

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF SEPTEMBER, NINETEEN HUNDRED NINETY-FOUR, AT 5:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA. 189

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
David L. Sisk, Vice Chairman, Roberts District

Jack D. Edwards, Berkeley District
Robert A. Magoon, Jr., Jamestown District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. EXECUTIVE SESSION

Mr. DePue made a motion to convene into executive session pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of a parcel of property for public use.

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

Mr. DePue reconvened the Board into open session at 6:15 p.m. and made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: September 6, 1994

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 declared a break at 6:15 p.m.

Mr. DePue convened the regular meeting at 7:03 p.m.

C. PRESENTATION

1. Parks and Recreation - Create-A-Playground Committee - Kidsburg

On behalf of the Board, Mr. DePue, along with Mr. Joseph Mastaler, Chairman of the Parks and Recreation Commission, commended the committee for its successful efforts and presented certificates of appreciation to: Louise Mokszanowski, Robin Farr, Verla Panayotis, Bob Pinto, Jean Puckett, Geri Smith-Benjamin, Betty Swenson, Jamie Van Bergen, Michael Bruno, Alison Butler, Gary Farr, Susan Fawcett, and Bruce Fletcher, with Ann von Ofenheim and Kathy Hornsby (absent).

Ms. Robin Farr presented a check to the County in the amount of \$10,000.00 for setting up a trust fund for maintenance of Kidsburg.

D. MINUTES - August 15, 1994

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

Mr. Taylor made a motion to approve the minutes.

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

E. CONSENT CALENDAR

Mr. DePue asked if a Board member wished to remove any item from the Consent Calendar.

Mr. DePue made a motion to approve the Consent Calendar.

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

1. Virginia Hurricane Emergency Evacuation Plan

RESOLUTION

VIRGINIA HURRICANE EMERGENCY EVACUATION PLAN

WHEREAS, the political jurisdictions of Hampton Roads prepared emergency management plans for natural or man-made disasters; and

WHEREAS, the Department of Emergency Services and the Virginia Department of Transportation created a hurricane evacuation plan for the Hampton Roads region and presented it to the Hampton Roads Emergency Management Committee; and

WHEREAS, the Hampton Roads Emergency Management Committee identified several concerns about the routing of evacuees on major transportation arteries; and

WHEREAS, the Virginia Department of Emergency Services and the Department of Transportation has attempted to address those concerns, but has not significantly changed the plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, urgently requests the Virginia Department of Emergency Services and the Virginia Department of Transportation to revisit and amend the Virginia Department of Transportation Hurricane Evacuation plan to include solutions for the concerns raised by the Hampton Roads Emergency Management Committee.

F. PUBLIC HEARINGS

1. Case No. SUP-10-94. St. George's Hundred (Continued from 8/15/94)

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the applicant had requested deferral of this case until the September 19, 1994, Board of Supervisors' meeting, and restated that Mr. J. R. Chisman had applied for a special use permit to allow a residential cluster development of 24 lots on 24.775 acres, located on the west side of St. George's Hundred Subdivision, zoned R-1, Residential, on a portion of Parcel No. (1-2C) on James City County Real Estate Tax Map No. (46-1).

Staff concurred with the applicant's request to defer this case to allow time for a meeting with the Homeowner's Association.

Without Board objection, Mr. DePue continued the public hearing until the September 19, 1994, Board of Supervisors' meeting.

2. Case Nos. Z-4-94 and Z-5-94. Colonial Capitol Development Company (Westray Downs Addition)

Mr. Mark J. Bittner, Planner, stated that Mr. Clifford E. Henderson of Colonial Capitol Development Company had applied to rezone two parcels approximately 4.5 acres from R-8, Rural Residential to R-1, Limited Residential, to allow construction of additional single-family homes in the Westray Downs subdivision, located on the south side of John Tyler Highway (Route 5) approximately .5 east of the intersection of John Tyler Highway and Ironbound Road, further identified as Parcel Nos. (1-17) and 91-18) on James City County Real Estate Tax Map No. (47-2).

Mr. Bittner stated that staff concurred with the applicant's request for deferral of the cases since the applicant was unable to attend this meeting.

Mr. DePue opened the public hearings and continued them until the September 19, 1994, Board of Supervisors' meeting.

3. Case No. SUP-18-94. Loretta Hughes Manufactured Home

Mr. Bittner stated that Ms. Loretta Hughes had applied for a special use permit to allow replacement of a single-wide manufactured home on .413 acres, zoned A-1, General Agricultural, located at 7606 Beechwood Drive, further identified as Parcel No. (11-44) on James City County Real Estate Tax Map No. (19-1).

Mr. Bittner stated the application met administrative guidelines and recommended approval of the case with conditions listed in the resolution.

Mr. DePue 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: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

RESOLUTION**CASE NO. SUP-18-94. LORETTA HUGHES - MANUFACTURED HOME**

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the replacement of a manufactured home on property owned by the applicant as described below and on the attached site location map.

Applicant:	Loretta Hughes
Real Estate Tax Map ID:	19-1
Parcel No:	11-44
Address:	7606 Beechwood Drive
District:	Stonehouse
Zoning:	A-1
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the manufactured home described in the application. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval. 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standard. 3. The manufactured home shall be connected to the existing septic drainfield and well in accordance with Health Department requirements prior to occupancy. 4. The manufactured home currently existing on the property shall be removed prior to placement of the new unit.

4. **Case No. Z-7-94. St. Olaf's Church**

Mr. Bitter stated that Mr. Jeffrey L. Barra had applied to rezone approximately 9 acres from B-1, General Business and A-1, General Agricultural, to R-8, Rural Residential, to allow construction of a 6,000-square foot fellowship hall for St. Olaf's congregation, located at 7464 Richmond Road and 104 and 108 Norge Lane, further identified at Parcel Nos. (1-16), (1-13), and (1-14) on James City County Real Estate Tax Map No. (23-2).

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

In concurrence with staff, the Planning Commission unanimously recommended approval of the case with proffers.

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

Mr. Sisk made a motion to approve the resolution.

Mr. Magoon explained that as architect for the church, he would abstain from voting.

On a roll call, the vote was: AYE: Edwards, Taylor, Sisk, DePue (4). ABSTAIN: Magoon (1). NAY: (0).

RESOLUTION

CASE NO. Z-7-94. ST. OLAF'S CHURCH

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-7-94 for rezoning approximately 8.5 acres from B-1 to R-8, with proffers, identified as Parcel No. (1-16) on James City County Real Estate Tax Map No. (23-2), and for rezoning approximately 1.0 acres from A-1 to R-8, with proffers, identified as Parcel Nos. (1-13) and (1-14) on James City County Real Estate Tax Map No. (23-2); and

WHEREAS, the Planning Commission of James City County, unanimously recommended approval of Case No. Z-7-94.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-7-94, and accepts the voluntary proffers.

5. **Mooretown Road Neighborhood Improvement Project Property Acquisition for Street Construction**

Mr. Richard B. Hanson, Community Development Administrator, stated that at its July 5, 1994, meeting, the Board approved acquisition of property in the Mooretown neighborhood to provide right-of-way for proposed streets, drainage easements and necessary drainage basins in conjunction with the federal Community Development Block Grant Mooretown Road Neighborhood Improvement Project. He further stated a delay in notification to property owners of compensation by August 1, 1994, necessitated this public hearing.

Staff recommended approval of the resolution.

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

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

**TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY IN
JAMES CITY COUNTY, VIRGINIA, FOR PUBLIC PURPOSES AND FOR CONSTRUCTING A
ROADWAY, DRAINAGE EASEMENTS, AND DRAINAGE BASINS IN
JAMES CITY COUNTY, VIRGINIA**

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described in James City County, Virginia, for the construction of a roadway, drainage easements, and drainage basins in James City County, Virginia, for public purposes and the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia; and

WHEREAS, a public hearing was held pursuant to Section 15.1-238 E of the Code of Virginia, 1950, as amended, on the proposed acquisition.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board declares it desirable to acquire the property and hereby declares that a public necessity therefore exists and the Board further finds as follows:

1. The County Attorney and/or the law firm of Phillips, Bartlett, and Bland, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Section 15.1-236 et. seq. of the 1950 Code of Virginia, as amended, and by Section 33.1-89 et. seq. of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, together with all rights and appurtenances thereto, for public purposes and for construction of a roadway, drainage easements, and drainage basins in the County of James City.
2. The County Administrator is authorized and directed to act for, and on behalf of, the County in agreeing or disagreeing with the owners of the properties upon the compensation and damages, if any, to be paid within the limit of the just compensation as set out in Section 4 of the Resolution which has been authorized.
3. The names of the present owners of the properties to be acquired as provided in Section 1 of the Resolution together with limited descriptions of the parcels and compensation therefore, are identified in "Attachment A" which is attached hereto and made a part hereof.
4. The County Attorney and/or the law firm of Phillips, Bartlett, and Bland, P.C., shall notify the property owners of the compensation and damages by the County forthwith on or before October 1, 1994.
5. That in the event of the property described in Section 3 of this Resolution has been conveyed, the County Attorney and/or the law firm of Phillips, Bartlett, and Bland, P.C., are authorized and directed to institute proceedings against successors in title.
6. That this Resolution shall be in effect from the date of its passage.

6. Outdoor Gathering Permit - Williamsburg Scottish Festival, Inc.

7. Outdoor Gathering Permit - Junior Women's Club of Williamsburg

Mr. Sanford B. Wanner, Assistant County Administrator, stated that Williamsburg Scottish Festival, Inc., had applied to hold an outdoor gathering on September 24, 1994, from 9:00 a.m. to 5:00 p.m. to honor Scottish culture and heritage at the Williamsburg Winery, 2638 Lake Powell Road, James City County, Virginia.

Mr. Wanner also stated that the Junior Women's Club of Williamsburg had applied to hold an outdoor gathering on September 30, 1994, from 6:00 p.m. to 10:00 p.m. to raise money for the Child Development Resources Building Campaign, at Governor's Land at Two Rivers off State Route 5.

He further stated that all required approvals had been received for both applications, and staff recommended approval of the permits.

Mr. DePue opened the public hearings, and as no one wished to speak, he closed the public hearings.

Mr. Sisk made a motion to approve the resolutions.

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

RESOLUTION

OUTDOOR GATHERING PERMIT - WILLIAMSBURG SCOTTISH FESTIVAL, INC.

WHEREAS, James City County received an application from Williamsburg Scottish Festival, Inc., to hold an outdoor gathering on September 24, 1994, from 9:00 a.m. to 5:00 p.m., at the Williamsburg Winery, LTD., 2638 Lake Powell Road, James City County, Virginia; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Services Coordinator, the Health Department and the Zoning Administrator/Building Official.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Williamsburg Scottish Festival, Inc., to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

RESOLUTION

OUTDOOR GATHERING PERMIT - JUNIOR WOMEN'S CLUB OF WILLIAMSBURG

WHEREAS, James City County received an application from the Junior Women's Club of Williamsburg to hold an outdoor gathering on September 30, 1994, from 6:00 p.m. to 10:00 p.m. at Governor's Land at Two Rivers, off Route 5 in James City County, Virginia; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Services Coordinator, the Health Department and the Zoning Administrator/Building Official.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Junior Women's Club of Williamsburg, to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

8. Ordinance Amendment, Chapter 2, Administration, Article IV, Officers and Employees, Section 2-16.1, Police Department

Mr. Norman indicated that Item No. 8, Ordinance Amendment, would be effective July 1, 1995, at which time the Charter would be revised. He further stated that the ordinance amendment would authorize the County Administrator to appoint the Police Chief to bring that appointment in line with other department heads.

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

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

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

G. **BOARD CONSIDERATIONS**

1. Case No. Z-2-94. Wallace Estates (Continued from 8/1/94)

Mr. Bittner stated that this case had been deferred at the August 15, 1994, Board of Supervisors' meeting to allow further discussion regarding building setbacks. He explained the revised proffers allowed 35 feet from the conservation areas, resulting in a 60-foot setback from rear property lines.

Mr. Bittner restated that Mr. Henry H. Stephens had applied to rezone approximately 97 acres from R-8, Rural Residential, to R-2, General Residential, for construction of approximately 200 single-family homes, located at 5900 Centerville Road, further identified as Parcel Nos. (1-80 and 1-81) on James City County Real Estate Tax Map No. (31-1).

Staff determined the proposal with proffers was consistent with the Comprehensive Plan and surrounding zoning and development.

The Planning Commission unanimously recommended approval of the proposed rezoning with proffers.

Mr. DePue afforded the applicant an opportunity to speak.

Mr. DePue made a motion to approve the rezoning.

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

RESOLUTION

CASE NO. Z-2-94. WALLACE ESTATES

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-2-94 for rezoning approximately 97

acres from R-8 to R-2, with proffers, identified as Parcel Nos. (1-80 and 1-81) on James City County Real Estate Tax Map No. (31-1); and

WHEREAS, the Planning Commission of James City County, unanimously recommended approval of Case No. Z-2-94.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-2-94, and accepts the voluntary proffers.

2. Neighborhood Connections Coordinator Reclassification

Ms. Carol M. Luckam, Human Resource Manager, stated that the Communications and Training Administrator would assume the responsibility of the Neighborhood Connections Process. She explained that the increased level of responsibility and importance of increasing citizen participation in James City County government warranted a reclassification from Salary Grade 29 to Salary Grade 33, with a title change to Communications and Neighborhood Connections Coordinator.

Staff recommended approval of the resolution.

The Board briefly discussed fiscal year impact of funding and changes of job responsibilities and duties.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

COMMUNICATIONS AND TRAINING COORDINATOR RECLASSIFICATION

WHEREAS, the Board of Supervisors supports the Neighborhood Connections Process to establish partnerships within the community; and

WHEREAS, the Communications and Training Administrator will assume the responsibility for coordinating this effort; and

WHEREAS, the increased level of responsibility and the importance of this effort warrant a reclassification of the position.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, does hereby reclassify the position of Communications and Training Administrator, Salary Grade 29, to Communications and Neighborhood Connections Coordinator, Salary Grade 33.

This resolution shall be effective on and after September 6, 1994.

3. Landfill Closure Quality Assurance/Quality Control (QA/QC)

Mr. David W. Clark, Solid Waste Engineer, stated that part of the closing of the County Landfill in accordance with Virginia Department of Environmental Quality (DEQ) regulations involved oversight and certification of the actual closure by an independent Professional Engineer. He indicated that soil tests must be performed on each acre of clay cap placed, material being used for the cap must be examined and approved

and a final report must be submitted to DEQ certifying that the landfill closure was in accordance with the plan on file.

Staff contacted three firms for the services recommended awarding the contract on an emergency basis in the amount of \$43,726.40 for the Landfill Closure QA/QC to Draper Aden Associates.

Mr. DePue left the meeting at 7:35 p.m.

Mr. Sisk assumed the Chairman position in Mr. DePue's absence.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

LANDFILL CLOSURE QA/QC CONTRACT AWARD

WHEREAS, the County is required to close approximately 31 acres of the existing landfill in accordance with State and Federal Regulations; and

WHEREAS, these Regulations require oversight and certification by an independent engineer; and

WHEREAS, the County sought proposals for QA/QC services on an emergency basis from engineering firms; and

WHEREAS, Draper Aden Associates prepared, and is most familiar with the Closure Plan on file with the Virginia Department of Environmental Quality, and submitted a proposal to perform the QA/QC services for Landfill Closure for \$43,726.40.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby award the QA/QC services for Landfill Closure to Draper Aden Associates.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, spoke in support of the monitoring of the withdrawal of groundwater from wells by Stonehouse, Inc., and spoke in opposition to condemnation of acreage for a proposed park behind Norge Elementary school.

2. Mr. Jay Everson, 3872 Fox Run, complained about cost of the Intermodal Transfer Station located at the James City County/Williamsburg Recreation Center, as detailed in an August 9, 1994, reading file item to the James City County Planning Commission.

Mr. DePue returned to the meeting at 7:45 p.m.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman recommended the Board go into executive session pursuant to Section 2.1-344(A)(1) and (3) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions, and consider acquisition of a parcel of property for public use.

J. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked staff to comment on the shopping center proposal for Route 5 and process procedures.

Mr. Sowers responded that a special use permit application had been submitted for a shopping center and out parcel at Greensprings Road and Route 5. He explained the application could be reviewed in the Planning Division, and the procedure was to go before the Planning Commission perhaps in October, and in turn be brought to the Board perhaps in November.

Mr. Edwards asked James City Service Authority staff to consider offering water saving fixture exchange program to homeowners during the next budget process.

Mr. Sisk reported the very successful soccer tournament held in Williamsburg the past week end. He thanked all volunteers for their efforts in making the tournament a success.

Mr. Norman asked staff to respond to Mr. Everson's remarks regarding bicycle racks.

Mr. Sowers stated that the bike lockers were an experimental project and a part of the grant received for the regional bikeway system.

Mr. DePue asked staff to prepare a brief memorandum explaining the costs involved with the bike lockers.

Mr. DePue made a motion to go into executive session as recommended by the County Administrator, at 8:02 p.m.

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

Mr. DePue reconvened the Board into open session at 8:55 p.m. and made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: September 6, 1994

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 made a motion to appoint Larry T. Waltrip to an unexpired term on the Wetlands Board, term expiring 2/19/96, and to appoint Robert Pinto to an unexpired term and Alan Robertson to a 4-year term on the Parks and Recreation Advisory Commission, terms expiring 4/12/96 and 4/12/98, respectively.

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

Mr. Taylor made a motion to adjourn.

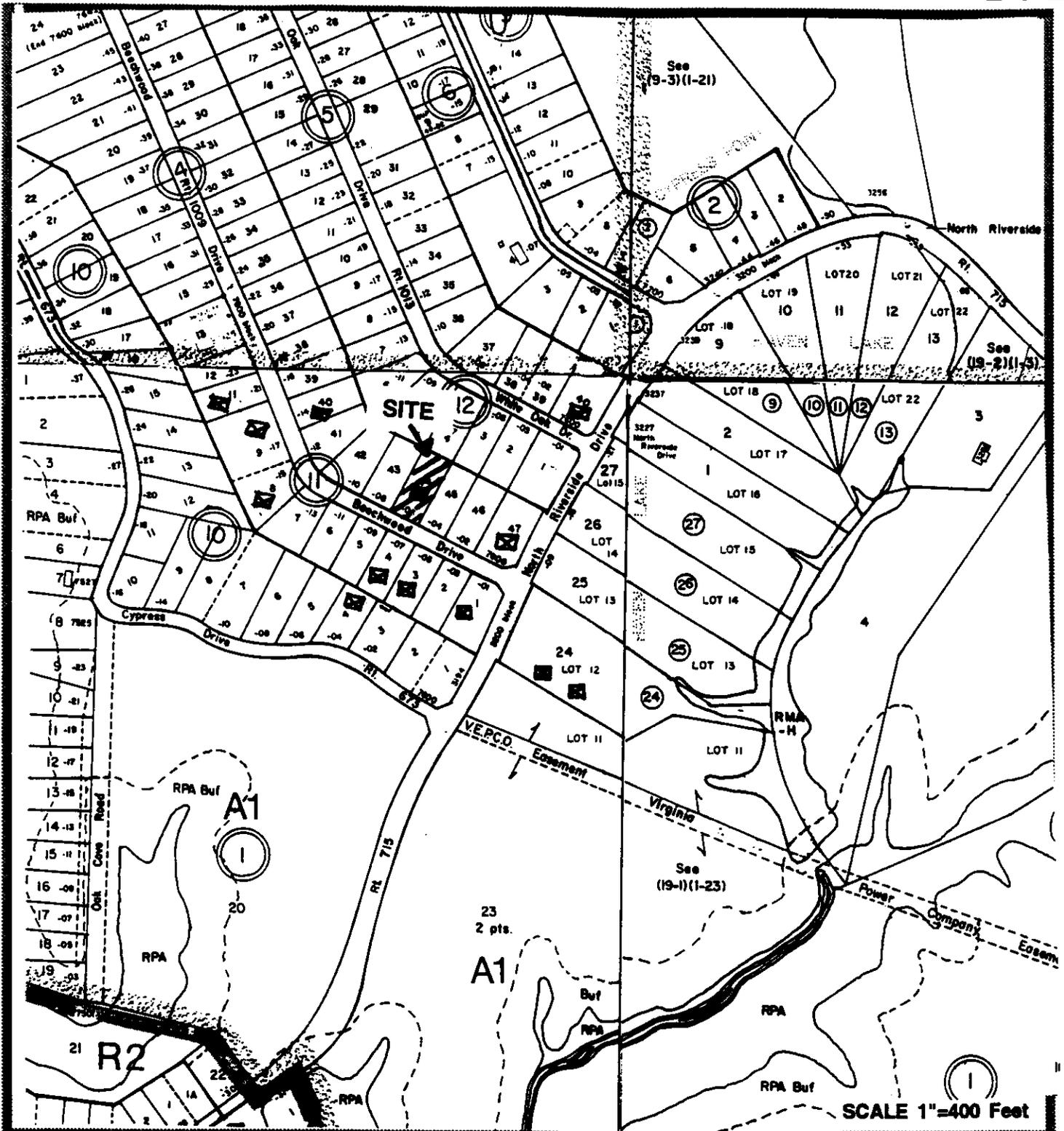
On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

The Board adjourned at 8:57 p.m.



David B. Norman
Clerk to the Board

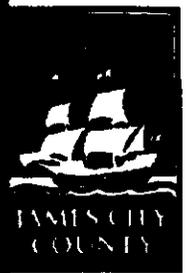
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Case No: SUP-18-94

Name : Loretta Hughes Manufactured Home

Existing Manufactured Homes



PLANNING DIVISION

000658

PROFFERS

THESE PROFFERS are made this 29th day of August, 1994 by the Catholic Diocese of Richmond (the "Owner").

RECITALS

A. Owner is the owner of a certain tracts or parcels of land (the "Property") containing approximately 9.406 acres located in James City county, Virginia and shown and set out on the Tax Map Number 23-2 [Parcels No. 1-13 (.50 acre), 1-14 (.448 acre), and 1-16 (8.458 acres)].

B. Owner has applied for a rezoning of parcels 1-13 and 1-14 from A-1 General Agricultural District to R-8, Rural Residential District, with proffers, and a rezoning of Parcel 1-16 from B-1 General Business District to R-8, Rural Residential District.

C. Owner desires to offer to James City county (the "County") certain conditions on the development of the Property not generally applicable to land zoned R-8, Rural Residential District.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Use. The following uses normally permitted in the R-8 Zoning District shall be prohibited:

- Agriculture, dairying, forestry, general farming and specialized farming.
- Communication towers up to a height of 35 feet.
- Horse and pony farms.
- Petroleum storage on a farm as an accessory use.
- Riding stables.
- Slaughter of animals for personal use.
- Storage and repair of heavy equipment as accessory use to a farm.

2. Entrances. There shall be no entrances to the site from

Richmond Road. The Norge Lane entrance to the site shall line up with the entrance currently under construction to the Norge Shopping Center, which is near parcels 1-13 and 1-14.

3. Positioning of Structure. The structure shall be located between Richmond Road and the main parking area.

WITNESS the following signatures.

CATHOLIC DIOCESE OF RICHMOND

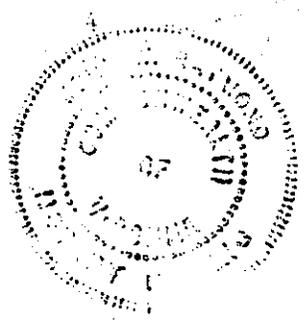
BY: Walter F. Sullivan
Bishop Walter F. Sullivan

STATE OF VIRGINIA
CITY/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 29th day of August, 1994, by Bishop Walter F. Sullivan.

John W. Raymond
NOTARY PUBLIC

My commission expires:
December 31, 1994.



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 17th day of June, 1995. This Progen was presented with certificate annexed and admitted to record at 9:44 o'clock

Teste: Helene S. Ward, Clerk
by Helene S. Ward
-Deputy Clerk

ORDINANCE NO. 55A-17

SEP 6 1994

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 2, SPECIFIC OFFICERS, SECTION 2-16.1, POLICE DEPARTMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-16.1, Police Department.

Chapter 2. Administration

Article IV. Officers and Employees.

Division 2. Specific Officers

Section 2-16.1. Police department.

(a) The James City County Department of Police is hereby created pursuant to Section 15.1-131.7 of the Code of Virginia, 1950, as amended.

(b) The department shall consist of the chief of police who shall administer the department and who shall be appointed by the board of supervisors, ~~the board of supervisors may, but shall not be required to, appoint the sheriff of the county as the chief of police, and he shall serve at the pleasure of the board, county administrator.~~

PROFFERS

RECEIVED
FEB 10 1994

THESE PROFFERS are made as of this 15 day of September, 1994, by the Atlantic Homes Development Corporation (together with its successors and assigns, the "Owner") and William R. Bland and E. Thomas Cox, Special Commissioners to the Estate of Jeremiah Wallace, Deceased (collectively the "Special Commissioners").

RECITALS

A. Owner is the contract purchaser of a certain tract or parcel of land known as the Wallace Estate Parcel (the "Property") containing approximately 97.451 acres located in James City County, Virginia, and identified on James City County Tax Map Number (31-1) as Parcel Number (1-80,81).

B. The Special Commissioners have been appointed special commissioners in a suit brought in the Circuit Court for the County of James City to quiet title to the Property and join in this agreement to consent to the proffers being made herein.

C. Owner has applied for a rezoning of the Property from R-8, Rural Residential District, to R-2, General Residential District, with proffers.

D. Owner desires to offer to James City County (the "County") certain conditions on the development of the Property not generally applicable to land zoned R-2, General Residential District and the Special Commissioners desire to consent to said proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.1-491.2:1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the County Zoning Ordinance, Owner agrees and Special Commissioners consent that the developer of the Property shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Additional On-Site Improvements. a) Prior to any final subdivision plan approval of the Property, the Owner shall hire an engineer, acceptable to the Director of Planning of the County, to conduct a traffic impact study of the proposed development of the Property and Owner shall pay all fees and costs associated with said study. The traffic impact study shall be submitted to the Director of Planning of the County for his review and approval prior to any final subdivision plan approval. Upon the approval of the traffic impact study by the Director of Planning of the County, the County shall have the right to require the Owner of the Property to construct, or have constructed, to Virginia Department of Transportation ("VDOT") required standards right and/or left turn lane(s) from Centerville Road to the Property and a right turn lane from the Property onto Centerville Road, provided such turn lane(s) is/are recommended by the approved traffic impact study and is/are determined to be necessary by VDOT. The turn lanes shall be

constructed on or before the time they are required by the approved traffic study.

b) The Owner shall provide a right-of-way 50 feet in width to the adjacent Fox Ridge subdivision, which shall be made part of the applicable subdivision associated with the Property and the Owner shall provide a paved pedestrian and bikeway path a minimum of 10 feet in width, within said right-of-way, connecting the Property and the adjacent Fox Ridge subdivision, which shall be part of the applicable subdivision plan associated with the Property. The design and construction of the path shall be approved by the Director of Planning of the County. A Maintenance Agreement for the path shall be approved by the County Attorney.

c) The Owner shall provide a right-of-way 50 feet in width to the adjacent Armistead property, which shall be made part of the applicable subdivision associated with the Property.

2. Buffers/Conservation Easement. There shall be a conservation easement ("Conservation Easement") dedicated to the homeowners' association ("Homeowners' Association"), which shall be organized by the Owner, 25 feet in width running along the boundary lines of the Property and the adjacent Fox Ridge subdivision, Forest Glen subdivision and Armistead property, except along the boundary lines of the Property and the adjacent Fox Ridge subdivision and Forrest Glen subdivision where the boundary line of the Property is at least 100 feet from the rear

boundary line of any lot within said subdivisions. The Conservation Easement shall be inclusive and/or exclusive of lots, as the case may be, and shall remain undisturbed and in its natural state except for limited clearing of trees and undergrowth necessitated by the following: diseased or dead trees, approved utilities, approved drainage easements, approved fencing by the Owner or Homeowners' Association, lot owner fencing and required entrances to adjoining property. The thirty-five foot (35') minimum rear yard requirement, as set forth in Section 20-259(b) of the James City County Zoning Ordinance, shall be measured from the inside line of the Conservation Easement if the Conservation Easement is inclusive of the applicable developed lot within the Property.

3. Archaeology. A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to and approved by the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to and approved by the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If, in the Phase II

study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon. An acceptable treatment plan may consist of preservation of the site in the natural or original position or place, either by leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.

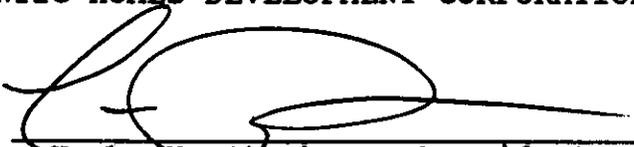
4. Sewer Connections. The Owner shall develop no more than 85 lots within the Property prior to entering into an agreement with the James City County Service Authority. Said agreement shall establish the connections available to the property above 85 connections, the improvements to the sewer

system, if any, which shall be necessary to support the additional connections, the timing of such improvements, and the allocation of the cost of such improvements. The agreement shall be approved by the Board of Supervisors.

WITNESS the following signature:

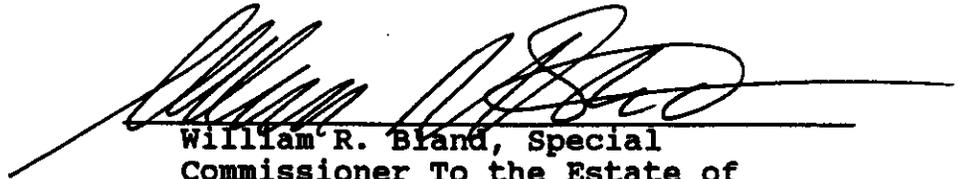
ATLANTIC HOMES DEVELOPMENT CORPORATION

By:

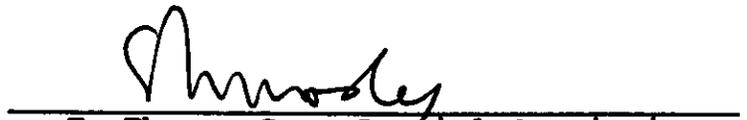


Henry H. Stephens, President

The undersigned consent to the foregoing proffers.



William R. Bland, Special Commissioner To the Estate of Jeremiah Wallace, Deceased



E. Thomas Cox, Special Commissioner To the Estate of Jeremiah Wallace, Deceased

STATE OF VIRGINIA,
City/County of Newport News, to-wit:

The foregoing instrument was acknowledged before me on this 15th day of September, 1994, by Henry H. Stephens as President of Atlantic Homes Development Corporation.

Heather J Ford
Notary Public

My Commission expires: 2/28/98

006750

AGREEMENT

THIS AGREEMENT is made as of the 10 day of May, 1996, by County of James City, a political subdivision of the Commonwealth of Virginia (the "County"), and Atlantic Homes Development Corporation, a Virginia corporation ("Atlantic Homes").

WHEREAS, Atlantic Homes desires to develop for residential use certain property containing 97.451± acres, and as shown on James City County Real Estate Tax Map 31-1 as parcels numbered 1-80 and 1-81 located in James City County, Virginia, known as the Wallace Estate Property which is the same property affected by those Proffers recorded at Deed Book 729, page 586 in the Clerk's Office for the Circuit Court for the County of James City and City of Williamsburg, Virginia, (the "Property"); and

WHEREAS, a phase I archaeological study of the Property has identified a site known as "Site 44JC844" in the study's report (the "Site") located near the Centerville Road entrance to the Property, but such study did not recommend further investigation of the Site due to the existence of similar sites located in the James City County area.

WHEREAS, the department of Historic Resources of the Commonwealth of Virginia by letter dated November 16, 1995, and subsequent conversations with County officials and representatives of Atlantic Homes, noted that although sites similar to the Site were plentiful, very little, if any, information was contained in the historical record about such sites, and therefore recommended further study of the Site.

WHEREAS, the County is developing land near the Property into a park, and several sites similar to the Site exist on that land; and

WHEREAS, Atlantic Homes desires to proceed with the development of the Property without further study of the Site and the County is willing to allow Atlantic Homes to do same upon the terms and conditions hereinafter set forth.

WHEREAS, this Agreement is for compliance with the proffers and that violation of the Agreement is a violation of the proffers.

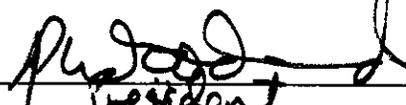
WHEREAS, the subdivision section presently under review contains only one archaeological site, #44JC844. As future sections are developed, the County shall work with the developer to address the preservation and/or study of the additional archaeological sites.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties agree as follows:

1. Prior to any final subdivision approval for the Property, Atlantic Homes shall pay to the County the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), to be placed in the Environmental Protection account of the County's Capital Improvement Program. Such funds shall be used by the County to study archaeological and/or historical sites, the funds shall be used for an environmental protection project which, in the County's discretion, is near and/or related to development of the Property.
2. The parties agree that this Agreement is part of Atlantic Homes' compliance with the proffers it made with respect to the rezoning of the Property and that a breach of this Agreement by Atlantic Homes shall be a violation of said proffers.
3. The parties agree that any challenge to the validity of this Agreement shall be filed within 30 calendar days of the date first above written. Any challenge to this Agreement beyond the 30 day period shall be void. The parties acknowledge that each will detrimentally rely on this Agreement and shall suffer damages of \$10,000.00 in the event this Agreement is not complied with in full. In addition, the party challenging the validity of this Agreement shall pay the other parties reasonable attorney's fees.

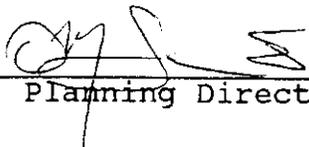
WITNESS, the following signatures as of the day and year first written above.

ATLANTIC HOMES DEVELOPMENT CORPORATION

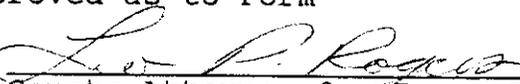
By: 
 Its: resident

COUNTY OF JAMES CITY

By: 
 Its: Zoning Administrator

By: 
 Its: Planning Director

Approved as to Form

By: 
 County Attorney for James City County

COMMONWEALTH OF VIRGINIA
City of Hampton, to wit:

The foregoing Agreement has been acknowledged before me by
Pope Woodard, President of
Atlantic Homes Development Corp., a Virginia corporation, this
10th day of May, 1996.

My commission expires: 11-30-98

Frances Barber
Notary Public

COMMONWEALTH OF VIRGINIA
County of James City, to wit:

The foregoing Agreement has been acknowledged before me by
Bernard Farmer, Jr., Zoning Administrator for the
County of James City, Virginia, a political subdivision of the
Commonwealth of Virginia, this 14 day of May, 1996.

My commission expires: May 31, 1996

Carole C. Giuliano
Notary Public

COMMONWEALTH OF VIRGINIA
County of James City, to wit:

The foregoing Agreement has been acknowledged before me by
O. Marvin Sowers, Planning Director for the County
of James City, Virginia, a political subdivision of the
Commonwealth of Virginia, this 13 day of May, 1996.

My commission expires: May 31, 1998

Carole C. Giuliano
Notary Public

mjl...Clients\AHDC\WallProp\Archaelo.Agr

VIRGINIA: City of Williamsburg and County of
... to Wit:
In the Clerk's Office of the Circuit Court of the
City of Williamsburg, County of James City the
20 day of May, 1996. This Agreement
was presented to me and certificate annexed and
admitted to record at 1:10 o'clock
Teste: Helene S. Ward, Clerk
by Chase [Signature]
Deputy Clerk

1. Prior to any final subdivision approval for the Property, Atlantic Homes shall pay to the County the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), to be placed in the Environmental Protection account of the County's Capital Improvement Program. Such funds shall be used by the County to study archaeological and/or historical sites, the funds shall be used for an environmental protection project which, in the County's discretion, is near and/or related to development of the Property.
2. The parties agree that this Agreement is part of Atlantic Homes' compliance with the proffers it made with respect to the rezoning of the Property and that a breach of this Agreement by Atlantic Homes shall be a violation of said proffers.
3. The parties agree that any challenge to the validity of this Agreement shall be filed within 30 calendar days of the date first above written. Any challenge to this Agreement beyond the 30 day period shall be void. The parties acknowledge that each will detrimentally rely on this Agreement and shall suffer damages of \$10,000.00 in the event this Agreement is not complied with in full. In addition, the party challenging the validity of this Agreement shall pay the other parties reasonable attorney's fees.

WITNESS, the following signatures as of the day and year first written above.

ATLANTIC HOMES DEVELOPMENT CORPORATION

By: [Signature]
 Its: President

COUNTY OF JAMES CITY

By: [Signature]
 Its: Zoning Administrator

By: [Signature]
 Its: Planning Director

Approved as to Form

By: [Signature]
 County Attorney for James City County

STATE OF VIRGINIA,
City/County of Newport News, to-wit:

The foregoing instrument was acknowledged before me on this 1st day of September, 1994, by William R. Bland, Special Commissioner to the Estate of Jeremiah Wallace, Deceased.

Heather J. Ford
Notary Public

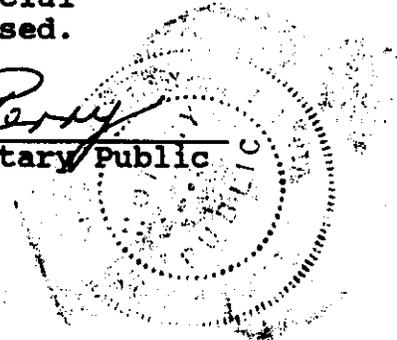
My Commission expires: 2/28/98

STATE OF VIRGINIA,
City/County of Newport News, to-wit:

The foregoing instrument was acknowledged before me on this 1st day of September, 1994, by E. Thomas Cox, Special Commissioner to the Estate of Jeremiah Wallace, Deceased.

Susan L. Perry
Notary Public

My Commission expires: 4/30/96



TF...AHDC\WALLPROP\PROFFERS.AHD

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 8 day of March 1995. This Proffer was presented and not is annexed and admitted to record at 12:45 o'clock

Teste: Helene S. Ward, Clerk
by [Signature]
Deputy Clerk