

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JUNE, NINETEEN HUNDRED NINETY-SEVEN, AT 5:04 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Robert A. Magoon, Jr., Chairman, Jamestown District
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. Parks and Recreation Fees

Mr. Magoon called the meeting to order. Mr. Sanford B. Wanner, County Administrator, introduced Mr. Douglas Powell, Assistant Manager of Community Services, and Mr. Vince Ferrarra, Intern Assistant to the County Administrator, who presented the Parks and Recreation Fees and Charges Policy.

Discussion by the Board, staff, and Parks and Recreation Advisory Commission members followed. The Board requested additional information and another work session scheduled for the June 24, 1997, Board of Supervisors' meeting.

Mr. Magoon made a motion to go into executive session pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of a parcel of property, at 6:00 p.m.

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

Mr. Magoon reconvened the Board into open session at 6:38 p.m.

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

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

RESOLUTION

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.

1. National Homeownership Week, June 7-14, 1997

RESOLUTION

NATIONAL HOMEOWNERSHIP WEEK

JUNE 7 - 14, 1997

WHEREAS, homeownership strengthens families, builds communities and promotes personal well-being; and

WHEREAS, James City County Office of Housing and Community Development is actively engaged in increasing homeownership opportunities for the people of James City County and is doing so through the successful efforts of a partnership of public, private, and nonprofit organizations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, do hereby proclaim June 7 - 14, 1997, to be "Homeownership Week" and call upon the people of James City County to recognize this special observance with appropriate ceremonies and activities.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby recognizes Lawrence Skalak of Toano, Virginia, as recipient of the 1997 Affordable Housing Partner of the Year award for his outstanding contributions in providing quality built affordable homes to county residents and workers.

2. National "July is Recreation and Parks Month" Resolution

RESOLUTION

JULY IS RECREATION AND PARKS MONTH

WHEREAS, the citizens of James City County place a high value on the benefits of parks and recreation; and

WHEREAS, the provision and preservation of parks and open spaces are both an investment and insurance plan for our collective quality of life; and

WHEREAS, the National Recreation and Park Association has proclaimed July as Recreation and Parks Month to further the promotion of the benefits of parks and recreation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates July 1997 as Recreation and Parks Month and urges all citizens of James City County to join in this nationwide celebration of the benefits derived from the quality of local public and private recreation and park resources.

4. Budget Adjustment - Road MatchRESOLUTIONBUDGET ADJUSTMENT - ROAD MATCH

WHEREAS, the Board of Supervisors of James City County has been asked to adjust both revenue and spending within the Virginia Department of Transportation (VDOT) Road Match account, within the Capital Budget, to more accurately account for payments by, and to, the Transportation Improvement District, as well as cash proffer payments for improvements to News Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following budget adjustment within the Capital Budget:

Revenues:

Route 5 Transportation Improvement District (TID)	\$ 183,276.00
Developer Road Match	(225,000.00)
News Road Proffer Payments	<u>221,866.00</u>
Total	<u>\$ 180,142.00</u>

Expenditures:

VDOT Revenue Sharing Road Match	\$(233,823.42)
Transfer to Route 5 TID	283,276.00
Capital Contingency	<u>130,689.42</u>
Total	<u>\$ 180,142.00</u>

5. Street Name for Alternate Route 5RESOLUTIONSTREET NAME FOR ALTERNATE ROUTE 5

WHEREAS, § 15.1-379 of the Code of Virginia provides counties the authority to name, by resolution, roads inside their jurisdictional limits; and

WHEREAS, portions of Alternate Route 5 and Monticello Avenue Extended have been, are, or will be constructed; and

WHEREAS, Alternate Route 5 is a logical extension of existing Monticello Avenue; and

WHEREAS, both the City of Williamsburg Planning Commission and the James City County Planning Commission have recommended that all of Alternate Route 5 and Monticello Extension be named Monticello Avenue..

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the name Monticello Avenue for the roads commonly referred to as Alternate Route 5 and Monticello Avenue Extension.

6. Williamsburg Area Medical Assistance Corporation

RESOLUTION

STAFFING PLAN FOR OLDE TOWNE MEDICAL CENTER

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC) has approved the attached staffing plan which increases the proposed full-time equivalent positions from 21.5 to 26.5 by the additions of Fund Raiser/Grant Writer, Family Nurse Practitioner, Dental Assistant, Yorktown Elementary School NP, and Yorktown Elementary School RN, by changing from part-time to full-time Patient Services Representative and CHIP Registered Nurse, and by eliminating the part-time Grant Writer/Research Assistant; and

WHEREAS, WAMAC has the necessary funding to support these changes; and

WHEREAS, James City County is the fiscal agent for WAMAC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, establishes and eliminates the requested full- and part-time other positions as listed above.

3. Partners in Prevention

Mr. DePue spoke in support of local program participation to reduce out-of-wedlock births.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

SUPPORT OF THE PARTNERS IN PREVENTION INITIATIVE

WHEREAS, the Federal government has allocated \$100 million in each of Federal Fiscal Years 1999 through 2002, to be divided among the five states that have most reduced out-of-wedlock births in the previous two years without an increase in the abortion rate; and

WHEREAS, the Commonwealth of Virginia has become the first state in the nation to announce its candidacy for one of these Federal awards by supplying incentives to local governments, service agencies, religious institutions, nonprofit organizations and citizens to develop local solutions to the out-of-wedlock birth problem; and

WHEREAS, the Commonwealth of Virginia proposes to distribute any Federal award Virginia receives directly to a locality that becomes a Partner in Prevention by adopting a formal resolution of participation in the initiative and by submitting a plan, reflecting whole community input, to reduce out-of-wedlock births locally.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes James City County to become a Partner in Prevention with the Commonwealth of Virginia.

F. PUBLIC HEARINGS

1. Sale of Mainland Farm to Williamsburg Land Conservancy

Mr. John T. P. Horne, Manager of Development Management, stated that staff recommended entering into a conditional sales contract for the sale of 210± acres of Mainland Farm to the Williamsburg Land Conservancy, conditioned on the County acquiring a legal interest in the property and the Conservancy raising all or a portion of the purchase price.

Mr. Magoon opened the public hearing.

1. Mr. Keith Reagan, President, Williamsburg Land Conservancy, thanked the Board and staff for preserving a piece of history.

Mr. Magoon closed the public hearing.

Mr. Magoon brought forward Item G-1, Acquisition of Mainland Farm.

G. BOARD CONSIDERATION

1. Acquisition of Mainland Farm

Mr. Horne stated that staff recommended entering into an option/purchase agreement for the acquisition of 217± acres of Mainland Farm from Albert L. White, III, and Frances M. White to buffer that portion of Mainland Farm from residential development and preserve the historic church site from development.

Board members individually spoke of the Whites' community service, citizens' support and the benefits of preservation of green space, with Mr. Taylor voicing opposition to removal of land from tax rolls.

Mr. DePue made a motion to approve the Acquisition of Mainland Farm resolution.

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

RESOLUTION

ACQUISITION OF MAINLAND FARM

WHEREAS, Mainland Farm is one of the oldest continuously farmed properties in the United States of America; and

WHEREAS, Albert L. White, III, Frances M. White, the owners of Mainland Farm, and the County wish to preserve the property from encroaching development; and

WHEREAS, the County desires to purchase and Mr. and Mrs. White desire to sell 217± acres in exchange for \$2,250,000; and

WHEREAS, Mr. and Mrs. White desire to retain 7 acres surrounding their home for their personal use; and

WHEREAS, the County wishes to acquire a two-year option to purchase Mainland Farm in exchange for a payment of \$330,000 to Mr. and Mrs. White which shall apply to the purchase price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute on behalf of the County an option/purchase agreement to acquire 217± acres from Albert L. White, III and Frances M. White and such other documents as may be needed for the County to acquire the property;

BE IT FURTHER RESOLVED that \$30,000 in expected revenue from land sales be appropriated to the Capital Budget, Greenspace account.

Mr. Magoon returned the meeting to the public hearing.

Mr. Sisk made a motion to approve the Sale of 210± Acres of Mainland Farm to the Williamsburg Land Conservancy resolution.

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

RESOLUTION

SALE OF 210± ACRES OF MAINLAND FARM

TO THE WILLIAMSBURG LAND CONSERVANCY

WHEREAS, Mainland Farm is one of the oldest continuously farmed properties in the United States of America; and

WHEREAS, the County desires to assist the Williamsburg Land Conservancy in preserving 210± acres of Mainland Farm from development; and

WHEREAS, the County desires to sell and the Conservancy desires to purchase 210± acres of Mainland Farm for \$2,200,000; and

WHEREAS, the Board of Supervisors held a public hearing pursuant to Virginia Code Section 15.1-262 to consider the sale of real property owned by the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute on behalf of the County a conditional sales contract, deed and any other document necessary to transfer the County's interest, less a reserved conservation easement, in all or a portion of 210± acres of Mainland Farm.

2. Case No. Z-9-96/MP-4-96. Hidden Property Rezoning/Powhatan Crossing, Inc.

Mr. Paul D. Holt, III, Planner, stated that the applicant had asked for deferral until September 9, 1997, Board of Supervisors meeting, to allow time to respond to several issues, including boundary lines of Greensprings, of the cases to rezone approximately 401.5 acres zoned, R-8, Rural Residential, and 2.5 acres zoned R-1, Limited Residential to R-4, Residential Planned Community, located off Ironbound Road between

the existing Powhatan Crossing subdivision and Powhatan Creek, known as Hiden tract and further identified as Parcel Nos. (1-1) and (17-1A) on James City County Real Estate Tax Map No. (46-2).

Staff concurred with the applicant's request for deferral.

Mr. Magoon opened the public hearing.

1. Mr. Jack Rhein, 3505 Hunter's Ridge, asked the Board to take action on the case and to not approve another deferral.

2. Ms. Laura Gossner, 3420 Deerlope Trail, spoke in opposition, for safety reasons, of the use of Powhatan Crossing Road as access to this development.

3. Mr. J. D. Wright, 4484 Powhatan Crossing, stated that additional time would not produce high quality, environment protection, or higher standards in the community.

4. Mr. Jay Sexton, 4488 Powhatan Crossing, urged the Board not to support deferral but to vote denial of this application.

5. Mr. Bob Mouck, 4481 Powhatan Crossing, addressed each Board member to not support deferral and vote against this application.

6. Ms. Sarah T. Kadec, 3504 Hunter's Ridge, spoke of inconsistencies in the application and asked for clarification of the zoning ordinance.

7. Mr. George Wright, 148 Cooley Road, President of Historic 5 Association, asked that the Board improve the deferral process and requested a solution to development's clear cutting of timber to preserve the quality of life.

8. Ms. Martha Madeira, 4492 Powhatan Crossing, asked the Board to support the staff and Planning Commission's recommendation of denial.

9. Mr. Ed Oyer, 139 Indian Circle, stated that the time had come to make a decision on this application.

Mr. Magoon continued the public hearing.

Board discussion ensued regarding explanation of the application process to the citizens; support for the citizens' request to deny the deferral request; Hiden property recognized as part of the formula for the building of Alternate Route 5; property owners do not want construction in close proximity to residences; and date of deferral to allow sufficient time for staff to present to citizens and bring back to the Board of Supervisors agenda.

Mr. Sisk respectfully requested the applicant to withdraw the application.

Mr. Magoon made a motion to defer the item until the September 9, 1997, Board of Supervisors meeting.

Mr. Magoon declared a break for staff and applicant discussion at 9:12 p.m.

Mr. Magoon reconvened the Board at 9:22 p.m.

Vernon Geddy, III, Esq., representative for the applicant, stated the applicant requested the case be withdrawn.

Mr. Magoon withdrew his motion and closed the public hearing.

3. Case Nos. Z-6-97 and SUP-13-97. College and University Computers, Inc.

Mr. Holt stated that Mr. Lee Scruggs of College and University Computers had applied to rezone approximately 1.28 acres from LB, Limited Business, to B-1, General Business, with proffers and a special use permit to allow assembly of computers, located at 1820 Jamestown Road, further identified as Parcel No. (1-5) on James City County Real Estate Tax Map No. (47-3).

Staff determined the proposed use was compatible with the surrounding areas and uses and generally compatible with the Comprehensive Plan designation.

In concurrence with staff, the Planning Commission unanimously recommended approval of the rezoning application and the special use permit with a condition listed in the resolution.

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

Mr. Sisk made a motion to approve the rezoning.

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

RESOLUTION

CASE NO. Z-6-97. COLLEGE AND UNIVERSITY COMPUTERS, INC.

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-6-97; and

WHEREAS, the applicant, on behalf of Campus Developments, LLC, has applied for a rezoning of approximately 1.28 acres from LB, Limited Business, to B-1, General Business with proffers; and

WHEREAS, the case is being approved concurrently with Case No. SUP-13-97; and

WHEREAS, the Planning Commission of James City County recommended approval of Case Nos. Z-6-97 and SUP-13-97 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-6-97 and accepts the voluntary proffers.

RESOLUTION

CASE NO. SUP-13-97. COLLEGE AND UNIVERSITY COMPUTERS, INC.

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

WHEREAS, the applicant, on behalf of Campus Developments, LLC., has applied for a Special Use Permit to allow for the processing, assembly and manufacture of light industrial products and components; and

- WHEREAS, the assembly would take place within an existing building located at 1820 Jamestown Road on property further identified as Parcel No. (1-5) on James City County Real Estate Tax Map No. (47-3); and
- WHEREAS, the case is being approved concurrently with Case No. Z-6-97; and
- WHEREAS, the Planning Commission of James City County recommended approval of Case Nos. Z-6-97 and SUP-13-97 by a vote of 7-0.

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-13-97 as described herein with the following conditions:

1. The owner shall obtain a permanent certificate of occupancy within two (2) years of the date of approval of this special use permit, or the permit shall become void.
4. Case No. SUP-12-97. 360° Communications/Virginia Metronet

Mr. Gary A. Pleskac, Planner, stated that Mr. M. E. Gibson had applied for a special use permit to allow construction of a 199-foot tall self-supporting, unlit communications tower and supporting equipment for multiple cellular carriers on a 0.25-acre portion of a parcel of land owned by Chesapeake Forest Products Company at 10039 Old Stage Road, zoned A-1, General Agricultural, further identified as a portion of Parcel No. (1-10) on James City County Real Estate Tax Map No. (4-1).

Staff determined that the proposal was compatible with surrounding zoning and development, because the location was approximately two-thirds of a mile away from closest residences and the balloon test result was minimal visibility from most areas. Mr. Pleskac presented slides of the balloon test and stated that the current proposal was consistent with most of the criteria of the Conformance with the Personal Wireless Service Facility Policy.

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

Mr. Magoon opened the public hearing.

1. Ms. Heidi Parker, associate of Mr. Gibson, stated that the site was excellent and met all policy criteria. She addressed the issues of (1) co-location on a Virginia Department of Transportation tower at Route 30/Croaker Interchange was not acceptable at 150-foot level and (2) and non-timbering as mentioned in Condition 19 would require the County to pay a monthly fee for location of emergency equipment, or elimination of Condition 19 would permit the emergency equipment on the proposed tower without cost.

2. Mr. Ed Hoopes, 204 West Sand Drive, asked the Board to defer the case so that further study could be done regarding health hazards.

3. Mr. Charles J. Kerns, Jr., representative of Chesapeake Forest Product Company, stated he was available to answer questions.

4. Mr. Mark Sexton, 8 Prestwick, asked for further information regarding the tower in New Kent County and whether the buffer was sufficient.

Ms. Parker responded that the site was in compliance with Federal Communications Commission regulations and could not be decided on health concerns.

Mr. Magoon closed the public hearing.

Mr. Taylor made a motion to approve endorsed Condition 19 on the resolution.

Mr. Sisk made a motion to amend the resolution by removing Condition 19.

Mr. Taylor withdrew his motion.

Mr. Edwards made a motion to defer the case.

Board and staff discussed the number of possible site locations of New Kent County to Route 30 Interchange corridor and how that number might be minimized.

Mr. Edwards asked that two weeks be added to his motion to defer.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the consultant recommended that this site be used as an anchor site for all service providers and as the basis to determine additional site needs in the Interstate 64 corridor. Mr. Sowers stated that staff had revised its recommendation to approval of this case.

Mr. Edwards withdrew his motion. He expressed opposition to deletion of Condition 19 as the buffer should be paid for by the applicant.

Mr. Edwards made a motion amendment to add Condition 19.

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

Mr. Magoon asked for a vote on Mr. Sisk's motion to approve the resolution with deletion of Condition 19.

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

RESOLUTION

CASE NO. SUP-12-97, VIRGINIA METRONET/360° COMMUNICATIONS

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain land uses requiring a special use permit; and

WHEREAS, James City County has developed certain policies for the placement of personal wireless communications towers; and

WHEREAS, the Planning Commission following its public hearing on May 5, 1997, voted 6-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-12-97 as described herein with the following conditions:

1. All towers shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to the site plan approval.

2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval. Where the tower meets the structural criteria outlined above, the minimum side- and rear-yard setback may be consistent with the corresponding zoning district requirement, or 110 percent of the document collapse radius, whichever is greater. In the event the tower does not meet the above requirements, then the minimum setback requirement from the base of the tower to any property line shall be equal to one hundred and ten (110) percent of the height of the tower. Additionally, no tower shall be located closer than two hundred (200) feet from an existing residential structure, regardless of the district in which the structure is located. However, in no case, shall setbacks or tower design be such that a collapsed tower will fall outside a property line as documented in the aforementioned report. The tower shall also be set back from any public planner right-of-way a minimum distance equal to one-half the height of the structure, including any attachments.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or serving the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U. S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
4. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
5. Towers shall be located on the site in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities. A minimum buffer of 100 feet in width shall be maintained around the tower. Where existing vegetation on the site is not of a sufficient depth to provide this buffer, an enhanced buffer shall be provided that is as wide as is practicable. A screening plan for the enhanced buffer shall be provided for approval by the Director of Planning or his Designee prior to final site plan approval.
6. The applicant shall allow other users to locate on the tower and site and shall provide the County, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.
7. The tower(s) shall have a finish that is grey in color.
8. Maximum height of all towers shall not be greater than 199 feet.

9. Lighting, beacons and other similar devices shall be prohibited unless required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). When required by the FCC or FAA, a red beacon light of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
10. No advertising material or signs shall be placed on the tower.
11. Prior to the installation of equipment other than that of the applicant's, an intermodulation study, prepared by a licensed engineer, shall be submitted to, and approved by, the Director of Planning or his designee, indicating that no interference with County operated emergency communications equipment will take place.
12. If the use of the tower or portions of the tower above the level of the uppermost equipment ceases, and the tower or said portion remains unused for a period of six (6) months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of an unused facility or part thereof prior to final site plan approval.
13. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option and negotiate in good faith with the County to install public communications equipment on the tower. Evidence of good faith negotiations shall include, but not be limited to documented and executed lease agreements for similar agreements to public use on a privately owned tower. The County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.
14. A Permanent Certificate of Occupancy shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.
15. The tower shall be freestanding and shall not use guy wires for support.
16. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material to that generally used on a single-family residence and shall be approved by the Director of Planning prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
17. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan, prepared by Timmons Engineering, titled "360° Communications - Norge Site," dated March 24, 1997. Such lease area shall remain free of all structures until such time a second tower is constructed and the additional tower shall be subject to administrative approval only.
18. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.

5. Case No. SUP-11-97. BASF Wastewater Facilities

Ms. Jill E. Schmidle, Planner, stated Mr. Daniel Coleman of Reflections I had applied for a special use permit to construct wastewater collection, pumping and transmission facilities, zoned M-2, General Industrial, and designated General Industry on James City County Comprehensive Plan Land Use Map, located at BASF Facility, 8961 Pocahontas Trail, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (59-4).

Staff determined the proposal was consistent with surrounding zoning and land use, and was consistent with industrial designation of the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a 5-0 vote, recommended approval of the special use permit with conditions listed in the resolution.

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

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

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

RESOLUTION

CASE NO. SUP-11-97. BASF WASTEWATER FACILITIES

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

WHEREAS, the Planning Commission of James City County, following its public hearing on May 5, 1997, recommended approval of Case No. SUP-11-97, by a vote of 5 to 0, to permit the operation of wastewater collection, pumping and transmission facilities located at the BASF facility, 8961 Pocahontas Trail, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (59-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, James City County, Virginia, does hereby approve Case No. SUP-11-97 as described herein, with the following conditions:

1. Construction, operation and maintenance of the gravity sewer and force main shall comply with Local, State and Federal requirements.
2. The project shall comply with all State erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. If construction has not commenced on this project within a period of 24 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading and excavation of trenches necessary for the construction of the force main and gravity sewer.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It

is intended that the present and future results of the proposed force main and gravity sewer do not create effects adverse to the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.

6. Ordinance Amendment, Chapter 2, Administration, Article II, Magisterial District, Election Districts and Elections Precincts, Amend Section 2-5, Election District Boundaries, Berkeley District Polling Place

Mr. Matthew Maxwell, Senior Planner, stated that the Electoral Board had requested that the Berkeley Election District be split into Precinct A with approximately 2,150 voters and Precinct B with approximately 3,070 voters. He defined the proposed split line as outlined in the ordinance amendment.

Staff recommended approval of the ordinance amendment.

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

7. Case No. SUP-10-97, James City Service Authority Change in Conditions for SUP-20-88, Chickahominy Road Water Main

Mr. Tamara A. M. Rosario, Senior Planner, stated that James City Service Authority had applied to amend conditions for the special use permit of Chickahominy Road Water Main Extension, by attaching a connection condition, limited to one per existing structure or vacant parcel outside the Primary Service Area, but within the Community Development Block Grant area.

Staff determined the change in conditions was consistent with the Utility Connection Policy adopted as part of the 1997 Comprehensive Plan.

In concurrence with staff, the Planning Commission unanimously approved the special use permit with the additional condition.

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

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

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

RESOLUTION

CASE NO. SUP-10-97, JAMES CITY SERVICE AUTHORITY -

CHANGE IN CONDITIONS FOR SUP-20-88

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

WHEREAS, the Board of Supervisors of James City County, adopted a Utility Connection Policy as part of the 1997 Comprehensive Plan which was approved on January 28, 1997; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 5, 1997, recommended approval of Case No. SUP-10-97, by a vote of 6 to 0, to amend the connection condition for SUP-20-88.

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-10-97 which amends the connection condition for SUP-20-88 by adding the following condition:

6. No connections shall be made to the water main which would serve any property located outside the Primary Service Area except for connections to existing structures located on property outside the PSA and within the boundaries of the Community Development Block Grant project area as defined on the Chickahominy Residential Improvement Area Map prepared by the James City County Department of Community Development with assistance by K. W. Poore and Associates, Inc. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and located inside the same Community Development Block Grant project area, one connection shall be permitted with no larger than a 3/4-inch service line and 3/4-inch water meter.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced the Purchasing Department's Vendor Forum at James City-Williamsburg Community Center, Room A, Thursday, June 12, 1997, from 3:00 to 5:00 p.m.

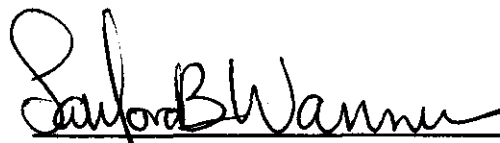
J. BOARD REQUESTS AND DIRECTIVES

Mr. DePue announced a balloon test at Brick Bat Road Wednesday, June 11, 1997, at 8:00 a.m. He asked the Board to compare that test with the slide presentation given for the 360° Communications case this evening.

Mr. Taylor made a motion to recess until Tuesday, June 24, 1997, for a Parks and Recreation fees and charges policy work session.

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

The Board recessed at 10:50 p.m.


Sanford B. Wanner
Clerk to the Board

970009826

PROFFERS

THESE PROFFERS are made as of this 27th day of May, 1997, by CAMPUS DEVELOPMENTS L.L.C., (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of certain real property (the "Property" in James City County, Virginia more particularly described as parcel (1-5) on James City County Real Estate Tax Map Page (47-3).

B. The Property is located at 1820 Jamestown Road and is now zoned LB; Limited Business.

C. Owner has applied for a rezoning of the Property from LB, Limited Business, to B-1, General Business, with proffers.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned B-1 for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property.

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

JUN 24 5 01 74

CONDITIONS

1. LIMITATIONS ON USE. Without the amendment of this agreement the Property shall only be used for one or more of the following generally permitted uses as defined in the Zoning Ordinance of James City County:

- Adult day care center.
- An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.
- Banks and other similar financial institutions.
- Business, governmental and professional offices.
- Contractor's offices without storage of construction equipment or building materials.
- Day care and child care centers.
- Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
- Doctors, dentist and other medical clinics or offices.
- Drug stores, barber shops and beauty shops.
- Dry cleaners and laundries.
- Feed, seed and farm supply stores.
- Funeral homes.
- Health clubs, exercise clubs, fitness centers.
- Lodges, civic clubs, fraternal organizations and service clubs.
- New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).
- Off-street parking as required by section 20-53 of the James City County Zoning Ordinance.
- Office supply stores, secretarial and duplicating services.
- Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.
- Plants and garden supply, hardware and paint, and home appliance sales and service stores.
- Printing and publishing.
- Restaurants, tea rooms and taverns.
- Retail food stores, bakeries and fish markets.
- Schools, fire stations, post offices, houses of worship and libraries.
- Timbering in accordance with Section 20-43 of the James City County Zoning Ordinance.
- Wholesale and warehousing (with storage limited to a fully enclosed building).

JUN 24 5 01 75

2. LIMITATIONS ON SPECIALLY PERMITTED USES. Without the amendment of this agreement the Property shall only be used for one or more of the following specially permitted uses as defined in the Zoning Ordinance of James City County:

- Contractor's offices with storage of materials and equipment limited to a fully enclosed building.
- Convenience Stores; if fuel is sold, then in accordance with section 20-38 of the James City County Zoning Ordinance.
- Electrical substations (public or private), with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.
- Flea markets.
- Marinas, docks, piers, yacht clubs, boat basins and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 20-38 of the James City County Zoning Ordinance.
- Plumbing and electrical supply (with storage limited to a fully enclosed building).
- Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.
- Publicly owned solid waste container sites.
- Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.
- Telephone exchanges and telephone switching stations.
- Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.
- Water facilities (public or private), and sewer facilities (private), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment to existing mains, with no additional connections to be made to the line which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations, are permitted generally and shall not require a special use permit.

JUN 24 5 01 76

3. HEADINGS. All section and subsection headings of Conditions herein are for convenience only and are not a part of these proffers.

4. SEVERABILITY. If any condition or part thereof set forth herein shall be held invalid or unenforceable for any reason by a court of competent jurisdiction, the invalidity or unenforceability of such condition or part thereof shall not invalidate any other remaining condition contained in the Proffers.

WITNESS the following signatures and seals:

COLLEGE AND UNIVERSITY COMPUTERS, INC.
By: [Signature]
Title: President

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

The foregoing instrument was acknowledged before me this 27th day of MAY, 1997 by LEE C. SCRUGGS as PRESIDENT of College and University Computers, Inc.

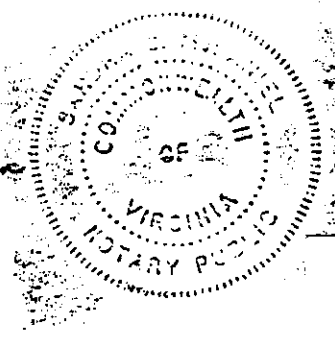
[Signature]
NOTARY PUBLIC

Prepared by:

Paul Holt
James City County Planning Department
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187

My Comm. Exps. 7-31, 1999

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 on 24th day of June, 1997. This Proffer was presented with certificate annexed and admitted to record at 12:42 o'clock.
Teste: Helene S Ward, Clerk
by [Signature]
Deputy Clerk



JUN 10 1997

ORDINANCE NO. 55A-23

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 II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, BY AMENDING SECTION 2-5, ELECTION DISTRICT BOUNDARIES.

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 2-5, Election district boundaries.

Chapter 2. Administration

Article II. Magisterial District, Election Districts and Election Precincts.

Sec. 2-5. Election district boundaries.

~~Berkeley Election District. Beginning at a point where State Route 5 intersects the Williamsburg city limits, thence northerly following the Williamsburg city limits to the point at which they intersect the York County line, thence northerly following the York County line to a point on State Route 603 1,400 feet north of State Route 645; thence westerly along the southern property line of Parcel (33-3)(1-10); thence projecting the southern property line of Parcel (33-3)(1-10) across the CSXT Railroad main line, and U.S. Route 60 where the projected line intersects State Route 658; thence following the centerline of State Route 658 to State Route 612; thence southerly following the centerline of State Route 612 to the northeast property corner of Parcel (32-4)(1-31); thence westerly following the northern property line of Parcel (32-4)(1-31) for approximately 900 feet to the northwest property corner of Parcel (32-4)(1-31) for approximately 300 feet to the southwest corner of Parcel (32-4)(1-31); thence southwesterly following the centerline of the ravine dividing Williamsburg West subdivision~~

Ordinance to Amend and Reordain
 Chapter 2. Administration
 Page 2

~~on the south from Windsor Forest subdivision on the north for approximately 2,750 feet to a point where the ravine intersects with Chisel Run; thence westerly following the centerline of Chisel Run for approximately 2,500 feet to a point where Chisel Run intersects Longhill Swamp/Powhatan Creek; thence westerly following the centerline of Powhatan Creek to its intersection with State Route 613; thence westerly along the centerline of State Route 613 to its intersection with State Route 614; thence southerly along State Route 614 to a point 6,000 feet north of State Route 5; thence westerly to Shell Bank Creek; thence following the centerline of Shell Bank Creek to the point where it intersects State Route 5; thence easterly following the centerline of State Route 5 to a point where it intersects State Route 614; thence southerly following the centerline of State Route 614 to the point where it intersects State Route 31; thence easterly following the centerline of State Route 31 to its intersection with State Route 681; thence northerly along the centerline of State Route 681 to its intersection with State Route 615; thence northerly along State Route 615 to its intersection with State Route 629; thence easterly along the centerline of State Route 629 to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to the point of beginning.~~

Berkeley Election District

Berkeley Precinct A. Beginning at a point where State Route 199 intersects State Route 5, thence easterly following the centerline of State Route 5 to its intersection with the Williamsburg City limits; thence northerly following the Williamsburg City limits to the point at which they intersect the York County line; thence northerly following the York County line to a point on State Route 603, 1,400 feet north of State Route 645; thence westerly along the southern property line of Parcel (33-3)(1-10); thence projecting the southern property line of Parcel (33-3)(1-10) across the CSX Railroad main line and U.S. Route 60 where the projected line intersects State Route 658; thence westerly following the centerline of State Route 658 to its intersection with State Route 612; thence southerly following the centerline of State Route 612 to the northeast property

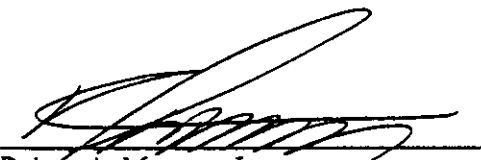
Ordinance to Amend and Reordain
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corner of Parcel (32-4)(1-31) which is approximately 500 feet south of the intersection of State Route 612 and State Route 658; thence westerly following the northern property line of Parcel (32-4)(1-31) for approximately 900 feet to the northwest property corner of Parcel (32-4)(1-31); thence southerly following the western property boundary of Parcel (32-4)(1-31) for approximately 300 feet to the southwest corner of Parcel (32-4)(1-31); thence southwesterly following the centerline of the ravine dividing Williamsburg West subdivision on the south from Windsor Forest subdivision on the north for approximately 2,750 feet to a point where the ravine intersects with Chisel Run; thence westerly following the centerline of Chisel Run for approximately 2,500 feet to a point where Chisel Run intersects Longhill Swamp/Powhatan Creek; thence westerly following the centerline of Powhatan Creek to its intersection with State Route 613; thence southerly following the centerline of State Route 613 to its intersection with State Route 615; thence easterly following the centerline of State Route 615 to its intersection with State Route 1435 (Bradshaw Drive); thence projecting a line easterly for a distance of approximately 200 feet to a point of intersection with the centerline of State Route 199; thence southerly following the centerline of State Route 199 to the point of beginning.

Berkeley Precinct B. Beginning at a point where State Route 199 intersects State Route 5; thence northerly following the centerline of State Route 199 to a point approximately 150 feet south of the State Route 199-Monticello Avenue intersection; thence projecting a line in a westerly direction approximately 200 feet to the intersection of State Route 615 and State Route 1435 (Bradshaw Drive); thence westerly following the centerline of State Route 615 to its intersection with State Route 613; thence northwesterly following the centerline of State Route 613 to its intersection with Route 614; thence southerly along State Route 614 to a point 6,000 feet north of State Route 5; thence westerly to Shell Bank Creek; thence following the centerline of Shell Bank Creek to the point where it intersects State Route 5; thence easterly following the centerline of State Route 5 to a point where it intersects State Route 614; thence southerly following the centerline of State

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Route 614 to the point where it intersects State Route 31; thence easterly following the centerline of State Route 31 to its intersection with State Route 681; thence northerly along the centerline of State Route 681 to its intersection with State Route 615; thence northerly following the centerline of State Route 615 to its intersection with State Route 629; thence easterly following the centerline of State Route 629 to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to the point of beginning.


Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 1997.

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. Magoon recessed the Board for dinner at 6:39 p.m.

Mr. Magoon reconvened the Board at 7:04 p.m.

C. PRESENTATIONS

1. Employee and Volunteer Outstanding Service Awards

Mr. Wanner stated that the Recognition Program provided recognition of exceptional achievement, performance and improvement by employees and volunteers of James City County and James City Service Authority.

Mr. Magoon presented plaques to six individuals and four groups as follows: Leo Rogers, Carlyle Ford, and Tom Pennington; Bill Baurenschmidt; Chris Thomas; Tom Klinger; Sue Mellen; Diana Hutchens and Rona Vrooman; Gene Canova, Sandy Hale, Merry Sue Hill, Thomasine Kashin, Hershel Kreis, Jean Kuo, Carole Norman, Linda Odell, Patrick Page, John Patton, Tom Pennington, Doug Powell, Jody Puckett, Vicki Sprigg, Brigitte White, and James Wilson; Rosalyn Billups, Marlene Blakeley, Vernitia Cooke, Diane Jackson, Karen Lucas, Iris Lynch, Romona Robinson, Yvette Taylor, and Diane Williams; Dr. Bob Pinto; and Joseph Mastaler.

The recipients thanked the Board.

2. Virginia Association of Counties, Larry Land

Mr. Larry Land, Director of Policy Development, Virginia Association of Counties, presented an update of ongoing activities and the benefits of a locality being a VACo member.

D. MINUTES - May 27, 1997

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

E. CONSENT CALENDAR

Mr. Magoon asked if a Board member wished to remove any items from the Consent Calendar.

Mr. DePue asked that Item No. 3 be removed and made a motion to approve the remaining items on the Consent Calendar.

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