

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 7TH DAY OF MARCH, NINETEEN HUNDRED NINETY-FOUR, AT 5:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. WORK SESSION - Financial Trends

Mr. Magoon arrived at 5:08 p.m.

Mr. John E. McDonald, Manager of Financial and Management Services, gave a report on updated financial trends of major categories: demographic data, revenue trends, expenditure trends, indicators of financial condition, comparison with other localities, school operating and capital requirements, capital financing needs and debt service and a forecast of expected revenues and expenditures for the next five years.

Discussion by Board and staff followed.

Mr. DePue reconvened the Board for the regular meeting at 7:00 p.m.

C. MINUTES - February 7, 1994  
February 22, 1994

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

Mr. Taylor made a motion to approve both sets of minutes.

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

Mr. DePue recognized Mr. Raymond Betzner in the audience and commended Mr. Betzner, as Chairman, and the entire Citizen Advisory Committee for its efforts of informing the public and the successful turnout of voters in passing the Schools, Library and Parks and Recreation Bond Referenda. Mr. DePue also thanked the citizens who voted on the bond referenda on March 1, 1994.

**D. PUBLIC HEARINGS**

1. Case No. Z-10-93, Stonehouse, Inc./ (PUD-C Addition)
2. Case No. MP-4-93, Stonehouse, Inc./ Master Plan Amendment

Ms. Elizabeth R. Friel, Senior Planner, stated that Mr. James D. Franklin of Stonehouse, Incorporated, had applied to amend the Stonehouse Master Plan and proffers to allow revised development phasing and accompanying traffic improvements. She further stated that Mr. Franklin had applied to rezone 4.75 acres from B-1, General Business, to PUD-C, Planned Unit Development-Commercial, and to add this acreage to Stonehouse, Land Bay 81, located at 8908 Barhamsville Road, identified as Parcel (1-38) on James City County Real Estate Tax Map No. (12-1).

Ms. Friel explained that the proposed rezoning would allow acreage surrounded by commercial area to be added to the planned community and that the master plan change would allow Phases II, III and IV to be developed prior to Phase I.

Ms. Friel noted that the proposed proffers and Master Plan amendment and rezoning are generally consistent with surrounding development and zoning.

In concurrence with staff, the Planning Commission unanimously recommended approval of the cases and accept the voluntary proffers to allow:

1. The amendment of the Stonehouse Master Plan and proffers to allow up to 400,000 square feet of office, light industrial and commercial development to occur in Land Bays 80 and 81 with appropriate proffered traffic improvements.
2. The amendment of the archaeological proffer to make it consistent with staff's current policy.
3. The approval of the rezoning request to allow 4.75 acres to be rezoned from B-1, General Business, to PUD-C, Planned Unit Development-Commercial, and amend the Master Plan and proffers to include the parcel as part of the Stonehouse Planned Community.

Mr. DePue opened the public hearings.

1. Mr. Vernon Geddy, Esq., representing Stonehouse, Inc., asked for Board approval of the cases so that business development, rather than residential, could begin.

Mr. DePue closed the public hearings.

Mr. Taylor made a motion to approve the rezoning and the master plan amendment.

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

**RESOLUTION****CASE NO. Z-10-93, STONEHOUSE, INCORPORATED**

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-10-93 for rezoning approximately 4.75

acres from B-1, to PUD-C, with proffers, identified as Parcel (1-38) on James City County Real Estate Tax Map (12-1); and

WHEREAS, the Planning Commission of James City County, unanimously recommended approval of Case No. Z-10-93.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-10-93, and accepts the voluntary proffers.

### RESOLUTION

#### CASE NO. MP-4-93 STONEHOUSE, INCORPORATED, MASTER PLAN AMENDMENT

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 Master Plan Case No. MP-4-93 for a Master Plan Amendment to allow revised phasing for the Stonehouse Planned Community to permit the development of up to 400,000 square feet of office, light industrial, and/or commercial in Land Bays 80 and 81 with road improvements proffered under Case No. Z-10-93. The Master Plan Amendment will also allow the addition of a 4.75 acre parcel, zoned PUD-C in Case No. Z-10-93, to Land Bay 81 in the Stonehouse Planned Community. The parcel to be added is identified as Parcel (1-38) on James City County Real Estate Tax Map No. (12-1). Land Bays 80 and 81 can be further identified as a portion of Parcel (1-1) on James City County Real Estate Tax Map No. (6-4); and

WHEREAS, the Planning Commission of James City County, unanimously recommended approval of Case No. MP-4-93.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Master Plan Amendment Case No. MP-4-93.

2. Case No. SUP-37-93. Hampton Roads Sanitation District Sewage Pump Station

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Larry M. Foster had applied on behalf of the Hampton Roads Sanitation District for a special use permit to allow construction of a sewage pump station to serve the North Trunk Interceptor Force Main that is to be constructed to serve Stonehouse Planned Community and the northern end of the County. He described the proposed location as property owned by Mr. Reginald Anderson, zoned A-1, General Agricultural, located at the southeast end of Maxton Lane and further identified as a portion of Parcel (1-8) on James City County Real Estate Tax Map No. (23-2), approximately .50 acres.

Staff indicated the proposed pump station was consistent with the Comprehensive Plan and compatible with surrounding development and zoning.

In concurrence with staff, the Planning Commission, by an 8-0 vote, 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 resolution.

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

## RESOLUTION

### CASE NO. SUP-37-93. HAMPTON ROADS SANITATION DISTRICT

#### SEWAGE PUMP STATION

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 owner of the property has applied for a special use permit to allow the construction of a sewage pump station to serve the North Trunk Interceptor Force Main on property identified as a portion of Parcel (1-8) on James City County Real Estate Tax Map No. (23-2).

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-37-93 as described herein with the following conditions:

1. The developer shall comply with all local, State, and Federal requirements for construction, operation, and maintenance of the pump station.
  2. The developer shall acquire all required permits and easements prior to the commencement of construction.
  3. A copy of the final construction plans and specifications and as-built drawings shall be provided to the James City Service Authority. JCSA shall be notified 72 hours in advance of the construction of the proposed facility where it might interfere with existing JCSA water or sewer mains.
  4. The building shall be made of natural colored brick and have a sloped roof.
4. Ordinance Amendment, Chapter 18, Taxation, Article I, Section 18.6, Administrative Fee for Collection of Delinquent Taxes

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the proposed amendment would allow the County Treasurer to participate in a Virginia Department of Motor Vehicles program that requires a vehicle owner to pay delinquent local taxes on or before a State vehicle registration can be renewed, and to recover from the taxpayer the \$20.00 per vehicle charge of that program.

Mr. DePue opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, spoke in favor of the ordinance amendment as another option to collect delinquent taxes.

Mr. DePue closed the public hearing.

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

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

**E. PUBLIC COMMENT**

At Mr. DePue's request, Mr. Leo P. Rogers, Assistant County Attorney, gave an update to the request of the Country Village Mobile Home Park for exemption from the cable television franchise requirement to operate a cable television system.

Mr. Rogers stated that Federal and State regulations prohibited the operation of a cable system without a franchise; therefore, the County did not have authority to create an exemption to the cable television franchise. He mentioned the options available as: 1) residents could be served by a separate cable system which had acquired a franchise from the County; or 2) residents could obtain cable service from Continental Cablevision by an agreement between the cable company and the owner of the mobile home park.

2. Mr. Ed Seidl, Route 3, Box 608, Gloucester, Virginia, spoke in favor of obtaining cable television service for the Country Village Mobile Home Park in anticipation of moving there upon his retirement.

3. A resident of the Country Village Mobile Home Park for 14 years, who did not give his name, spoke of the need for cable television in the mobile home park.

4. Mr. Lee Whedbee, 2824 Number Ten Lane, Chesapeake, Virginia, of Dome Satellite, asked for clarification of reasons for denial to allow the cable system in the Country Village Mobile Home Park and explanation of what services County would receive from a franchise fee.

Mr. Frank M. Morton, III, County Attorney, responded that the information upon which conclusion was reached was provided to the attorney of the Country Village Mobile Home Park's owner, and that Continental Cablevision could provide service to the mobile home park if agreement could be reached between the company and the owner.

Mr. Sisk, as representative of the Roberts District, stated that he had requested the Country Village Mobile Home Park's residents to advertise a town meeting for the purposes of discussion and resolution of this issue.

5. Mr. Ed Oyer, 139 Indian Circle, read from a recent article in The Virginia Gazette regarding good ratings for our school system in a survey of 500 school systems nationwide. He reiterated the need for a skilled work force to attract economic development.

6. Mr. Paul Spacek, General Manager, Continental Cablevision, stated that he and the owner of Country Village Mobile Home Park had not been able to reach an agreement after many discussions, but emphasized that cable television was available if agreement could be reached. Mr. Spacek explained that the cable television franchise offered 60 channels, an upgrade to fiber optics, information superhighway, public access and government channels to the County.

**H. REPORTS OF THE COUNTY ADMINISTRATOR - None****I. BOARD REQUESTS AND DIRECTIVES**

Mr. Morton informed the Board that formal notification had been received from the Department of Justice confirming that the bond referenda had been authorized. He also commented that all but one of the legislative items introduced on behalf of the County had been approved by the General Assembly and were being sent to the Governor for signature.

Mr. Taylor gave staff a petition from residents of Leisure Road asking the Virginia Department of Transportation to conduct a review to lower the speed limit to 25 mph in the vicinity of Upper County Park for safety reasons.

Mr. DePue detailed the events of the potential failure of Lake Powell Dam on Thursday, March 3, 1994, and commended all persons involved for the quick response. He encouraged citizens of the area to contact Mr. Magoon with any further questions or information.

Mr. Magoon emphasized that he was available to meet with property owners and discuss ways to create a long-term solution to the Lake Powell Dam matter.

Mr. DePue made a motion to reappoint Anthony Conyers, Jr., for a two-year term, term expiring February 28, 1996, and to appoint David P. Aday, Jr., for a four-year term, term expiring February 28, 1998, to the Colonial Group Home Commission.

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

Mr. Magoon made a motion to recess until 5:00 p.m., March 21, 1994.

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

The Board recessed at 8:05 p.m.



David B. Norman  
Clerk to the Board

004187

FIRST AMENDMENT TO  
STONEHOUSE PROFFERS

This First Amendment to Stonehouse Proffers is made this 7~~H~~ day of March, 1994 by STONEHOUSE INC., a Virginia corporation (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of certain real property in James City County, Virginia known as Stonehouse now zoned PUD-R and PUD-C, with proffers. The existing Stonehouse Proffers are dated October 22, 1991 and are recorded in James City County Deed Book 541 at page 144 (the "Existing Proffers").

B. Owner has applied to amend its approved Master Plan to include a parcel of approximately 4.75 acres described on Exhibit A hereto (the "Additional Property") not currently subject to the Master Plan or proffers and to rezone the parcel from B-1 to PUD-C, with proffers.

C. In consideration of the approval of the amendment of its Master Plan and the rezoning of the Additional Property, Owner desires to amend the Existing Proffers as set forth below.

AMENDMENTS TO CONDITIONS

1. The Existing Proffers, as amended by this First Amendment to Stonehouse Proffers, shall apply to the property described on Exhibit A to the Existing Proffers and, in addition, to the Additional Property described on Exhibit A hereto.

2. Condition 4.1 External Roads and Intersections. is hereby amended to read as follows:

Condition 4.1 External Roads and Intersections. The following schedule sets forth external road and intersection improvements recommended in the Traffic Study, as supplemented, and the phasing of their construction:

(a) A left turn lane from southbound Route 30 into the project and a right turn lane from northbound Route 30 into the project at the intersection of Route 30 and relocated Route 600 (generally in the location shown on the Master Plan) shall have been completed or construction thereof started and guarantees in accordance with §15.1-491.3 of the Code of Virginia, as amended, and the applicable provisions of the County Code ("guarantees") posted with the County before building permits are issued for any development on Land Bays 80 and 81. No building permits for more than 200,000 square feet of floor area in areas designated G, F and H in Land Bays 80 and 81 shall be issued by the County until a traffic signal at the intersection of Route 30 and the westbound I-64 on ramp and off ramp has been installed or guarantees for its installation posted with the County. The foregoing sentence notwithstanding, Owner shall not be obligated to install or guarantee installation of such signal until the signal meets VDOT warrants and is approved by VDOT. No building permit for more than 400,000 square feet of floor area in areas designated G, F and H in Land Bays 80 and 81 shall be issued by the County until the I-64 westbound off-ramp at the I-64 and



Route 30 interchange has been realigned and a westbound Route 30 to westbound I-64 loop ramp has been completed or construction thereof has started and guarantees of completion have been posted with the County.

(b) No final subdivision plat or site plan for any residential use and no building permit (other than as permitted under paragraph (a) above) for any commercial/industrial use shall be approved or issued by the County until the improvements listed below in this subparagraph (b) have been completed or construction of such improvements has started and guarantees have been posted with the County.

(1) The four lane divided section of Route 30 has been extended west approximately 500 feet from the proposed intersection with Stonehouse Parkway as shown on the Master Road Plan.

(2) The major intersection of Route 30 and Stonehouse Parkway has been constructed with the following lane configuration:

<u>Approach</u>	<u>Lane Configuration</u>
Westbound Route 30	2 thru lanes and 1 right turn lane
Eastbound Route 30	2 thru lanes and 1 left turn lane
Southbound Stonehouse Parkway	2 left turn lanes and 1 right turn lane

and a traffic signal installed at the intersection.

(3) A traffic signal has been installed at the intersection of the eastbound I-64 off ramp and

Route 30 at the expense of Owner, if, and only if, warranted and approved by VDOT.

(c) No final subdivision plat or site plan, as appropriate, for any residential use and no building permit for any commercial/industrial use shall be approved or issued by the County for any development in Phase III, IV or V as shown on the Phasing Plan submitted herewith (all references to Phases hereinafter refer to Phases as shown on the Phasing Plan) or for more than (i) 713 dwelling units in all areas designated A, B or C/D in Phases I or II, and (ii) 25,000 square feet of floor area and a 250 room convention center in the area designated E in Phases I and II, and (iii) 608,000 square feet of floor area in all areas designated F and G in Phases I and II until the improvements listed below in this subparagraph (c) have been completed or construction started and guarantees have been posted with the County.

(1) The interchange of I-64 and Route 30 has been improved to realign the I-64 westbound off-ramp and to construct a westbound Route 30 to westbound I-64 loop ramp.

(2) Route 600 has been realigned to intersect with Route 30 as shown on the Master Road Plan and the Route 600/Route 30 intersection has been constructed with the following lane configuration:

<u>Approach</u>	<u>Lane Configuration</u>
Westbound Route 30	2 thru lanes and 1 right turn lane

Eastbound Route 30	2 thru lanes and 2 left turn lane
Westbound Route 600	2 left turn lanes and 2 right turn lanes

and a traffic signal installed.

(3) A traffic signal has been installed at the intersection of Route 30 and the westbound I-64 off ramp at the expense of Owner, if, and only if, warranted and approved by VDOT.

(d) No further final subdivision plats or site plans, as appropriate, for residential uses and no building permit for commercial/industrial uses shall be approved or issued for any development in Phases IV or V or more than (i) 1,794 dwelling units in all areas designated A, B or C/D in Phases I, II and III, and (ii) 87,000 square feet of floor area and a 250 room convention center in the area designated E in Phases I, II and III, and (iii) 1,358,000 square feet of floor area in all areas designated F, G and H in Phases I, II and III until the improvements listed below in this subparagraph (d) have been completed or construction started and guarantees for completion posted with the County.

(1) A four lane arterial connector road (Ware Lake Parkway) has been extended between Route 606 and Route 30, including the bridge crossing of I-64, as shown on the Master Road Plan, and the Ware Lake Parkway and Route 30 intersection has been constructed with the following lane configuration:

<u>Approach</u>	<u>Lane Configuration</u>
Southbound Ware Lake Parkway	2 left turn lanes and 2 right turn lanes
Westbound Route 30	2 thru lanes and 1 right turn lane
Eastbound Route 30	2 left turn lanes and 2 thru lanes

and a traffic signal has been installed at the intersection.

(2) Route 30 has been widened to 4 lanes from its intersection with Ware Lake Parkway east to the intersection with Route 607 and the Route 30/Route 607 intersection has been improved to add separate right and left turn lanes to the eastbound approach on Route 30 and a traffic signal installed (or appropriate modifications installed if signal exists).

(3) The Route 607/I-64 interchange has been modified to increase the distance between the westbound I-64 off loop ramp and the eastbound I-64 on loop ramp to 1,000 feet.

(4) The I-64 westbound on ramp from eastbound Route 30 has been widened to two lanes and extended to at least 2,000 feet beyond the westbound I-64 on loop ramp from westbound Route 30.

(e) No final subdivision plats or site plans, as appropriate, for residential uses and no building permit for commercial/industrial uses for Phase IV shall be approved or issued until the Owner, at its expense, has submitted to the County and VDOT for their review and approval an updated study of the traffic impacts of the Stonehouse development performed by a

traffic consultant acceptable to the County. The consultant shall submit the proposed methodology for the study to VDOT for approval before initiation of the study. The study shall indicate any changes in the improvements or phasing thereof set forth herein necessary to accommodate the continued development of the Property. If the updated study indicates changes in the improvements or phasing thereof are necessary as a result of increase of traffic impacts generated by the development on the Property compared with those projected in the approved study, Owner shall submit to the County an updated improvement and phasing plan which shall be subject to approval by the Board of Supervisors. Further development of the Property shall be in accordance with the approved, updated improvement and phasing plan.

(f) No final subdivision plats or site plans, as appropriate, for residential uses and no building permit for commercial/industrial uses shall be approved or issued by the County for any development within Phase V as presented in the approved traffic study and addenda or for more than (i) 2,809 dwelling units in all areas designated A, B or C/D in Phases I, II, III and IV, and (ii) 107,000 square feet of floor area and a 250 room convention center in the area designated E in Phases I, II, III and IV, and (iii) 1,668,000 square feet of floor area in all areas designated F, G and H in Phases I, II, III and IV until, the improvements listed below in this subparagraph (f)

have been completed or construction thereof started and guarantees for completion posted with the County.

(1) The Route 30/Route 60 (Anderson's Corner) intersection has been improved to the following lane configuration:

<u>Approach</u>	<u>Lane Configuration</u>
Eastbound Route 30	2 left turn lanes, 2 thru lanes and 1 right turn lane
Westbound Route 60	2 left turn lanes, 2 thru lanes and 1 right turn lane
Eastbound Route 60	1 left turn lane, 2 thru lanes and 1 right turn lane
Westbound Route 30	1 left turn lane, 2 thru lanes and 1 right turn lane

(2) An additional left turn lane on the eastbound approach on Route 30 at the Route 30/Route 607 intersection has been installed.

(3) The Route 607/I-64 interchange has been modified to extend the merge length of the northbound Route 607 to eastbound I-64 on ramp to 2,000 feet.

(4) The Route 607/I-64 interchange has been modified to increase the distance between the westbound I-64 off loop ramp and the eastbound I-64 on loop ramp to 1,200 feet.

(5) The Route 607/I-64 interchange has been modified to extend the length of the weave area on southbound Route 607 to 1,100 feet.

(g) Owner shall not submit final subdivision plats or site plans, as appropriate, for residential uses or apply for building permits for commercial/industrial uses for more than (i) 3,910 dwelling units in all areas designated A, B or C/D in Phases I through V as presented in the approved traffic study and addenda and (ii) 205,000 square feet of floor area and a 250 room convention center in the area designated E in Phase I through V and (iii) 2,353,000 square feet of floor area in all areas designated F, G and H in Phase I through V until the improvements listed below in this subparagraph (g) have been completed or, with respect to the improvement described in subparagraph (3) below only, construction started and guarantees for completion posted.

(1) An additional through lane in each direction has been added to I-64 between the Route 646/I-64 interchange and the I-295/I-64 interchange in Henrico County.

(2) A full service interchange at I-64 and Route 600 has been installed and southbound Route 600 to westbound I-64 on ramp has been extended to the Route 30 interchange and become the westbound I-64 to Route 30 off ramp.

(3) The intersection of Route 30 and Route 607 has been improved to add a separate left turn lane and a separate right turn lane on the westbound approach on Route 30.

(h) If the Owner wishes to change either the phasing schedule or land use mix for the Phase V portion of the

Stonehouse development as presented in the approved traffic study and addenda, it shall prepare, or cause to be prepared, an updated traffic impact study. If the updated study indicates changes in the improvements or phasing thereof are necessary as a result of increase of traffic impacts generated by the development on the Property compared with those projected in the approved study, Owner shall submit to the County an updated improvement and phasing plan which shall be subject to approval by the Board of Supervisors. Further development of the Property shall be in accordance with the approved updated improvement and phasing plan.

(i) Owner may have the Traffic Study updated, amended or supplemented from time to time by an independent traffic consultant and shall submit any such updated, amended or supplemented Traffic Study to the County and VDOT for approval. The schedule of road and intersection improvements and the phasing thereof set forth above may be amended by the Owner based on such updated, amended or supplemented Traffic Study with the approval of the Board of Supervisors. Owner shall convey, without charge, to VDOT or the County, as appropriate, all right of way owned by it that is necessary for such improvements and, when completed, shall dedicate all such improvements to VDOT or the County, as appropriate.

3. Condition 10 Archaeological Sites. is hereby amended to read as follows:



10. Archaeological Sites. (A) Owner shall preserve the site of the foundations of the "Stone House" of approximately 2.5 acres identified on the Master Plan and shall install an appropriate interpretive historical sign at the site.

(B) Before starting any clearing, grading or land disturbing within a Land Bay shown on the Master Plan, Owner shall submit a Phase I archaeological study that includes, at a minimum, that Land Bay to the Director of Planning for review and approval.

(1) For the Stonehouse land included in the original rezoning the Phase I study shall be reviewed under the guidelines set forth in the Virginia Department of Historic Resource's ("VDHR") Guidelines for Preparing Archaeological Resource Management Reports that were in effect as of November 4, 1991. The qualifications of the archaeologist that conducted the submitted Phase I study shall be reviewed under the Secretary of the Interior's Professional Qualification Standards as in effect on November 4, 1991.

(2) All other archaeological studies proffered hereby shall meet the VDHR Guidelines and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation and shall be conducted under the supervision of a qualified archaeologist who meets, at a minimum, the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards as in effect at the time of the submission of the study. Any sites not documented in the

submitted Phase I study that are encountered during construction shall be evaluated by performing a Phase I study using the VDHR and Secretary of Interior's guidelines and standards in effect at the time of discovery.

(C) (1) For all sites that the Phase I study recommends for Phase II evaluation or identifies as potentially being eligible for inclusion on the National Register of Historic Places (the "National Register"), Owner shall submit to the Director of Planning for review and approval a treatment plan. An acceptable treatment plan can consist of (i) performing a limited Phase II study to establish the boundaries of the site and thereafter leaving the site completely undisturbed or preserving it in some other manner acceptable to the Director of Planning or (ii) performing a complete Phase II study of the site. If a complete Phase II study of a site is undertaken, such Phase II study shall be submitted to and approved by the Director of Planning.

(2) If the approved Phase II study concludes that a site is not eligible for inclusion on the National Register, Owner shall not be obligated to perform any further archaeological studies thereon.

(3) For all sites which the approved Phase II study indicates are eligible for inclusion on the National Register and/or those sites upon which a Phase III study is warranted, Owner shall submit to the Director of Planning for review and approval a treatment plan. An acceptable treatment plan can

consist of (i) leaving the site completely undisturbed or preserving the site in some other manner acceptable to the Director of Planning and submitting an application to include the site on the National Register or (ii) performing a complete Phase III study of the site. If a complete Phase III study is undertaken on a site, the Phase III study shall be submitted to and approved by the Director of Planning.

(4) If the Phase II or Phase III study of a site determines the site is eligible for inclusion on the National Register of Historic Places and such site is to be preserved in place, the treatment plan shall include nomination to the National Register of Historic Places.

(5) All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

4. Except as hereby amended the Existing Proffers remain unchanged and in full force and effect.

WITNESS the following signature.

STONEHOUSE INC.

By:

Title:

*James J. Franklin*  
*VICE PRESIDENT*

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 3rd day of March, 1994, by James D. Franklin on behalf of the corporation.

Janice 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 11 day of March 1994, This Deed was presented with certificate annexed and admitted to record at 3:47 o'clock  
Tests: Helene S. Ward, Clerk  
by [Signature]  
Deputy Clerk

MAR 7 1994

ORDINANCE NO. 107A-16

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY AMENDING SECTION 18-6, ADMINISTRATIVE FEE FOR COLLECTION OF DELINQUENT TAXES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation, is hereby amended and reordained by amending Section 18-6, Administrative fee for collection of delinquent taxes.

Chapter 18. Taxation

Article I. In General.

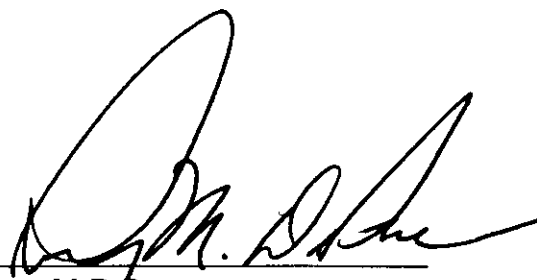
Section 18-6. Administrative fee for collection of delinquent taxes.

A. A fee of \$10.00 or actual costs incurred, but not more than \$20.00, shall be imposed on delinquent taxpayers to cover the administrative costs associated with the collection of delinquent taxes. Such fee shall be in addition to all penalties and interest and shall be added to the outstanding balance.

B. A fee of \$25.00 shall be imposed on delinquent taxpayers to cover administrative costs associated with the collection of delinquent taxes after a judgment or other judicial relief is obtained. Such fee shall be in addition to all penalties and interest and shall be added to the outstanding balance.

The effective date of this Ordinance shall be *April 1, 1994*.

Ordinance to Amend and Reordain  
Chapter 18. Taxation  
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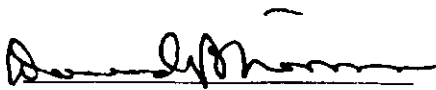


Perry M. DePue  
Chairman, Board of Supervisors

SUPERVISOR      VOTE

MAGOON	AYE
EDWARDS	ABSENT
TAYLOR	AYE
SISK	AYE
DEPUE	AYE

ATTEST:



David B. Norman  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 7th day of March 1994.