

The Councils of the Cities of Hampton, Newport News, Poquoson and Williamsburg, and the Boards of Supervisors of the Counties of Essex, Gloucester, James City, King & Queen, King William, Mathews, Middlesex and York, having signified their intention to create an authority pursuant to the Virginia Water and Sewer Authorities Act, (Chapter 28, Title 15.1, Code of Virginia of 1950, as amended) (the Act), which shall be a public body politic and corporate, hereby certify:

(a) The name of the authority shall be "Virginia Peninsulas Public Service Authority" and the address of its principal office shall be 2017 Cunningham Drive, Hampton, Virginia 23666 or such other location as may be designated by its board.

(b) The names of the incorporating political subdivisions are the Cities of Hampton, Newport News, Poquoson and Williamsburg and the Counties of Essex, Gloucester, James City, King & Queen, King William, Mathews, Middlesex and York.

(c) The powers of the authority shall be exercised by a board consisting of 12 members, one from each member jurisdiction, who shall be appointed by the governing body of his or her political subdivision. The names and addresses of the members, the names of the appointing political subdivisions and the year of the expiration of the terms of the members are as follows:

| <u>Name and Address</u> | <u>Appointing Political Subdivision</u> | <u>Expiration of Term</u> |
|---|---|-------------------------------|
| James F. Moore P.O. Box 1079 Tappahannock, VA 22560 | County of Essex | 1992 |
| William H. Whitley P.O. Box 329 Gloucester, VA 23061 | County of Gloucester | 1992 |
| David B. Norman P.O. Box JC Williamsburg, VA 23187 | County of James City | 1992 |
| Charles W. Smith King & Queen Courthouse King & Queen, VA 23085 | County of King & Queen | 1992 |

| | | |
|--|---------------------------|------|
| C. Thomas Redd, III P. O. Box 608 West Point, VA 23181 | County of King William | 1992 |
| Frank Pleva P. O. Box 839 Mathews, VA 23109 | County of Mathews | 1992 |
| Phill Gay, Jr. P. O. Box 428 Saluda, VA 23149 | County of Middlesex | 1992 |
| Daniel M. Stuck P. O. Box 532 Yorktown, VA 23690 | County of York | 1992 |
| Robert J. O'Neill, Jr. 22 Lincoln Street Hampton, VA 23669 | City of Hampton | 1992 |
| Edgar E. Maroney 2400 Washington Avenue Newport News, VA 23607 | City of Newport News | 1992 |
| Robert M. Murphy 830 Poquoson Avenue Poquoson, VA 23662 | City of Poquoson | 1992 |
| Frank Force 401 Lafayette Street Williamsburg, VA 23185 | City of Williamsburg | 1992 |

The governing body of each member political subdivision may appoint an alternate who may attend meetings of the Authority but who shall be entitled to vote only in the absence of the designated member for which such alternate is serving.

The terms of the members named above shall begin on the date of the issuance to the Authority of a certificate of amendment and restatement by the State Corporation Commission, and shall expire on December 31 in the year set forth above. The successor of each member shall be appointed for a term of four years by the governing body of the political subdivision by which he was appointed, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Members shall hold office until their successors shall have been appointed and qualify, and any member shall be eligible for reappointment to succeed himself. The members may receive as compensation for each meeting attended such amount as may be determined from time to time by resolution of the governing bodies of their member political subdivision, and shall be reimbursed for any actual expenses necessarily incurred in the performance of their duties.

(d) The purposes of the Authority are to develop regional refuse collection, waste reduction, and disposal alternatives with the ultimate goal of acquiring, financing, constructing and/or operating and maintaining a regional residential, commercial and industrial garbage and refuse collection and disposal system or systems, and to develop and maintain a regional information base pertaining to solid waste issues, all pursuant to the provisions of the Act.

(e) Specific projects will be identified by the Authority and implemented through agreements with and among the member jurisdictions. Each member jurisdiction shall have the option of participating in a particular project of the Authority, and only the jurisdictions participating in such project shall be obligated to fund it. Pending completion of the necessary engineering studies and estimates, it is not practicable to set forth herein preliminary estimates of capital costs and initial rates for services of proposed projects.

(f) The Authority shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.

(g) Unless the member jurisdictions agree otherwise, the general administrative costs of the Authority that are not allocated to specific projects shall be shared upon a per capita basis using the latest final population data published by the Center for Public Services, University of Virginia, and shall be based upon a budget developed by the Authority. The amount of a member jurisdiction's per capita contribution for general administration costs shall be subject to approval by the governing body of that member jurisdiction. General administrative costs shall include general operating costs such as salaries, rent, automobiles, supplies, attorneys fees, audit and accounting cost and the cost of area-wide studies to develop an overall plan for implementing the functions of the Authority. This provision shall not apply to the costs of specific projects included in the Authority's annual budget.

IN WITNESS WHEREOF, the Councils of the Cities of Hampton, Newport News, Poquoson and Williamsburg and the Boards of Supervisors of the Counties of Essex, Gloucester, James City, King & Queen, King William, Mathews, Middlesex and York have caused these articles of incorporation to be executed on their behalf by their presiding officers and their seals to be affixed and attested by their Clerks, this ____ day of _____, 1991.

4. That in accordance with the requirements of Section 15.1-1243 of the Code of Virginia, 1950, as amended, this resolution has been published in a newspaper of general circulation in the County and a duly constituted public hearing has been held thereon.

5. That this resolution shall take effect from the date of its adoption.

Mr. DePue referred to the earlier postponement of Case No. SUP-46-90, Williamsburg Farms, Inc., and asked that the case be brought forward, that his questions had been answered.

Mr. DePue made a motion to approve the special use permit.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-46-90. WILLIAMSBURG FARMS, INC.

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 process; and

WHEREAS, the Planning Commission of James City County, on December 11, 1990, unanimously recommended approval of Case No. SUP-46-90 to permit an inn and restaurant in the R-8, Rural Residential district on property identified as Parcel (1-10) on James City County Real Estate Tax Map No. (48-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-46-90 as described herein with the following conditions:

1. If construction has not begun within 12 months from the date of issuance of this permit, it shall become void. Construction shall be defined as clearing, grading, excavation and pouring of footings required for the project.
2. The Winery entrance road, from Lake Powell Road (Route 617) to the inn, shall be upgraded as necessary to support the projected average daily traffic in accordance with the Virginia Department of Transportation pavement structure design requirements. The required upgrading shall be approved by the County Engineer.
3. Approximately 200 acres of this parcel shall be reserved, as shown on the proposed Land Use Plan, as "pasture land reserved for agricultural and recreational use," and recorded in a manner approved by the County Attorney.
4. This special use permit shall be valid only for an inn with a maximum of 66 rooms, including a restaurant, and swimming and tennis amenities.
5. The total site area of the inn and its associated swimming and tennis amenities shall not occupy more than 5 acres of the overall parcel.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, recommended the Board convene into an executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia to discuss a specific legal matter, after the work session.

I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked staff to consider process for land clearing permits.

Mr. Norment recognized Mr. Edwards, who will participate in a 12 member delegation to the 1991 White House Conference on Libraries and Information Services to be held during July in Washington, D.C.

Mr. Norment noted the request from the Comprehensive Plan Development Steering Committee for a one-month extension on the calendar schedule of enacting the Comprehensive Plan; reminded citizens that the convenience centers accept separated recyclables; and mentioned the new Personnel department telephone line for available positions - 253-OPEN.

Mr. Norment recessed the Board for a work session at 9:10 p.m.

The Board convened into a work session on Financial Trends with Mr. John E. McDonald, Manager of Financial and Management Services.

Mr. McDonald gave a brief presentation of the financial trends for the County through 1995 including the State revenue shortfalls, building of 3 schools, and projection of real estate tax rates.

Mr. McDonald brought forward Sovran, Central Fidelity and Crestar bank resolutions indicating new Chairman and Vice Chairman for 1991.

Mr. DePue made a motion to approve the resolutions.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

SOVRAN BANK, N.A.

BE IT RESOLVED that the Sovran Bank, N.A., of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for the accounts herein named;

Account 202-0197-7 James City County Subdivision Escrow
Account 202-0955-7 Housing Rehabilitation Escrow

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

Thomas K. Norment, Jr. Chairman

OR

Judith N. Knudson Vice Chairman

David B. Norman County Administrator

OR

Sanford B. Wanner Assistant County Administrator

Betty S. Pettengill Treasurer

OR

Barbara S. Miller Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Betty S. Pettengill, Treasurer, or Barbara S. Miller, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

RESOLUTIONCENTRAL FIDELITY BANK

BE IT RESOLVED, that Central Fidelity Bank, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts effective November 1, 1984, and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

ACCOUNT NUMBER: 0900223285

JAMES CITY COUNTY GENERAL FUND

BE IT FURTHER RESOLVED, that all checks, drafts, notes, or orders drawn against said accounts be signed by three of the following:

Thomas K. Norment, Jr. Chairman

OR

Judith N. Knudson Vice Chairman

David B. Norman County Administrator

OR

Sanford B. Wanner Assistant County Administrator

Betty S. Pettengill Treasurer

OR

Barbara S. Miller Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make

other lawful investments when requested by Betty S. Pettengill, Treasurer, or Barbara S. Miller, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

R E S O L U T I O N

CRESTAR

BE IT RESOLVED that Crestar, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts designated below:

JAMES CITY COUNTY GENERAL FUND
ACCOUNT NUMBER: 95-0047-2

JAMES CITY COUNTY COMMUNITY
DEVELOPMENT
ACCOUNT NUMBER: 96-9058-1

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

| | |
|------------------------|--------------------------------|
| Thomas K. Norment, Jr. | Chairman |
| | OR |
| Judith N. Knudson | Vice Chairman |
| David B. Norman | County Administrator |
| | OR |
| Sanford B. Wanner | Assistant County Administrator |
| Betty S. Pettengill | Treasurer |
| | OR |
| Barbara S. Miller | Deputy Treasurer |

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Betty S. Pettengill, Treasurer, or Barbara S. Miller, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

Mr. Norment made a motion to convene into executive session as recommended by the County Administrator at 9:50 p.m.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, Knudson, DePue (5). NAY: (0).

Mr. Taylor left the meeting.

Mr. Norment reconvened the Board into open session at 10:28 p.m., and made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: DePue, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: Taylor (1).

R E S O L U T I O N

MEETING DATE: January 7, 1991

CERTIFICATION OF EXECUTIVE MEETING

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

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Norment made a motion to approve the James City County Growers' Cooperative Association, Inc. Retirement of Debt resolution.

On a roll call, the vote was: AYE: DePue, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: Taylor (1).

R E S O L U T I O N

JAMES CITY COUNTY GROWERS' COOPERATIVE ASSOCIATION, INC. RETIREMENT OF DEBT

WHEREAS, the James City County Growers' Cooperative Association, Inc., (the "Cooperative") has requested James City County (the "County") and the James City County Industrial Development Authority (the "Authority") to retire the outstanding debt of the Cooperative in return for the conveyance of the 5.7290 acres \pm , known as part of the "Richardson-Meadows Tract" and all improvements thereon (the "Property") to the Authority; and

WHEREAS, the debt to be retired totals \$186,632 which includes the forgiving of a debt owed the Authority in the amount of \$75,000; and

WHEREAS, the current assessment of the Property and improvements known as the James City County Farmers Market totals \$254,500.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of James City, Virginia, that they hereby authorize a transfer from Capital Contingency in an amount not to exceed \$115,000 to the Authority for purpose of retiring the debt owed by the Cooperative to Jefferson National Bank and the Small Business Administration which debt is also held by said Bank.

Provided, however, such transfer shall be contingent upon the agreement by the Authority and the Cooperative to accomplish the following:

1. The forgiving of the \$75,000 debt owed by the Cooperative to the Authority pursuant to a note secured by a second deed of trust on the property payable to the Authority on or before November, 2012.
2. The Authority offering the Cooperative a lease for a period of 12 months in consideration of the Cooperative paying the Authority, in 12 equal monthly installments, a sum equal to the taxes for 12 months prior to the conveyance to the Authority.

3. The Authority being named as an additional insured on liability insurance policies to be carried by the Cooperative. The minimum insurance shall be as follows:

Liability:

Aggregate - \$1,000,000
Each Occurrence - \$500,000

Medical Coverage:

Each Person - \$5,000
Each Accident - \$25,000

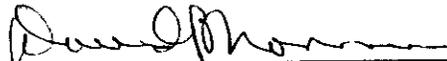
4. The Authority and the Cooperative agreeing that the Cooperative shall be responsible for all maintenance of the building and grounds.
5. The Cooperative, with approval of the Authority, may sublet space at the Property.
6. The Cooperative agreeing to permit a member of the Authority to serve on the Board of Directors of the Cooperative in an ex officio capacity.

Provided, further, that the transfer of funds not to exceed \$115,000 shall not be accomplished until the Chairman of the Board of Supervisors concurs in writing to said transfer.

Mr. DePue made a motion to adjourn.

On a roll call, the vote was: AYE: DePue, Edwards, Knudson, Norment
(4). NAY: (0). ABSENT: Taylor (1).

The Board adjourned at 10:29 p.m.



David B. Norman
Clerk to the Board

GOSPEL SPREADING CHURCH FARM (GILLEY ADDITION)

AGRICULTURAL AND FORESTAL DISTRICT

JAN 7 1991

(AFD-13-86)

BOARD OF SUPERVISORS
JAMES CITY COUNTY,
VIRGINIA

WHEREAS, an Agricultural and Forestal District in the Neck-O-Land Road area has been established by the James City County Board of Supervisors; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Neck-O-Land Road area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on November 2, 1990, recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on December 11, 1990, recommended approval of the application.

NOW, THEREFORE BE IT ORDAINED:

1. That the Gospel Spreading Church Farm Agricultural and Forestal District is hereby amended by the addition of the following parcels:

| | | |
|--------------------|------------------|-----------|
| {47-4}(1-40){part} | Jo Ann H. Gilley | 14.17 ac. |
| {47-4}(1-41){part} | Jo Ann H. Gilley | 51.27 ac. |

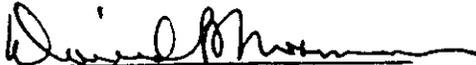
Provided, however, that all land within 25 feet of the right-of-way of Neck-O-Land Road (Route 682) shall be excluded from the district.

2. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
- b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.
- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.


 Thomas K. Norment, Jr.
 Chairman, Board of Supervisors

ATTEST:


 David B. Norman
 Clerk to the Board

| SUPERVISOR | VOTE |
|------------|------|
| DEPUE | AYE |
| TAYLOR | AYE |
| EDWARDS | NAY |
| KNUDSON | AYE |
| NORMENT | AYE |

Adopted by the Board of Supervisors of James City County, Virginia,
 this 7th day of January, 1991.

1594w

3014

PROFFERS

BOOK 507 PAGE 680

THESE PROFFERS made as of this 27th day of December, 1990, by CECIL L. LINDSEY, SR., homme sole, together with his successors, heirs and assigns, the "Owner".

Recitals

A. Owner is the owner of certain real property located in James City County, Virginia containing approximately 7 acres, more or less, commonly known as 8679 Pocahontas Trail (hereinafter referred to as the "Property") and more particularly described as Parcel Number (1-89) on James City County Real Estate Tax Map Number (52-3).

B. All of the Property is currently zoned R-3, General Residential District. Owner has applied to rezone all of the Property from R-3 to R-5, with proffers.

C. James City County (the "County") may be unwilling to re-zone because of possible impact on the surrounding area.

D. Owner for himself and his successors and assigns desires to offer to the County certain conditions on the development of the Property that are not generally applicable to land zoned R-5 for the protection of the community that are intended to mitigate possible impacts from the development on the surrounding area.

Now, therefore, for and in consideration of the approval by the Board of Supervisors of the County of the requested re-zoning, and pursuant to Section 15.1-491.2:1 of the Code of Virginia, 1950, as amended, Owner agrees that it will meet and comply with all the following conditions for the development of the Property.

Conditions

1. There shall be constructed on said Property a congregate care facility of no more than forty-eight (48) units with accessory buildings designed specifically for the elderly, each apartment unit containing no more than one (1) bedroom. The project, prior to site plan approval shall be submitted to the Planning Division for the review and approval of the building exterior appearance and site design. Any desired changes in these design elements shall be submitted to County staff for approval, and if required by staff, shall be presented to the Planning Commission for final approval.

2. The occupancy of this facility shall be restricted to elderly and/or handicapped households. For purposes of this proffer, elderly is defined as household heads age 62 and above. Handicapped persons shall meet the definition of handicapped set forth by the Social Security Administration. Also as part of this proffer, no persons under the age of eighteen years shall be allowed to reside in the complex on a full time basis, and no more than two individuals shall occupy any unit.

3. There shall be no more than one entrance into the Property, that entrance being from Magruder Avenue.

4. The facility shall be designated and constructed in a manner which will comply with all standards and regulations of the Farmers Home Administration (FmHA) relative to the construction of congregate housing.

5. The buildings which comprise the facility shall contain no more than one story and there shall be a central kitchen and dining facility provided for the use of the residents of the facility.

6. Any road or highway improvements required by the Virginia Department of Transportation as a result of the proposed development shall be paid for by the Owner.

Cecil L. Lindsey, Sr.
Cecil L. Lindsey, Sr.

STATE OF VIRGINIA

City/County of Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 27th day of December, 1990, by Cecil L. Lindsey, Sr.

[Signature]
Notary Public
My comm. expires: 8/17/91

Williamsburg and County of James City to-wit
This instrument was presented to the office of the Circuit Court of the City of Williamsburg and County of James City on the 27 day of March, 1991. This instrument was presented with certificate annexed and recorded at 2:02 o'clock
Helena S. Ward, Clerk
by [Signature]
Deputy Clerk