

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF MAY, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTSBAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Miss Jamie Jackson, a senior at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Ms. Nicki Lunsford, President, Jamestown 1607 Homeowners Association, voiced her concern that no further work has occurred on cleaning the drainage pipes under Jamestown Road and the buffer area between Jamestown 1607 and Jamestown Road.

Mr. John T. P. Horne, Manager of Development Management, gave the Board and Ms. Lunsford an update on the County's efforts to get the drainage pipes cleared. The pipes need to be cleared before the buffers are cleaned or the pooling of water will increase at Jamestown 1607.

2. Eve Palmer, 140 Wellington Circle, gave an update on the County's response to her requests for information regarding the need for master plans and the regulations cited in the reply. She voiced her concerns about the information provided.

3. Mr. Ed Oyer, 139 Indian Circle, voiced his concerns that the County may be trying to encroach on citizens, and the School Board's financial actions are excessive.

4. Mr. Edward Clemons, 119 Tarleton Bivouac, thanked the County for its reply to his comments at the last Board meeting, but wanted to clarify his position regarding citizens being displaced by the County and requested a meeting with the County Administrator and/or Mr. Goodson to discuss his concerns.

D. PRESENTATION

Mr. McGlennon presented a resolution recognizing May 14-20, 2000, as Business Appreciation Week to Mr. Gill Bartlett, Chairman of the Industrial Development Authority.

Mr. Bartlett thanked the County for the resolution and also thanked the businesses in the County.

Mr. Nervitt and Mr. Harrison presented a resolution commending Ford's Colony at Williamsburg Homeowners Association for being designated by the Community Associations Institute as the 1999 National Community of the Year for their accomplishments for the citizens and community of James City County. The President, Mr. Dick Houston, Secretary, Ms. Van Vander Veer, and Treasurer, Ms. Fran Dunleavy, of Ford's Colony at Williamsburg, accepted the resolution.

E. CONSENT CALENDAR

Mr. Nervitt asked if a Board member wished to remove an item from the Consent Calendar. Mr. Harrison requested Item Number 5, FY 2001 Strategic Management Plan (deferred from April 25, 2000), be removed for further discussion.

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

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

1. Minutes of March 13, 2000, Regular Meeting
2. Minutes of March 17, 2000, Regular Meeting
3. Mental Health Awareness Month

RESOLUTION

MENTAL HEALTH AWARENESS MONTH

WHEREAS, mental illness will strike one in four Americans in a given year without regard to age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, one in five children suffer from diagnosable mental, emotional, or behavioral disorder, and one in ten have a serious disorder which, if left untreated, can lead to school failure, substance abuse, and even suicide; and

WHEREAS, the causes of brain disorders are not fully understood but the illnesses are treatable and recovery is possible if those affected receive effective treatment, advocacy, and support; and

WHEREAS, the Community Services Boards serving the Peninsula celebrate National Mental Health Month each year in May to raise awareness of mental health, mental illness, and discrimination against people with mental illnesses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims May as Mental Health Awareness Month.

4. Business Appreciation Week – May 14-20, 2000**RESOLUTION****BUSINESS APPRECIATION WEEK - MAY 14 - MAY 20, 2000**

WHEREAS, James City County is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities, provide local tax revenues and make other significant contributions to our community that promote both educational opportunities for our children and a variety of activities which increase the quality of life.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby salutes our existing businesses and industries by virtue of this proclamation, and gives notice to our citizens that we are "honoring a New Century of Business in Virginia."

BE IT FURTHER RESOLVED that the Week of May 14-20, 2000, is Business Appreciation Week in James City County.

6. Commendation, Ford's Colony at Williamsburg Homeowners Association**RESOLUTION****COMMENDATION, FORD'S COLONY AT WILLIAMSBURG****HOMEOWNERS ASSOCIATION**

WHEREAS, in 1998 the Ford's Colony at Williamsburg received awards from the Central Virginia Chapter of the Community Associations Institute (CAI) and the Greater Williamsburg Association of Volunteer Administrators for its participation in and contribution to the community; and

WHEREAS, in 1999 the CAI named the Ford's Colony at Williamsburg Homeowners Association the 1999 National Community of the Year; and

WHEREAS, the Homeowners Association has partnered with the County's Neighborhood Connections Division to acquire the CAI Homeowners Association Library, sponsored several courses in ABC's for Homeowners Associations, and participated in Neighborhood Emergency Plan workshops; and

WHEREAS, homeowners in Ford's Colony established more than 25 neighborhood clubs and actively participate in community organizations such as: Friends of Powhatan Creek, Hospice, Housing Partnerships, Olde Towne Medical Center, Fish, Williamsburg Community Hospital, and Avalon.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commend and honor the Ford's Colony at Williamsburg Homeowners Association for its tradition of participation in local government affairs, partnerships with James City County, and designation by the Community Associations Institute as the 1999 National Community of the Year.

7. Award of Bid – Williamsburg – James City County Courthouse Custodial Services

RESOLUTION

AWARD OF BID - WILLIAMSBURG-JAMES CITY COUNTY

COURTHOUSE CUSTODIAL SERVICES

WHEREAS, the Williamsburg-James City County Courthouse opens on or about May 17, 2000; and

WHEREAS, the custodial maintenance of the 74,000-square foot facility has been previously budgeted for private contract services; and

WHEREAS, the lowest responsive and responsible bid for this service was received from Systems Management, Inc., in the amount of \$66,368.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Williamsburg-James City County Courthouse Custodial Services bid to Systems Management, Inc., in the amount of \$66,368 and authorizes the County Administrator to execute the contract.

5. FY 2001 Strategic Management Plan (deferred from April 25, 2000)

Mr. Harrison thanked County staff for their work in developing and revising the Strategic Management Plan.

Mr. Wanner thanked Rona Vrooman and staff for their efforts in creating the plan.

Mr. Nervitt indicated the plan is a work-in-progress and appreciates the work that went into creating the plan and asked if there would be a follow-up report on the outcomes of the plan.

Mr. Harrison made a motion to adopt the FY 2001 Strategic Management Plan.

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

RESOLUTION

FY 2001 STRATEGIC MANAGEMENT PLAN

WHEREAS, the County's Strategic Management Plan sets forth the mission, vision, values, goals, and objectives; and

WHEREAS, the FY 2001 Strategic Management Plan has been reviewed to assure that it reflects our priorities and is consistent with resources in the FY 2001 Budget; and

WHEREAS, the Strategic Management Plan is an essential tool for identifying, communicating, and tracking the critical areas we need to address to meet the needs of our citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the FY 2001 Strategic Management Plan.

F. PUBLIC HEARINGS

1. Case No. Z-2-00 and SUP-3-00. Greensprings Grocery

Mr. Christopher Johnson, Planner, stated that Mr. Stephen E. Cryder & Cathelyn G. Cryder had applied to rezone 1.676 acres from LB, Limited Business, to B-1, General Business, with proffers, and for a special use permit to construct a fueling station at 4197 Centerville Road, further identified as Parcel No. (1-1A) on James City County Real Estate Tax Map No. (36-4).

Staff determined the proposal is consistent with surrounding zoning and development and the regular traffic on Centerville Road will not be greatly affected by the rezoning and special use permit. The applicant has provided proffers for the proposed rezoning and agreed to meet the conditions outlined by the County regarding noise, buffers, solid waste, and fuel delivery schedules.

Board and staff discussion followed.

1. Mr. Henry Branscome, 133 Branscome Boulevard, provided the Board with his observations that there are no gas stations in this area and he welcomes the renovations.

Mr. Nervitt closed the public hearing as no one else wished to speak to this item.

Mr. Harrison made a motion to adopt the resolutions.

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

RESOLUTION

CASE NO. Z-2-00. GREENSPRINGS GROCERY

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 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-2-00 for rezoning 1.676 acres from LB, Limited Business, to B-1, General Business, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 3, 2000, recommended approval of Case No. Z-2-00, by a vote of 7 to 0; and

WHEREAS, the property is located at 4197 Centerville Road and further identified as Parcel No. (1-1A) on James City County Real Estate Tax Map No. (36-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-2-00.

RESOLUTION

CASE NO. SUP-3-00. GREENSPRINGS GROCERY

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, convenience stores with the sale of fuel are a specially permitted use in the B-1, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 3, 2000, recommended approval of SUP-3-00, by a vote of 7 to 0, to permit the sale of fuel at the existing convenience store located at 4197 Centerville Road and further identified as Parcel No. (1-1A) on James City County Real Estate Tax Map No. (36-4).

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-3-00 as described herein with the following conditions:

1. The freestanding sign shall be ground mounted and shall not exceed a cumulative size of sixteen square feet or a height of six feet unless approved by the Planning Director. The location, design, materials, and lighting of such sign shall be approved by the Planning Director prior to the issuance of a sign permit.
2. A lighting plan for all lighting on the site, including the canopy lighting, shall be reviewed and approved by the Director of Planning prior to final site plan approval. The plan shall ensure that no glare extends outside the boundaries of the site. All lights shall have recessed fixtures with no bulb, lens, or globe extending below the casing or the canopy ceiling.
3. The daily hours of operation for both the convenience store and gas station shall be limited to the hours of 5:00 a.m. to 11:00 p.m.
4. The daily hours of fuel delivery and solid waste pickup shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
5. Intercom systems designed to allow oral communication between employees inside the store and customers refueling their vehicles, shall operate in such a manner that they will not be audible by adjacent property owners.
6. If construction has not begun on the project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as the pouring of foundations and/or footings for the canopy.
7. The dumpster shall be completely screened on three sides with materials subject to the approval of the Director of Planning. The front of the dumpster enclosure shall be gated with a structure that conceals the dumpster. The gate shall be a dark color subject to the approval of the Director of Planning.

8. A landscaping plan shall be provided for the area at the south end of the parking lot and along the landscape buffer along Centerville Road. The landscaping shall be provided in a manner that minimizes the amount of headlight glare onto adjacent properties and minimizes views of vehicle parking and fueling areas on a year round basis, as determined by the Director of Planning.
9. There shall be no more than three gas pumps (vehicle fueling stations) permitted on the property. The pumps shall be arranged in a manner generally consistent with the attached conceptual plan (Attachment 4, Exhibit A).
10. No signs shall be allowed on the canopy mansard, fascia or roof area covering the gas dispensers.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Sale of Surplus Property at 220 The Maine

Mr. Andrew H. Herrick, Assistant County Attorney, stated that a parcel of land (0.289-acre parcel at 220 The Maine) acquired by the County last year as a part of the Sydnor Waterworks will not be needed by the James City Service Authority.

Staff recommends the Board authorize the sale of the 0.289-acre parcel at 220 The Maine to Benjamin L. and Linda B. Scherer.

The Board and staff held a brief discussion regarding the assessed value, the bid offers for purchasing the property, and the property rights of the landowner.

Mr. Morton assured the Board that the parcel would not allow for significant expansion and the development of the parcel would need to have the approval of the Planning department.

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

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

SALE OF SURPLUS PROPERTY AT 220 THE MAINE

- WHEREAS, in 1999, James City County acquired a certain 0.289-acre parcel at 220 The Maine from Sydnor Pump and Well Company for use by the James City Service Authority (JCSA); and
- WHEREAS, the JCSA no longer requires this property or facility for its operations; and
- WHEREAS, Benjamin L. and Linda B. Scherer, neighboring property owners, have offered to pay \$8,000 for this property; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey this property to Benjamin L. and Linda B. Scherer, their successors, or assigns for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the property at 220 The Maine to Benjamin L. and Linda B. Scherer, their successors, or assigns for \$8,000.

G. BOARD CONSIDERATIONS

1. Virginia Department of Transportation (VDOT) Revenue Sharing Program

Mr. John T. P. Horne, Manager of Development Management, informed the Board the Virginia Department of Transportation (VDOT) has notified the County that it could request additional funding up to \$100,000 from the Revenue Sharing Program for FY 2001 which could be met with the local match in the County CIP account.

Staff recommended the Board request the \$100,000 for the Monticello Avenue Project and highway landscaping along entryway corridors.

A brief Board and staff discussion followed.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

REVENUE SHARING PROGRAM

WHEREAS, the Revenue Sharing Program administered by the State of Virginia provides valuable matching funds on a one-to-one basis for construction of needed roadway projects in James City County; and

WHEREAS, the Board has been notified by VDOT that an additional allocation of up to \$100,000 may be requested for FY 99-00; and

WHEREAS, the Monticello Avenue Project can productively utilize additional Revenue Sharing Program funding, and highway landscaping enhances County highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the request to the Virginia Department of Transportation for \$100,000 in additional Revenue Sharing Program funds.

2. Rail Service

Mr. John T. P. Horne, Manager of Development Management, provided the Board with information regarding the Regional Issues Committee's desire to have additional support by James City County, York County, and the City of Williamsburg for improved rail service to the Historic Triangle and Peninsula through a resolution by each governing body which would be forwarded to State and Federal legislators and appropriate agencies.

Board and staff discussion followed concerning planning for future transportation needs, and communities on the peninsula supporting rail service to Newport News rather than Southside.

Mr. McGlennon made a motion to adopt the resolution.

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

3. Industrial Access Road Fund Application

Mr. Leo P. Rogers, Deputy County Attorney, presented two resolutions for consideration to the Board concerning the use of Industrial Access Road funds to access the Wal-Mart Stores, Inc., distribution center property off Pocahontas Trail in the Green Mount Industrial Park.

A brief board discussion followed.

Mr. Goodson made a motion to adopt the resolutions.

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

RESOLUTION

INDUSTRIAL ACCESS ROAD FUNDING

AT GREEN MOUNT INDUSTRIAL PARK

- WHEREAS, Wal-Mart Stores, Inc., owns and has agreed to cooperate in the development of property which is a portion of the Green Mount Industrial Park, in the County of James City, Virginia for the purpose of attracting industrial development; and
- WHEREAS, Wal-Mart Stores, Inc., has entered into an agreement with the County to provide any necessary right-of-way, to reimburse any costs associated with the road improvements and provide surety to the County; and
- WHEREAS, the property is expected to be the site of a new private capital investment in land, building, and/or manufacturing equipment by Wal-Mart Stores, Inc., which will provide new substantial employment; and
- WHEREAS, the subject property has no access to a public street or highway and will require the construction of a new roadway to connect with Pocahontas Trail (Route 60 East); and
- WHEREAS, the County of James City hereby guarantees that the necessary right-of-way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to this property.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute an agreement with the Virginia Department of Transportation and any other necessary documentation to facilitate this industrial access road project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to provide a letter of credit, bond or other surety, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the Industrial Access Road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur either on the subject site or other eligible sites served by the Industrial Access Road within three years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees that the new roadway so constructed will be added to and become a part of the Secondary System of Highways.

RESOLUTION

AGREEMENT WITH WAL-MART STORES, INC..

FOR USE OF INDUSTRIAL ACCESS ROAD FUNDS

WHEREAS, Wal-Mart seeks to induce the County to adopt a resolution requesting Virginia Industrial Access Road funds to assist in providing suitable access to Wal-Mart's 161 +/- acre parcel within the Green Mount Industrial Park located off Route 60, Pocahontas Trail, in James City County, Virginia (the "Parcel"); and

WHEREAS, the County will be requesting that the Commonwealth Transportation Board allocate approximately \$400,000, cost estimates and actual costs to be determined at a later time, from the Industrial Access Fund to assist in installing turn lanes along Route 60, a traffic signal at the new intersection, if warranted, and overlaying the surface of the new entrance road in order to provide access to the Parcel (the "Project"); and

WHEREAS, the County will be required to make certain assurances, provide right-of-way for the Project, accept responsibility for certain contingencies, and post surety with the Virginia Department of Transportation ("Department") in order to induce the Commonwealth Transportation Board to approve the Project; and

WHEREAS, Wal-Mart agrees to pay any costs that the County may incur associated with the Project that are not reimbursed by the Industrial Access Fund; and

WHEREAS, Wal-Mart agrees to provide sufficient surety to the County, prior to the County entering into an agreement with the Department, to insure reimbursement to the County for any payment due the Department under the Industrial Access Fund for the Project's construction not justified by eligible industrial capital outlays by eligible industry or industries served by the Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into an agreement with Wal-Mart Stores, Inc., to allocate the responsibilities of the parties concerning the use of Industrial Access Road funds to construct the qualifying road improvements along Pocahontas Trail and the entrance road to the Wal-Mart's Distribution Center in the Green Mount Industrial Park.

H. PUBLIC COMMENT

1. Ms. Adriene Wynne, 118 Ron Springs Drive, voiced her concern regarding the possible addition of a traffic light on Route 60 as a result of the Wal-Mart distribution center construction.

The Board assured Ms. Wynne that a traffic study would be performed to determine if a traffic light is needed.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner introduced John E. McDonald, Manager of Financial and Management Services, for an update on the impact of the "Love Bug" virus on the County computer network.

A brief discussion followed concerning firewalls and sufficient employee training regarding suspicious e-mail messages.

Mr. Wanner recommended the Board convene into a closed session meeting pursuant to Section 2.1-344 (A) (1) to consider a personnel matter involving the semiannual performance review of the County Administrator. He recommended that, following the closed session, the Board adjourn until 7:00 p.m. May 23, 2000.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy requested a weekly water usage update for the Board to keep them apprised of the increasing demands. He also requested the number of utility markings for instillation of automatic irrigation systems should be included in the report.

Mr. Foster gave the Board a quick overview of the water usage since January 2000. In January, February, and March the daily demand was three million gallons of water per day. In April, the daily demand for water increased to 3.4 million gallons of water per day. In the first weekend of May, the daily demand for water increased sharply to 4.4 million gallons of water per day.

Mr. Nervitt announced that the Water Conservation Committee members have been appointed, and the committee will be working to propose ideas to deal with the increased water demands.

Mr. McGlennon announced the citizens and VA Power are working together to install pavilions for school usage at Rawls Byrd Elementary School. The pavilions can be used for outdoor learning, picnics, and lunches. He also thanked County staff in their assistance with the permit process.

Mr. McGlennon suggested that trees need to be planted at the District Park Sports Complex to provide shade.

Mr. Nervitt made a motion to go into closed session pursuant to Section 2.1-344 (A) (1) to consider a personnel matter involving the semiannual performance review of the County Administrator at 8:20 p.m.

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

Mr. Nervitt reconvened the Board into open session at 10:25 p.m.

Mr. Goodson made a motion to approve the closed session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

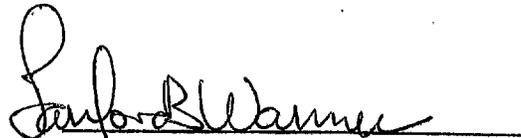
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

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 closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter involving the semiannual performance review of the County Administrator.

Mr. Harrison made a motion to adjourn until May 23, at 7:00 p.m.

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

The Board adjourned at 10:30 p.m.



Sanford B. Wanner
Clerk to the Board

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THESE PROFFERS made this 21st day of April, 2000, by STEPHEN E. CRYDER and CATHELYN G. CRYDER, husband and wife, together with their successors, heirs and assigns, hereinafter referred to as "OWNERS" to JAMES CITY COUNTY Planning Division, hereinafter referred to as "COUNTY".

WHEREAS, Owners are the title holders of certain property located in James City County, Virginia, containing 1.75 acres, more or less, commonly known as "Greensprings Grocery and Deli" (hereinafter referred to as the "Property") and more particularly described on James City County Real Estate Tax Map Number (36-4) Parcel Number (01-0-0001-A), 4197 Centerville Road, Williamsburg, Virginia 23188.

SEE ATTACHED LEGAL DESCRIPTION

WHEREAS, all of the property is currently zoned Limited Business (LB) and designated as Low-Density Residential. Owners have applied to re-zone the property to General Business, (B-1) with proffers.

WHEREAS, owners for themselves and their successors and assigns desire to offer to the County certain conditions on the development of the Property for the protection of the community that are intended to mitigate possible impacts from the development of the surrounding area.

NOW, THEREFORE, for and in consideration of the approval by the James City County Board of Supervisors of the requested rezoning, Owners agree that they will meet and comply with all of the following conditions for the development of the Property:

1. The property shall be used only for the following purposes: Convenience Store with the sale of gasoline; delicatessen; Laundromat; Electronic Service and Sales; business, government and professional offices; retail and service stores; an apartment or living quarters for a caretaker, proprietor or a person employed on the premises which is secondary to the commercial use of the property; and any other uses, provided a permit is issued by the James City County Board of Supervisors.

MAY 19 02 16

DAVID HOLLAND
PATRICK KELLEY
MICHAEL HEIKES
POST OFFICE BOX 6F
WILLIAMSBURG, VA 23187

Of Counsel
FREDERICK W. PADDEN

MAY 19 02 17

2. There shall be no more than two gas-fueling pumps with two (2) handles that would permit four (4) vehicles to be fueled simultaneously, plus one diesel fueling pump with two (2) handles. The existing above-ground kerosene fueling tank will be replaced with an underground tank and pump with a short, single-hose. The configuration of the pumps shall be in a manner generally consistent with the attached "Exhibit A". All configurations and materials used shall be approved by the Planning Director.

3. The canopy shall be a flat, fascia type canopy. The type of materials and colors used shall be subject to the approval of the Planning Director.

4. Ingress/egress shall be from the existing entrances on the property and no new entrances/exits will be constructed on the site.

5. The location of the dumpster shall be as shown on the attached "Exhibit A". Wooden fencing shall be used to screen the dumpster from view. The materials and appearance of the enclosure shall be subject to the approval of the Planning Director.

6. Construction shall begin within ³⁶~~X~~ months of the issuance of the special use permit. *COE*

WITNESS the following signatures and seals:

Stephen E. Cryder (SEAL)
STEPHEN E. CRYDER

Cathelyn G. Cryder (SEAL)
CATHELYN G. CRYDER

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

The foregoing Proffers were acknowledged before me this 28th day of April, 2000, by **STEPHEN E. CRYDER** and **CATHELYN G. CRYDER**, husband and wife.

My commission expires: 03/31/03

Sharon J. Duff
Notary Public

Prepared by:
DAVID HOLLAND'S LAW GROUP, LLC
P. O. BOX GF
WILLIAMSBURG, VIRGINIA 23187

DAVID HOLLAND
ATRICK KELLEY
MICHAEL HEIKES
POST OFFICE BOX GF
WILLIAMSBURG, VA 23187

Of Counsel
REDERICK W. PADDEN

LEGAL DESCRIPTION

All that certain tract, piece or parcel of land, containing 1.84 acres, more or less, situated in James City County, Virginia, shown as "Parcel A, Area 1.84 Acres" on a certain plat of survey entitled "PLAT OF SUBDIVISION, STANDING IN THE NAME OF: DUDLEY S. WALTRIP, GREEN SPRINGS MOBILE HOME ESTATES," dated May, 1986, and made by Paul C. Small of Architects and Engineers, Inc., a copy of which is recorded in the Clerk's Office of the Circuit Court of James City County.

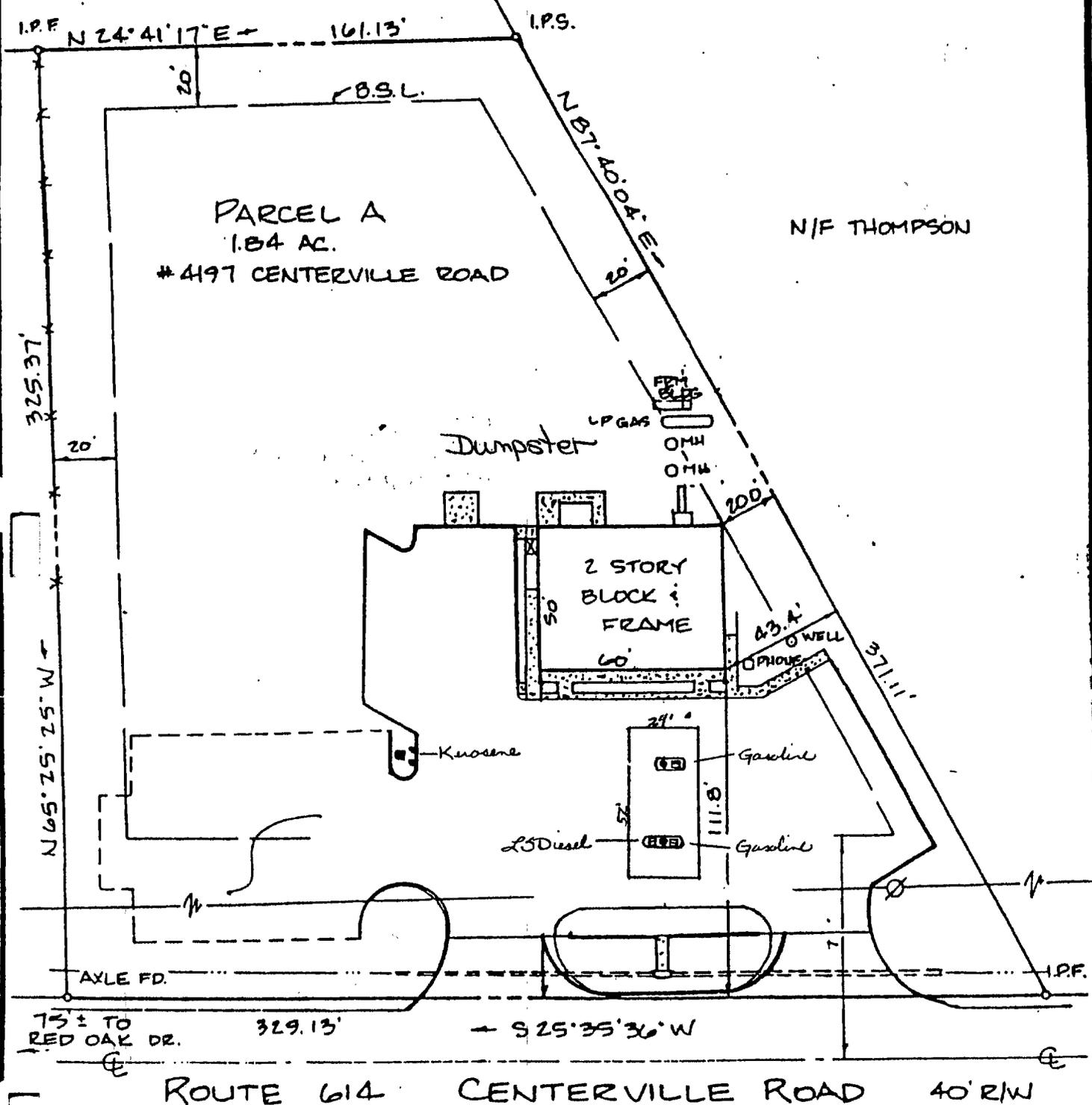
LESS AND EXCEPT that portion of property along State Route 614 conveyed to the Virginia Department of Highways by Deed recorded in the aforesaid Clerk's Office as Document #980003642.

MAY 19 02 18

VIRGINIA, City of Williamsburg and County of James City, to-wit:
This Deed was presented with certificate annexed and admitted to record on 19 May 2000 at 1:46 PM in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City.
TESTE: BETSY B. WOOLRIDGE, CLERK
BY: Betsy Woolridge Deputy Clerk

PLAT ATTACHED

GREEN SPRINGS
MOBILE HOME ESTATES



MAY 19 2010

NOTE: LOT IS NOT IN A
CLASSIFIED AREA