

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF NOVEMBER, 1998, AT 7:01 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT

1. Mr. Arthur C. Hilstrom, 3724 Brick Bat Road, stated concern about wells in the area going dry and lack of water resources in the County. Mr. Nervitt suggested discussing this issue with Larry Foster, and perhaps a County well survey could be done to determine if this is a common problem for citizens with wells.

2. Mr. Ed Oyer, 139 Indian Circle, commented on an article in the Virginia Gazette about James City County preserving farmland.

C. PRESENTATIONS

1. Health Foundation Board Grant

Ms. Renee Dallman and Ms. Veronica Nowak, both of Neighborhood Connections, discussed highlights of the Healthy Neighborhoods 2000 Program, funded in part by the Williamsburg Community Health Foundation.

2. Community Corrections

Ms. Katie Green, Colonial Community Corrections Program Administrator, discussed the services provided by Colonial Community Corrections (CCC) and the benefits James City County receives from the program.

D. HIGHWAY MATTERS

Mr. James Brewer, Williamsburg Assistant Resident Engineer, reported on the following road projects:

Route 199, Route 610, Forge Road, Monticello Avenue/199, Route 60 Turn Lanes, Grove Interchange and Route 31.

Mr. Bradshaw asked the reason for waiting to resurface Route 610. Mr. Brewer explained that the temperature must be right.

Mr. Sisk asked when Ironbound Road would be cul-de-saced and Monticello would open. Mr. Brewer replied in the spring.

Mr. Edwards asked Mr. Brewer to pin down a date on the opening of Monticello Avenue.

Mr. McGlennon asked when reflectors could be put on Jamestown Road.

Mr. Nervitt stated he would have more questions for the December 2, 1998, work session with the Virginia Department of Transportation (VDOT).

Mr. Edwards asked for information about street signs on Monticello, behind Target, and a new street name for News Road.

E. CONSENT CALENDAR

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

Mr. Edwards moved approval of consent calendar. A motion was made to approve items.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

1. Minutes of Regular Meeting, November 10, 1998
2. Award of Contract for Child Care Services at the James City/ Williamsburg Community Center

RESOLUTION

AWARD OF CONTRACT FOR CHILD CARE SERVICES AT THE

JAMES CITY/WILLIAMSBURG COMMUNITY CENTER

WHEREAS, child care has been identified as a critical need by families and citizens of James City County using the James City/Williamsburg Community Center; and

WHEREAS, James City County promotes and values partnerships in providing services to its citizens; and

WHEREAS, a contract for child care services has been negotiated with the Greater Williamsburg YMCA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute all necessary contract documents for the provision of child care services for the James City/Williamsburg Community Center by the Greater Williamsburg YMCA.

F. PUBLIC HEARINGS

1. Case No. AFD-7-86. Mill Creek Agricultural and Forestal District/Cowles Addition

Mr. Paul Holt, Planner, stated that Mr. Carter Cowles, III, has no current plans to change the use of either property. Both parcels are designated Rural Lands on the Comprehensive Plan Land Use Map. Staff believes that the addition of these parcels to the Mill Creek AFD is consistent with the Comprehensive Plan. The State Forester has also reviewed this application and has recommended approval. In concurrence with staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission recommended approval.

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

Mr. Bradshaw made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0)

ORDINANCE NO.

MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-7-86)

1998 COWLES ADDITION

WHEREAS, an Agricultural and Forestal District has been established in the Mill Creek Area; and

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an addition to the Mill Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on October 29, 1998, recommended approval of the application by a vote of 6-0; and

WHEREAS, the Planning Commission following its public hearing on November 2, 1998, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. The Mill Creek Agricultural and Forestal District is hereby amended by the addition of the following parcels:

C.C. Cowles, Sr.	(20-1)(1-2)	2.0 acres
Linda B. Cowles	(10-4)(1-5A)	<u>17.0</u> acres
	Total	<u>19.0</u> acres

provided, however, that all land within 25 feet of the road rights-of-way of Forge Road (Route 610) shall be excluded from the district.

2. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Mill Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

2. Case No. SUP-20-98. Richmond Road Flea Market

Mr. Paul Holt, Planner, stated that the applicant proposes to operate an outdoor flea market at 7003 Richmond Road. Fifty - 150 tables, depending on demand, would be set up in approximately a 100 feet wide by 120 feet long area located behind the main building. The site currently has capacity for 64 spaces (or 42 tables at 1-½ parking spaces per table). Colonial Towne Plaza has approximately 210 existing parking spaces, with only 140 required by ordinance. A verbal agreement between the applicant and the owners of the Colonial Towne Plaza would allow for 46 more tables (a total of 88 tables). The applicant has stated the flea market would be in operation on Saturdays and Sundays only and would generally attract 300 customers on a typical day. Since the proposed flea market would operate only on weekends, no impacts to weekday peak hour traffic are expected. Portable toilets would be placed behind the building on the weekends and removed during the week.

Staff does not believe this use is consistent with the Comprehensive Plan. Staff is concerned about the aesthetics and visual impacts of the site, as it will be extremely difficult to adequately screen this use from the surrounding properties and Route 60.

The Planning Commission unanimously recommended approval of the special use permit. Staff recommended denial as the proposal was inconsistent with the Land Use Map designation and Goals and Objectives of the Comprehensive Plan.

Mr. Sisk asked if there would be any type of shelter, i.e., tent or canopy. Staff stated that applicant has not expressed a desire for this.

Mr. McGlennon stated that the drawings don't appear to coincide with the written description of the project. He also asked if the 64 spaces were in addition to the antique shop parking? Staff and applicant commented that the 64 parking spaces would be for joint usage; and with both uses, parking was still within the required amount.

Mr. Nervitt asked to be shown on the map the area taken up by tables and requested to know where will cars park, will the overflow park be on the grass, and where would the portable toilets be located. Staff replied that no parking would be allowed on non-paved areas, "no parking" areas would be roped off, and the portable toilets would be placed behind the building.

Mr. Edwards opened the public hearing.

1. Tommy Norment, 460 McLaws Circle, representing the applicant, asked that the Board consider approval of this special use permit with adjustment to the following staff recommendations: 1) fencing and evergreen landscaping -- he stated these items were not necessary, given the location of the flea market; and, 2) requested changing hours of operation for closing to an hour before sunset so that operations could be longer in the summer months.

Mr. Nervitt questioned if additional exterior lighting is foreseen, and the applicant felt it would not be, since they would close before dark. The Planning Department concurred that additional lighting would not be necessary.

Mr. McGlennon asked if parking would be adequate. Mr. Norment replied that there would be at least 134 spaces, and people tend to come and go to a flea market rather than spend the day.

Mr. McGlennon also asked if the shopping areas and tourists at the campground would be affected. Mr. Norment felt that there would be no negative affect on these businesses.

Mr. Nervitt asked Mr. Holt to point out on the site plan where the buffer would be. He questioned why both landscaping and fencing would be required. Mr. Holt replied that the Comprehensive Plan designated this area as being in the transition between Lightfoot and the Norge Community Character area.

Mr. Nervitt commented that portable toilets behind the building is a good idea, and this should be put into the conditions.

2. Millie Webb, 202 Elmwood Lane, spoke in favor of the proposed flea market.

3. Jim Crabtree, 139 Country Club Drive, applicant, stated that the proposed flea market would not be an eyesore and would have handicapped portable toilets which would be taken off on Mondays and set out on Fridays, as would the tables.

4. Robert McGaw, 2416 Sarah Spence, spoke in favor of the proposed flea market and felt that special fences and landscaping should not be required.

5. Grant Olson, 105 Holman Road, opposed the proposed flea market for two reasons: 1) parking may not be adequate -- 90 tables equal 90 vehicles parked for the day; 2) adoption of the Community Character Corridors should be consistent.

6. Sam Hazelwood, 300 Old Stage Road, Toano, stated he was in favor of the proposed flea market.

Mr. Edwards closed the public hearing.

Mr. Nervitt stated that he is concerned with parking and if the grass and field areas can be protected. He stated that the need for landscaping is understandable, but did not think a fence should be required too.

Marvin Sowers replied that Provision No. 1 can be deleted.

Mr. Nervitt moved to eliminate Provision No. 1. On a roll call, the vote was: AYE: Sisk, Bradshaw, Nervitt (3). NAY: Edwards, McGlennon (2).

Mr. Sisk questioned the need for outdoor lighting. Staff replied that additional lighting is not necessary if the flea market is closed before dark.

Mr. McGlennon questioned parking, the number of parking spaces being provided, and suggested that no more than 60 tables/tenant spaces be allowed so that adequate parking would be insured.

Mr. Nervitt stated his concern over parking and suggested something be put in the conditions to allow for non-paved parking and to provide a buffer to ensure parking ruts would not be visible.

Mr. Edwards asked if changes to this resolution were agreed upon by the Board, would the case have to go back to the Planning Commission.

Mr. Sowers stated it would not.

Mr. McGlennon asked for more information on the character/quality of the establishment.

Mr. Edwards stated that he is not opposed to a flea market, but that this use is inconsistent with the Comprehensive Plan. The Board needs to consider the future vision of Richmond Road and must consider setting of a precedence for future requests.

Mr. Bradshaw did not have a clear picture of the Norge/Lightfoot Community Character Corridor, but this property is zoned B-1, which is already inconsistent with the Comprehensive Plan. Weekend business during daylight hours also fits into B-1. If this special use permit is granted, this business would be grandfathered, but he does not see this as a long-term use for the property.

Mr. Edwards moved to defer SUP-20-98 Richmond Road Flea Market to the December 8, 1998, meeting.

On a roll call, the vote was AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY (0).

Mr. Edwards declared a five-minute break.

3. Case No. ZO-9-98. Zoning Ordinance Amendment. Exterior Signs

The staff requested that the flag section of the revised ordinance be taken out of consideration for the public hearing.

Mr. Keith Nowaldy, Chairman of the Community Character Committee, went over the revisions to the Sign Ordinance.

Matt Maxwell, Planning Division, thanked the Committee members for their hard work on this ordinance revision.

Staff recommends approval of all the revisions in ZO-9-98 Nos. 1 - 7, but is strongly opposed to No. 9, Off-Premises Realtor Open-House Signs for Residential Properties.

Mr. Edwards opened the public hearing.

1. James Gresock, Senior Vice President of Nusbaum Realtors, who manages the Monticello Market Place Shopping Center, stated that he agrees with the residential aspect of the revisions and the consistency these revisions will provide.

2. Paul Robinson, Robinson Realty, Court House Road, New Kent County, President of Williamsburg Board of Realtors, spoke in favor of the proposed amendments. Mr. Robinson explained that the open house signs provide assistance to people trying to locate homes for sale.

3. R. M. Hazelwood, Jr., Hazelwood Realty, 300 Old Stage Road, endorsed the amendments and pointed out that politicians also use their signs to promote themselves during election periods.

4. Mike Bucci, President of Williamsburg Board of Realtors, 5 Sheffield Road, endorsed the amendments. He stated the name of this section should be changed to "Off Premises Homeowner Signs" since the homeowner needs this service.

5. Cathy Short, Realtor, displayed an open house sign to show that they are uniform in color and size. She stated realtors could be self-policing and would ensure that signs are only up during open house hours.

6. Bobby Hornsby, Realtor, Windsor Forest, stated that the signs are helpful yet unobtrusive. If deferred, he asked that the Board extend the public hearing.

Mr. Edwards closed the public hearing.

Mr. Sisk asked the size of the signs for residential subdivisions. Mr. Maxwell answered -- two signs up to 32 square feet total.

Mr. Edwards asked the Director of Planning if review by the Development Review Committee could be faster and easier. He asked that staff please consider this if deferred.

Mr. Edwards asked, if within an enclosed mall, were all stores permitted to have an exterior sign. Staff replied yes, either by having a special use permit or by rezoning. The revision allows staff and the Planning Commission to look at it on a case-by-case basis. This is already happening, and this revision would simply make it a written law.

Mr. Bradshaw asked where "against the mall's public entrance" would be? Mr. Maxwell responded generally in the area of a public entrance. The Board requested further definition to ensure the requirements are clear.

Mr. Nervitt asked how the Flag Section would be handled if not included in tonight's discussion.

Mr. Maxwell stated that it would be brought back as a free-standing ordinance. If the entire ordinance is deferred, it is possible that the flag issued could be kept within this revised ordinance.

Matt Maxwell reiterated that staff does not support the Off-Premises Realtor Open-House signs for residential properties due to citizens' desire to protect and enhance the appearance of the County. Such signs, unsightly streetscapes, negatively impact visually on the character of the community, especially as we approach the City of Williamsburg's 300th Anniversary and the Jamestown 2007 celebration. Additionally, there is the fear of establishing a precedent for other such signs as yard sales, store sales, etc.

Mr. McGlennon noted that signs should not be on the VDOT right-of-way. He asked why real estate signs specifically were sited, and not signs for yard sales, festivals, etc. Can the ordinance speak more generally rather than just to real estate signs? Mr. McGlennon stated he was impressed with the suggested self-policing rules that Mrs. Short discussed, and perhaps more specific time frames could be set for these signs, although that would be hard to enforce.

Mr. Bradshaw inquired why real estate signs seem to be the only commerce affected by this ordinance revision, and reflected on Mr. Robinson's statement that real estate is a unique form of commerce in this respect.

Mr. Nervitt stated that it is a benefit to citizens to be able to find a home as easily as possible and that enforcement is important. He requested to know if the ordinance related to "For Sale By Owner Open House" signs.

Mr. Sisk stated he supports the Open House Sign Ordinance.

Mr. Edwards stated his concern that a large number of other types of businesses would use this type of advertising.

Mr. Sisk made a motion to defer Case No. ZO-9-98 until the December 22, 1998, meeting and keep the public hearing open.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

4. Case No. ZO-16-98. Zoning Ordinance Amendment/Street Signs

Mr. Holt stated that the purpose of this amendment is to minimize confusion among emergency services finding a correct address and to ensure there are no duplicate street names, similar spellings, etc. Mr. Holt explained there is such a requirement in the Subdivision Ordinance, but was not included in the Zoning Ordinance.

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

Mr. Bradshaw made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

5. Case No. ZO-17-98. Zoning Ordinance Amendment/Lots for Public Utilities

Mr. Holt stated that the purpose of this amendment is to clarify the existing ordinance and to provide that such facilities are not located within 15 feet of any property line.

Mr. Edwards opened the public hearing

Mr. Mark Rinaldi of Cooley Road asked for clarification as to the fencing requirements, etc., and how they would impact utilities such as natural gas pump and regulator stations.

Mr. Edwards closed the public hearing.

Mr. Morton requested the Board defer action to allow the staff to address the concern that some facilities may encroach into the setback.

Mr. Bradshaw made a motion to defer this ordinance until the December 8, 1998, meeting.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

G. PUBLIC COMMENT

1. John Ryan, a James City County Resident, stated that the self-storage building on Ironbound Road has a 50-foot setback and the buffer was taken out and construction should stop immediately until the buffer is replaced. Mr. Ryan commented on a recent personal episode where he needed a phone number for the Board of Health in Virginia Beach.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner asked Mr. Larry Foster, General Manager of the James City Service Authority, to respond to Mr. Hilstrom's comment about wells drying up. Mr. Foster explained that the age, depth, and type of well are all determining factors of whether or not a well will go dry. Mr. Foster concluded that any citizen having a well problem should call a well driller and have the required work done first then submit the well driller's finding to the Service Authority. The decision on mitigation payments is based on staff's investigation including information from the well driller.

Mr. Wanner reported that a Work Session is scheduled for December 2, 1998, which will include the Transportation Six-Year Plan and the 1999 Legislative Plan, and the next Board of Supervisors meeting is scheduled for December 8, 1998.

Mr. Wanner requested the Board make three appointments, two for Historical Commission, Mr. Warren Mewborn and Mr. David Beals, and that Chief Richard Miller be reappointed to Peninsulas EMS Council for another three-year term to expire October 31, 2001.

Mr. Bradshaw made a motion to appoint Mr. Warren Newborn and Mr. David Beals to the Historical Commission each to a three-year term to expire August 31, 2001, and Chief Richard Miller to the Peninsulas EMS Council for a three-year term to expire October 31, 2001.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

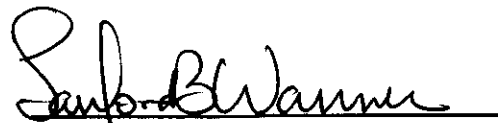
I. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards stated that the Board will try to schedule a meeting with the Planning Commission during December or January.

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

The Board adjourned at 11:16 p.m.


Sanford B. Wanner
Clerk to the Board

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**AGREEMENT TO PROVIDE CHILD CARE SERVICES
FOR THE
JAMES CITY/WILLIAMSBURG COMMUNITY CENTER
By and Between
JAMES CITY COUNTY
And
GREATER WILLIAMSBURG BRANCH YMCA**

THIS AGREEMENT, made this 23rd day of November 1998, by and between the COUNTY OF JAMES CITY, VIRGINIA ("County"), a political subdivision of the Commonwealth of Virginia, and the GREATER WILLIAMSBURG BRANCH YMCA ("YMCA"), a Virginia nonprofit organization.

WITNESSETH THAT:

WHEREAS, full quality occasional child care for dependent children has been requested by patrons using the James City/Williamsburg Community Center; and

WHEREAS, the County desires to engage the services of a qualified child care provider and the Greater Williamsburg Branch YMCA has agreed to provide such services; and

WHEREAS, the County agrees to provide the facility space and specified services.

NOW, THEREFORE, for good and valuable consideration and the mutual covenants herein contained, the parties agree as follows:

I SCOPE OF SERVICES

The YMCA will utilize a Creative Curriculum guide specially designed for use with multi-age groupings of children from infant to 10 years of age. Free play will also be part of the everyday curriculum. The YMCA shall provide program coordination, personnel, basic planning as well as insure safe and smooth operation of child care services for children of patrons who are on-site using the James City County/Williamsburg Community Center.

II. CHANGE ORDER FOR SERVICES

There shall be no extra work allowed on this Agreement without prior written authorization in the form of a change order. No officer, agent or employee of the County is authorized to give verbal instructions to increase the scope of work and the YMCA shall not use verbal

instructions as the basis for additional costs. Requests for changes in the scope of work shall be made in writing for approval by the County Administrator prior to initiation of any extra or additional work.

III PERSONNEL

- A. The YMCA shall secure at its expense, and supervise all personnel, including volunteers, providing services as required during the term of this agreement. A minimum of one fully qualified staff member shall be present during hours of operation. All staff shall have a high school diploma or equivalent, preferably supplemented by college course work in recreation, education or related field and one year of experience working with children ranging in age from 6 months through 10 years.
- B. All staff shall secure evidence of the following before working in the Center. This information shall be maintained in the employee's or volunteer's file.
 - 1. Certification in Infant/Child CPR and First Aid;
 - 2. Criminal Background Check and Child Protective Services Clearance
 - 3. Proof of current, clear TB test.
- C. All Child Care Center Employees will participate in at least eight clock hours of training annually.
- D. The Adult to child ratio shall be:
 - 1. 6 months to 16 months 1 to 4
 - 2. 16 months to 2 years 1 to 5
 - 3. 2 years to 4 years 1 to 10
 - 4. 4 years to 11 years 1 to 15

IV. HOURS OF OPERATION

A. The Child Care Center shall operate in accordance with the schedule listed below.

Monday - Friday: 8:00 a.m. - 12:00 p.m.
 4:00 p.m. - 8:00 p.m.

Saturday: 9:00 a.m. - 12:00 p.m.

Hours may be deleted or added based upon demand and upon mutual consent of the parties. Any programs which may be scheduled outside of these hours are subject to prior approval from the Facility Administrator. The program may be charged staff time at the current prevailing rate.

- B. The Center will be closed for holidays on New Year's Day, Christmas Eve and Christmas Day, Thanksgiving Day, Memorial Day, Fourth of July, Labor Day and Easter Sunday.

V. FEE STRUCTURE

- A. The YMCA shall charge a fee of not more than \$2.00 per hour. A child's stay is limited to 2 consecutive hours.
- B. A "Grace" period of ten (10) minutes will be allowed for late pickups. An additional fee of \$2.00 will be assessed for every five (5) minutes thereafter.
- C. Patrons can make reservations either in person or via the phone within 24 hours prior to the reserved time.
- D. Cancellations may be made up to 24 hours prior to reserved time. Credits only shall be given for cancellations.
- E. All fees shall be paid in advance of services being rendered.

VI COUNTY RESPONSIBILITIES

The County shall provide administrative support along with the following:

- A. Facility Space
- B. Materials and Equipment listed and attached hereto as Exhibit A
- C. Space reservation and collection of normal fees
- D. Custodial support
- E. Allow for display of the YMCA and United Way logos at the Child Care Center.
- F. Advertising
- G. Monthly payments

VII. GREATER WILLIAMSBURG YMCA RESPONSIBILITIES

- A. The YMCA shall provide and maintain insurance as follows:

Public Liability with a Combined Single Limit of \$3,000,000 each occurrence/aggregate for Bodily Injury and Property Damage.

Limit of \$1,000,000 each occurrence/aggregate for Sexual Molestation and/or Abuse.

"All Risk" Property Policy for replacement cost of the County's property.

Workmen's Compensation and Employers' Liability in the amounts required by law.

Automobile Liability Insurance with a Combined Single Limit of \$500,000 each accident for Bodily Injury and Property Damage for all Owned, Hired, and Non-owned vehicles.

The YMCA shall provide certificates of insurance naming the County as an additional insured. Each Certificate shall carry the provision that the policy may not be canceled or materially changed except upon at least 15 days notice to the County.

- B. Maintain and provide monthly reports no later than the tenth day of the month in which services were provided. Reports shall include:
1. Employee schedule
 2. Occupancy rate by age group
 3. Salary expenses
 4. Operational expenses associated with the Center's operation
 5. Customer comments
- C. Provide an Annual Programing/Activity guide within 30 days of program for review and approval by County).
- D. Provide quarterly updates (30 days in advance of each quarter).
- E. List and display the County Division of Parks and Recreation and its logo as co-sponsors on any public service announcements, promotional and advertising materials for classes
- F. Collection of any late fees and for notifying the Community Center of any Credits given for unused hours.
- G. Meet with the Facility Administrator on a monthly basis throughout the course of this agreement.
- H. Pay the County 50% of net profit associated with the program.

- I. Provide daily operating supplies as required.
- J. Provide 50% of replacement cost on start up equipment (Exhibit A)

VIII. REPORTS OF WORK

The Facility Administrator and the YMCA shall meet monthly throughout the course of the Contract. These meetings will be held in conjunction with reporting and will provide for the exchange of information related to the progress of the program and any problems that have arisen. Adjustments and/or modifications to the program may also be discussed for consideration.

IX. TIME OF PERFORMANCE

This agreement shall be effective for the period of One (1) year from the start date. The agreement may be renewed for Four (4) successive years one year at a time upon mutual consent of both parties. Such renewal will be in the form of a written Change Order.

X. COMPENSATION AND METHOD OF PAYMENT

- A. The YMCA shall be paid by the County on a monthly basis from fees collected for Child Care Services within the Facility Center.
- B. The YMCA will pay the County 50% of the net profit associated with the operation of the center.
- C. The County will offset any loss by the YMCA during the first 60 days of this Agreement as a result of salary and daily operating expenses that are associated with maintaining the minimum number of operating hours and established child care ratios as required by this Agreement.

XI. EMPLOYMENT DISCRIMINATION

During the term of this Agreement, the YMCA agrees as follows:

- A. The YMCA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the YMCA. The YMCA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- B. The YMCA, in all solicitations or advertisements for employees placed by or on behalf of the YMCA, shall state that the YMCA is an equal opportunity employer.

- C. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirement of this section.

The YMCA shall include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase of over \$10,000 so that the provisions shall be binding upon each subcontractor or vendor/ (1982,c.647)

XII AMENDMENTS

This Agreement may be amended from time to time by the County and shall be subject to renegotiation if such amendment results in a change in the scope of services, compensation or method of payment.

XIII COMPLIANCE WITH LAWS

The YMCA shall at all times observe and comply with all the laws, ordinances and regulations of the Federal, State and local governments which may in any manner affect the performance of the agreement.

XIV INDEMNITY

The said YMCA hereby binds itself and its successors to indemnify, and save harmless The County its officers, agents or employees, from all suits and actions of every name and description brought against it or them, and all costs or damages to which it or they may be put, on account of, or by reason of any injury to the person or property of another, resulting from or on the account of negligent acts, errors or omissions of the YMCA or its agents.

The said YMCA further agrees to indemnify and save harmless The County against any and all claims, suits or demands that may accrue to, be suffered by, or adjudicated against it by reason of any injury sustained by any of the YMCA's employees in and about the said work, under and pursuant to the provisions of the Workman's Compensation Law or any amendments thereto, and the YMCA shall produce certificates or other satisfactory evidence of ample protection against such liability.

XVI TERMINATION

This agreement may be terminated at any time by either party upon giving sixty (60) days written notice. Upon receipt of a notice of termination, the YMCA shall cease all work underway on behalf of the County unless advised by the County to do otherwise.

In the event of termination, the YMCA shall be compensated only for the services (as set forth herein) provided to the satisfaction of the County and expenses incurred as of the date of termination.

IN WITNESS WHEREOF, the parties hereto have made and executed this agreement as of the day and year above written.

**GREATER WILLIAMSBURG BRANCH
YMCA**

BY: *[Signature]*

ATTEST: *Sue Anne Martin*

The foregoing instrument was acknowledged before me this 23rd day of November, 1998. My Commission expires March 31, 1999.

JAMES CITY COUNTY

BY: *[Signature]*

ATTEST: *Jennifer L. Hackett*

The foregoing instrument was acknowledged before me this 24th day of November, 1998. My Commission expires August 31, 2000.

NOV 24 1998

ORDINANCE NO. 169A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAMILL CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-7-86)1998 COWLES ADDITION

- WHEREAS, an Agricultural and Forestal District has been established in the Mill Creek Area; and
- WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an addition to the Mill Creek Agricultural and Forestal District; and
- WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on October 29, 1998, recommended approval of the application by a vote of 6-0; and
- WHEREAS, the Planning Commission following its public hearing on November 2, 1998, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. The Mill Creek Agricultural and Forestal District is hereby amended by the addition of the following parcels:

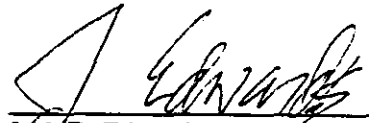
C.C. Cowles, Sr.	(20-1)(1-2)	2.0 acres
Linda B. Cowles	(10-4)(1-5A)	<u>17.0 acres</u>
	Total	<u>19.0 acres</u>

provided, however, that all land within 25 feet of the road rights-of-way of Forge Road (Route 610) shall be excluded from the district.

2. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Mill Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided:
 - The subdivision does not result in the total acreage of the District to drop below 200 acres; and
 - The subdivision does not result in a remnant parcel of less than 25 acres.
 - No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary

Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 1998.

cowles.res

NOV 24 1998

ORDINANCE NO. 31A-183

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION I, IN GENERAL, BY ADDING SECTION 24-44, SPECIAL REQUIREMENTS FOR STREET NAMES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 1, In General, by adding Section 24-44, Special requirements for street names.

Chapter 24. Zoning

Article II. Special Regulations

Division 1. In General

Sec. 24-44. Special requirements for street names.

- (a) *Proposed streets which align with existing streets shall bear the names of the existing streets. Names of proposed streets shall not duplicate, irrespective of suffixes, or be similar in sound or spelling to existing street names in James City County, the City of Williamsburg, or the northern portions of York County served by the Williamsburg Post Office, by common zip code or by inter-jurisdictional emergency services.*

Ordinance to Amend and Reordain
Chapter 24. Zoning
Page 2

(b) *Street names shall be indicated on the preliminary and final site plans. Names of existing streets that provide access to two or more property owners or lessees shall not be changed except by approval of the governing body.*



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of November, 1998.

stnames.ord