

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF JULY, NINETEEN HUNDRED NINETY-THREE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Judith N. Knudson, Chairman, Jamestown District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
David L. Sisk, Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - July 6, 1993

Ms. Knudson asked if there were corrections or additions to the minutes.

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

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

C. HIGHWAY MATTERS

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation, answered requests from the June 21, 1993, Board of Supervisors' meeting.

Mr. Taylor asked for investigation of trees blown down creating a traffic hazard on Stewarts Road (Route 621) near the New Kent County line.

Mr. Sisk asked about installation of a traffic stoplight and flashing signals on Route 60 at the James River Elementary School.

Ms. Knudson requested stop-line striping at Colony Square Shopping Center where the entrance begins and Jamestown Road ends.

Mr. Elliott responded that reviews of requests would be completed.

D. CONSENT CALENDAR

Ms. Knudson asked if any Board member wished to remove an item from the Consent Calendar.

Ms. Knudson made a motion to approve the Consent Calendar.

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

- 1. Summer Breeze Concert Series - FY Budget Amendment

R E S O L U T I O N

PARKS AND RECREATION BUDGET AMENDMENT

SUMMER BREEZE CONCERT SERIES

WHEREAS, the concert series will be sponsored by the City of Williamsburg and the Merchant's Square Association; and

WHEREAS, the concert series will require increased performances; and

WHEREAS, the City has contributed \$800 to the County which will offset the additional costs of entertainment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends its FY 94 Budget as follows:

RECREATION SERVICES

Revenues

City of Williamsburg \$800.00

Expenditures

Operating Expenses (Entertainment) \$800.00

- 2. Trash and Grass Lien, Marshall Polk

R E S O L U T I O N

CODE VIOLATION LIEN

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent

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

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

ACCOUNT: Marshall Polk
 924 Tyler Drive
 Williamsburg, VA 23185

DESCRIPTION: 924 Tyler Drive

TAX MAP NO.: (41-4)(04-0-0001-)
 James City County, Virginia

AMOUNT DUE: \$65.00

Trash and Grass Lien, Robert B. and C. Faye Watkins

R E S O L U T I O N

CODE VIOLATION LIEN

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

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

ACCOUNT: Robert B. and C. Faye Watkins
 3709-B W. Steeplechase Way
 Williamsburg, VA 23188

DESCRIPTION: 7621 Beechwood Drive

TAX MAP NO.: (19-1)(11-0-0011-)
 James City County, Virginia

AMOUNT DUE: \$160.00

3. Reappointment of County Administrator to Virginia Peninsulas Public Service Authority Board

R E S O L U T I O N

REAPPOINTMENT OF COUNTY ADMINISTRATOR TO

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY BOARD

WHEREAS, on January 7, 1991, the James City County Board of Supervisors appointed the County Administrator to be a member of the Virginia Peninsula Public Service Authority Board with a term expiration date of December 31, 1992; and

WHEREAS, as set forth in Articles of Incorporation, a member is eligible for reappointment to a 4-year term and shall hold office until a successor shall have been named.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, reappoints David B. Norman as a member of the Virginia Peninsulas Public Service Authority Board for a 4-year term expiring December 31, 1996.

4. Radio Antenna - Agreement/Colonial Williamsburg Foundation and James City County

R E S O L U T I O N

AGREEMENT - COLONIAL WILLIAMSBURG FOUNDATION TOWER/

JAMES CITY COUNTY ANTENNA

WHEREAS, the Colonial Williamsburg Foundation and the County of James City are desirous of formalizing the presence of a County antenna on the Foundation's tower located on 5th Avenue in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the Chairman and County Administrator to execute that certain agreement dated July 19, 1993, by and between the Colonial Williamsburg Foundation and James City County, attached hereto.

E. PUBLIC HEARINGS

1. Case Nos. Z-9-92 and SUP-32-92. Williamsburg Crossing Master Plan Amendment - Michael's Mews Associates

Mr. R. Patrick Friel, Senior Planner, stated that Case Nos. A-9-92 and SUP-32-92 had been deferred at the April 19, 1993, Board of Supervisors' meeting to allow applicant time to prepare additional information.

Mr. Friel stated that Mr. Gary Werner had applied on behalf of University Square Associates and Michael's Mews Associates to amend a previously approved special use permit and to rezone approximately 13.3 acres from B-1, General Business, to MU Mixed Use, located immediately southwest of the intersection of Route 5 and Route 199, further identified as Parcel (1-1) on James City County Real Estate Tax Map No. (48-1) and Parcel (15-5) on James City County Real Estate Tax Map No. (47-2).

Mr. Friel explained that the rezoning, with proffers, would allow 198 units of 2- and 3-story multifamily dwellings, replacing 114,325 square feet of commercial/office development of the Williamsburg Crossing Shopping Center. He indicated that the traffic analysis showed no overall affect on the level of service; public utilities were available; and, the proposal was consistent with the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a 5-4 vote, recommended approval of the rezoning and special use permit with conditions listed in the resolution.

The Board discussed the Planning Commission vote, not setting a time limit for start of construction, adequate parking spaces, vehicle access to Shopping Center from residential units, and traffic impact less than commercial designation.

Ms. Knudson opened the public hearings.

1. Mr. Vernon Geddy, III, Esq., representing University Square Associates and Michael's Mews Associates, stated the project in Mixed Use zone would be 2- to 3- stories residential component to the 535,000 square feet for commercial, with two parking spaces for each unit, and two entrances, one each from Kingsway and Carolina Boulevard. He further stated that no decision had been made to whether units would be condominiums or rental. He asked the Board to support staff and Planning Commission's approval of the cases.

2. Mr. Calvin Davis, a partner of University Squares Associates, assured the Board that the project would maintain the community's quality of life.

3. Mr. George Wright, President of the Historic Route 5 Association, stated that the Historic Route 5 Association withdrew its objection to the residential project for the reason that the vehicular traffic would be less than if site was developed commercially.

Ms. Knudson closed the public hearings.

Mr. DePue made a motion to approve Case Nos. Z-9-92 and SUP-30-92.

The Board commented on residential versus commercial development and not having a project plan to visualize.

On a roll call, the vote was: AYE: DePue, Sisk, Taylor (3). NAY: Edwards, Knudson (2).

R E S O L U T I O NCASE NO. Z-7-92. WILLIAMSBURG CROSSING MASTER PLANAMENDMENT - MICHAEL'S MEWS ASSOCIATES

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-7-92 for rezoning approximately 13.3 acres from B-1, General Business, to MU, Mixed Use, on property identified as part of Parcel (1-1) on James City County Real Estate Tax Map No. (48-1) and Parcels (15-5) on James City County Real Estate Tax Map No. (47-2); and

WHEREAS, the Planning Commission of James City County voted 5-4 and recommended approval of Case No. Z-7-92.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-7-92, and accepts the voluntary proffers. This rezoning shall be effective upon transfer of the property to the applicant, Michael's Mews Associates, and the recordation of the proffers.

R E S O L U T I O NCASE NO. SUP-32-92. WILLIAMSBURG CROSSING MASTER PLAN AMENDMENT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, this Special Use Permit prospectively replaces SUP-49-90 previously adopted by the James City County Board of Supervisors on June 17, 1991; and

WHEREAS, the James City County Board of Supervisors acknowledges that approval of this Special Use Permit does not impact the litigation currently pending in the Supreme Court of Virginia between University Square Associates and the James City County Board of Zoning Appeals or the litigation currently pending in the Circuit Court between University Square Associates and the County; and

WHEREAS, the James City County Board of Supervisors acknowledges that University Square Associates is not waiving any rights asserted in the pending litigation and that the County is not recognizing the validity of any rights asserted by University Square Associates in such litigation; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 12, 1993, voted 5-4 to recommend approval of Case No. SUP-32-92 to amend the Williamsburg Crossing Master Plan and conditions of Case No. SUP-49-90 that apply to property identified as Parcel (1-1) on James City County Real Estate Tax Map No. (48-1) and Parcel (15-5) on James City County Real Estate Tax Map No. (47-2).

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-32-92 as described herein with the following conditions:

1. No more than 535,065 square feet total of commercial and/or office square footage, including existing development, and 198 multi-family residential units, shall be constructed on the site.
2. A minimum 65-foot buffer shall be provided along the southern and western boundaries of the site. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Development Review Committee. Utilities and drainage structures may be placed within the buffer if approved by the Development Review Committee. This buffer may be reduced to a width of 50 feet if enhanced landscaping approved by the Development Review Committee is provided. Such enhanced landscaping shall be far in excess of what is required by the Zoning Ordinance and shall effectively screen the adjacent property.
3. A minimum 50-foot greenbelt, free of structures and paving, shall be provided along the future right-of-way of Route 199 as shown on Sheet 3 of the Virginia Department of Transportation's plan entitled "Commonwealth of Virginia, Plan and Profile of Proposed State Highway, James City County and York County, (Route 199), From: 0.092 mi south of Route 60 EBL, To: Interstate Route I-64" and hand dated May 26, 1992, a copy of which is kept on file at the James City County Planning Division and shall contain enhanced landscaping as approved by the Development Review Committee, with the minimum landscaping in accordance with the standards contained in the Zoning Ordinance.
4. A right-turn lane, acceptable to the Virginia Department of Transportation, shall be provided on southbound Strawberry Plains Road (Route 616) at its intersection with Route 5 and Route 199. This turn lane shall be installed prior to final site plan approval for any project on the site which causes the total trip generation of the Williamsburg Crossing Shopping Center (including out parcels, office development, and residential development) to go beyond the trip generation equivalent of 211,177 square feet.
5. No Certificate of Occupancy shall be issued for any portion of the project which causes the total trip generation of the Williamsburg Crossing Shopping Center (including out parcels, office development, and residential development) to go beyond the trip generation equivalent of 477,390 square feet of commercial development until the construction of the future Route 199/Route 5 intersection has commenced.
6. The following road improvements identified by the applicant's traffic impact analysis shall be made to the Route 5/Kings Way intersection prior to issuance of any Certificate of Occupancy for any development after the relocation of the main entrance to Kings Way or earlier if requested by the Virginia Department of Transportation:

Northbound Kings Way shall have the following configuration:

1 through/left-turn lane

1 right-turn lane

Southbound Kings Way (Ferncliff Drive) shall have the following configuration:

1 lane (current configuration)

Eastbound Route 5 shall have the following configuration:

1 left-turn lane

1 through lane

1 through/right-turn lane

Westbound Route 5 shall have the following configuration:

1 left-turn lane

1 through/right-turn lane

Improvements which become the developer's responsibility shall be built to dimensions and specifications as determined by VDOT at development plan submittal. VDOT may, at the time of development plan review, substitute the above improvements with equivalent improvements or not require certain improvements if deemed unnecessary. The applicant shall be responsible for any other road improvements, related to the development, if determined necessary by VDOT.

7. Signalization of Kings Way and Route 5 shall be provided by the applicant when signal warrants require signalization. Additionally, the applicant shall construct a dedicated right-turn lane on westbound Route 5 at the time of signalization. The turn lane shall be approved by VDOT and built to their standards.
8. Lighting on the site shall be of the sodium vapor type and shall be consistent in nature and illumination characteristics with the lighting currently utilized in the Williamsburg Crossing Shopping Center.
9. A pedestrian access shall be provided to the vacant R-1 zoned parcel located to the west of the site. The location of such access shall be approved by the Development Review Committee.

2. Case No. SUP-24-93. Greensprings Plantation Waterline

Mr. Friel stated that Mr. Ralph Simmons, of Rickmond Engineering, had applied on behalf of Greensprings Plantation, for a special use permit to allow construction of a 12-inch water main along Centerville Road commencing at Brick Bat Road and extending north to Manchester

Avenue in Ford's Colony, a total length of 6,500 feet. He further stated that the water main would complete a waterline loop from Route 5 to Ford's Colony.

The Planning Commission, by a unanimous vote, recommended approval of the special use permit with conditions listed in the resolution.

The Board discussed that utility connections outside the Primary Service Area are limited only to existing structures located on property adjacent to the water mains.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-24-93. GREENSPRINGS PLANTATION WATERLINE

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 July 13, 1993, unanimously recommended approval of Case No. SUP-24-93 to allow the construction of a 12-inch water main along Centerville Road commencing at Brick Bat Road and extending north to Manchester Avenue in Ford's Colony. The total length of the main is 6,500 feet. The main would be dedicated to and operated by the James City Service Authority.

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-24-93 as described herein with the following conditions:

1. Construction, operation, and maintenance of the water main shall comply with Local, State, and Federal requirements.
2. The project shall comply with all Erosion and Sediment Control Regulations as specified 1992 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. Adequate dust and siltation control measures shall be taken to prevent adverse affects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.

5. This special use permit shall remain in effect for a period of 24 months from the date of issuance. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
6. The water main shall be located and placed at a depth acceptable to the James City Service Authority so that it is not disturbed by future road improvements.
7. No connections shall be made to the water main which would serve any property located outside the Primary Service Area except for connections to existing structures located on property outside the PSA adjacent to the proposed main.
8. Prior to the commencement of any construction along a Greenbelt Road, the location of the water main and areas to be cleared along the proposed route shall be approved by the Director of Planning.

3. Ordinance Amendment, Chapter 1, General, Section 1-13, Courthouse Fee

Mr. Frank M. Morton, III, County Attorney, stated that the ordinance was approved as an emergency ordinance at the July 6, 1993, Board of Supervisors' meeting, and would set the Courthouse Fee at \$2.00 for each civil, criminal and traffic case.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. Edwards made a motion to approve the ordinance.

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

F. PUBLIC COMMENT - None

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, recommended an executive session pursuant to Section 2.1-344(a) of the Code of Virginia to consider a personnel matter, appointment of individuals to County Boards and/or Commissions.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor requested the zoning designation for School Lane.

Mr. Edwards requested a report regarding circumstances and investment of acquisition of the Sydnor water system.

With Board agreement, Ms. Knudson directed staff to join the Hampton Roads Public Transportation Alliance.

Ms. Knudson requested staff to prepare a letter to United States Senators John W. Warner and Charles S. Robb requesting them to introduce a companion bill to H.R. 2478, which authorized the Secretary of the Interior to acquire land for the Colonial National Historical Park, specifically 22 lots of the Page Landing subdivision located in James City County adjacent to the Colonial Parkway, and which was introduced by Congressman Herbert H. Batemen.

Ms. Knudson stated that a response would be made to the citizen with complaint about Williamsburg Area Medical Assistance Corporation charges.

Ms. Knudson made a motion to direct staff to prepare an ordinance regarding residential on-site wastewater treatment system.

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

With Board agreement, Ms. Knudson declared that the delinquent tax levies would not be published in the local newspaper.

Mr. DePue reminded staff about preparing a recommendation for leasing Landfill property to hunt clubs.

Ms. Knudson recessed the Board for a James City Service Authority Board of Directors' meeting at 8:18 p.m.

Ms. Knudson reconvened the Board into open session and made a motion to convene into an executive session as recommended by the County Administrator, at 8:25 p.m.

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

Ms. Knudson reconvened the Board into open session and made a motion to approve the executive session resolution, at 8:35 p.m.

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

R E S O L U T I O N

MEETING DATE: July 19, 1993

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

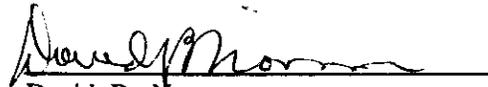
Ms. Knudson made a motion to reappoint Myrl L. Hairfield and Joseph M. Cross, Jr., to the Industrial Development Authority, each for a 4-year term, terms expiring July 8, 1997.

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

Ms. Knudson made a motion to recess until 2:30 p.m., Friday, July 23, 1993, at Williamsburg Crossing Shopping Center.

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

The Board recessed at 8:36 p.m.


David B. Norman
Clerk to the Board

19thJuly.min

AGREEMENT

THIS AGREEMENT made this 19th day of July, 1993, by and between THE COLONIAL WILLIAMSBURG FOUNDATION, hereinafter referred to as "Grantor," and the COUNTY OF JAMES CITY, VIRGINIA, hereinafter referred to as "Grantee."

WHEREAS, the Grantor in consideration of TEN DOLLARS (\$10.00) and the mutual covenants set forth herein is desirous of granting to the Grantee the right to place, replace, maintain and use a radio antenna located on the existing radio tower at the Colonial Williamsburg Distribution Center for the purpose of improving radio communication for the James City County Police Department.

WITNESSETH

The space which Grantor agrees to permit Grantee to use is described as follows:

Space for installation of an antenna and related transmitting equipment on that certain radio tower located at the Colonial Williamsburg Distribution Center on 5th Avenue off of State Route 60 in the County of James City.

The parties hereto agree as follows:

Grantor grants to Grantee and its designated representatives the right of ingress and egress to the radio tower site during normal working hours of Grantor upon prior notification to Grantor's Facilities Maintenance Department. At all other hours, Grantee and its designated representatives may obtain access to its radio equipment at the radio tower site following reasonable notice to Grantor's Security Office.

Grantor shall further provide space in its radio equipment room for a repeater or similar equipment. Grantor shall provide use of electric power; however, in the event that Grantee's annual electrical consumption exceeds that normally associated with a sixty-watt electric light, Grantee shall annually reimburse Grantor for the cost of electricity used to operate Grantee's antenna and equipment at the site.

Grantee shall install at its expense the following equipment at the radio tower site: a DB-420 omni-directional antenna with cable on an eight foot bracket at the one hundred foot level of the tower, an auxiliary receiver with a standby battery, and a dedicated telephone circuit installed by C&P Telephone Company. Grantee shall obtain prior written approval from Grantor for any change in the type of antenna, its height, or the equipment described above.

The rights granted hereunder are private and shall be usable solely by and for the benefit of Grantee. These rights shall terminate upon cessation by the Grantee of continuous use of the radio tower site for a period of sixty days. Upon such termination, the Grantee, at its sole expense, shall promptly remove all facilities and restore the radio tower site to as nearly as possible its original condition.

Grantee agrees to indemnify and save Grantor harmless from and against any and all claims, losses, damages, liabilities, costs, demands and expenses (including reasonable attorneys' fees) incurred by Grantor resulting from, or arising out of, Grantee's access to the radio tower site, Grantee's installation, use, maintenance and repair of equipment at said site, or damage to any equipment resulting from fire, lightning, freezing or other natural causes; provided such indemnification shall not exceed the amount of insurance collected on policies carried by Grantee. In no event shall the amount of coverage be less than three (3) million dollars for general public liability insurance (including property damage insurance). Grantee shall deposit with Grantor certificates of general public liability insurance (including property damage insurance) with a company qualified to do business in the Commonwealth of Virginia, insuring Grantor and naming Grantee as an additional insured.

Grantee shall secure all permits necessary to operate the antenna.

This Agreement shall terminate five years from the date hereof and is renewable by mutual agreement.

WITNESS this 2nd day of August, 1993, the following signatures and seals:

THE COLONIAL WILLIAMSBURG FOUNDATION

[SEAL]

By: [Signature]

Title: Vice President

ATTEST:

JAMES CITY COUNTY, VIRGINIA

[SEAL]

By: [Signature]

Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:

[Signature]

**VIRGINIA MUNICIPAL LIABILITY POOL
CERTIFICATE OF MEMBERSHIP AGREEMENT**

SERVICE AGENT Alexander & Alexander of Virginia, Inc. P. O. Box 1177 Richmond, VA 23209	This Certificate is issued as a matter of information only and confers no rights upon the Certificate Holder. This Certificate does not amend, extend or alter the Membership Agreement afforded by the policies below, nor guarantee the solvency of the Virginia Municipal Liability Pool.
MEMBER James City County Post Office Box 8784 Williamsburg, Virginia 23187-8784	

COVERAGES

This is to certify that the coverage listed below has been issued to the Member named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this Certificate may be issued or may pertain, the coverage afforded by the policies described herein is subject to all the terms, exclusions, and conditions of the Member Agreement. Limits shown may have been reduced by paid claims.

TYPE OF COVERAGE	MEMBER NUMBER	EFF. DATE	EXP. DATE	ALL LIMITS IN THOUSANDS	
GENERAL LIABILITY [X] Commercial General Liability (Claims Made)	VMLP000049	7/1/93	7/1/94	Each Occurrence	\$1,000
				General Aggregate	\$2,000
				Products-Comp/Ops Aggregate	\$2,000
				Personal & Advertising Injury Aggregate	Included in the General Aggregate
				Fire Damage - Any One Fire	\$ 50
				Medical Expense-Any One Person	\$ 5
AUTOMOBILE LIABILITY [X] Any Auto [] All Owned Autos [] Scheduled Autos [] Hired Autos [] Non-Owned Autos [] _____	VMLP000049	7/1/93	7/1/94	Primary	
				\$ 25,000 Bodily Injury Per Person	
				\$ 50,000 Bodily Injury Per Accident	
				\$ 20,000 Property Damage	
				Excess	
				\$1,000,000 Less Deductible	
UMBRELLA LIABILITY [X]	VMLP000049	7/1/93	7/1/94	Each Occurrence	\$2,000
				General Aggregate Limit	\$2,000
				(Excl. Products/Completed Operations)	
				Products-Comp/Ops Aggregate	\$2,000
UNINSURED MOTORISTS [X]	VMLP000049	7/1/93	7/1/94	\$25/\$50/\$20	
AUTO PHYSICAL DAMAGE [X] Collision [X] Comprehensive	VMLP000049	7/1/93	7/1/94	<u>SYMBOL</u>	<u>REDUCTIBLE</u>
				7	\$1,000
				7	\$ 250

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL TERMS

RE: Installation and maintenance of antenna on Colonial Williamsburg Foundation's Radio Tower.

CERTIFICATE HOLDER Colonial Williamsburg Foundation Williamsburg, Virginia	CANCELLATION: Should the above described Member Agreement be cancelled before the expiration date thereof, the Virginia Municipal Liability Pool will endeavor to mail written notice within 30 days to the Certificate Holder named to the left, but failure to mail such notice shall impose no obligation of any kind upon the Virginia Municipal Liability Pool, its agents or representatives.
	AUTHORIZED REPRESENTATIVE <i>Mary E. Hatch</i>

PROFFER AGREEMENT

009221

This PROFFER AGREEMENT is made as of this 14th day of June 1993 by UNIVERSITY SQUARE ASSOCIATES, a Virginia partnership (which, together with its successors and assigns is hereinafter referred to as "Owner").

RECITALS

A. Owner is the owner of certain real property consisting of 13.3 acres, located in James City County, Virginia (the "County") within the area of the Williamsburg Crossing Master Plan (S.U.P. 49-90) and being shown and set out on the plan entitled "Zoning Plan of Multi-Family Housing at Williamsburg Crossing, James City County, Virginia, November 1992", a copy of which is attached hereto (the "Property").

B. Owner has applied for a rezoning of the Property from B-1, General Business District, to Mixed Use, M(C/D).

C. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned Mixed Use.

NOW, THEREFORE, for and in consideration of the granting by the Board of Supervisors of the County of the requested rezoning, the Owner agrees that it shall meet and comply with the following conditions in developing the Property. If the requested rezoning is not granted by the County, this Proffer Agreement shall thereupon be null and void.

CONDITIONS

1. Density. The total number of dwelling units on the Property shall not exceed 198. The mix of dwelling units in "C" structures and "D" structures shall be limited as follows. The acreage required for the total number of dwelling units in "C" structures shall be calculated by dividing the total number of dwelling units in "C" structures by 12. That acreage shall be identified as C. The acreage required for the total number of dwelling units in "D" structures shall be calculated by dividing the total number of dwelling units in "D" structures by 18. That acreage shall be identified as D. The total of C plus D shall not exceed 13.3 acres and in no event shall there be more than 198 dwelling units on the Property.

2. Pedestrian Connections. Owner shall provide a pedestrian connection from the Property to the adjoining Williamsburg Crossing commercial development in a location approved by the Development Review Committee in the site plan review process.

3. Height Limitation. No structure on the Property shall have more than three stories or exceed 48 feet in height.

4. Parking. There shall be at least two parking spaces provided for each dwelling unit constructed on the Property.

WITNESS the following signature:

UNIVERSITY SQUARE ASSOCIATES

By: Center Development of
Williamsburg, Inc., a Partner

By: Calvin Davis
President

STATE OF VIRGINIA AT LARGE

CITY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged before me
this 14th day of June, 1993, by Calvin Davis
of Center Development.

Jamie M. Thompson
NOTARY PUBLIC

My commission expires:

2-28-95

VIRGINIA: City of Williamsburg and County of
James City, to Wit:
In the Clerk's office of the Circuit Court of the
City of Williamsburg and County of James City the
16 day of June, 1994. This Power
of Attorney was presented with certificate annexed and
admitted to record at 3:37 o'clock
Teste: Helene S. Ward, Clerk
by Helene S. Ward
Deputy Clerk

JUL 19 1993

ORDINANCE NO. 156A-6

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 1-13, COURTHOUSE FEE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-13, Courthouse fee.

Chapter 1. General Provisions

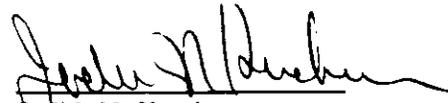
Section 1-13. Courthouse fee.

(a) A fee of ~~\$4.00~~ \$2.00 shall be assessed and imposed as part of the costs incident to each civil action and each criminal and or traffic case in the district or circuit courts. This fee shall be in addition to all other fees prescribed by law.

(b) The clerk of the court shall remit fees collected under this section to the Treasurer of the County. The Treasurer shall hold such funds in a separate account subject to disbursement by the Board of Supervisors for the construction, renovation or maintenance of the courthouse, jail or court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

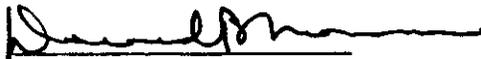
Ordinance to Amend and Reordain
Chapter 1. General Provisions
Page 2

State law reference - Virginia Code Section 14.1-133.2



Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 19th day of July,
1993.

2042-3U.WP5