

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF DECEMBER, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

John J. **McGlennon**, Chairman, Jamestown District  
**Bruce C. Goodson**, Vice Chairman, Roberts District

Jay T. **Harrison**, Sr., Berkeley District  
James G. **Kennedy**, Stonehouse District  
Ronald A. Nervitt, **Powhatan** District

Sanford B. Wanner, County Administrator  
Frank M. Morton. III, County Attorney

**B. PLEDGE OF ALLEGIANCE**

Mr. Justin Num, an eighth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Mr. Jim **Icenhour**, 101 **Shinnecock**, stated he had been a candidate for the Board of Supervisors and during the campaign when speaking with citizens, the message of concern for water supply and the high growth rate of the County was being ignored by the current Board, requested the Board avoid mandatory water restrictions by controlling growth, and that the Board is sending a message to businesses that the County is for sale to the highest bidder.

2. Mr. Ed Oyer, 139 Indian Circle, concurred with Mr. **Icenhour's** comments, stated that another concern is school construction when there is no accountability, requested no new rezoning, and stated concern for the Roberts District residents with a proposed power plant west of the District in **Surry** County.

**D. PRESENTATIONS**

1. International Year of Volunteers – Volunteer Recognition – Lacy Banks

Mr. **McGlennon** recognized Lacy Banks for his service to the County as a volunteer **fire** fighter for over 41 years, facilitating excellent relationship with the County, and as a model on how to partner in the delivery of service to the County as a whole.

2. 2001 Chairman's Award

Mr. **McGlennon** awarded Carol **Luckam**, Manager of Human Resource Management, with the 2001 Chairman's **Award** for her sustained service and leadership of Human Resources and the County.

3. Annual Financial Report – W M G LLP

Ms. Suzanne R. **Mellen**, Director of Budget and Accounting, introduced **Elizabeth Foster**, **KPMG LLP**, to provide an overview of the **FY01** Financial Statements for James City County and James City Service Authority.

Ms. Foster provided the Board with an overview of the financial reports including the auditors report, fund balance, general fund, and changes in accounting practice.

The Board and Ms. Foster discussed what items auditors look for when reviewing for material weaknesses.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer for **Williamsburg**, stated that the median work for the Grove interchange is underway, introduced Mr. John **Barr**, Assistant Residential Engineer for Land Development, and stated that Mr. Elliott had been promoted and will be serving in Richmond.

Mr. **Quintin** Elliott stated that he has served as a residential engineer for 10 years and has mixed feelings on moving **forward** to Richmond to working on a statewide basis.

Mr. **McGlennon** thanked Mr. Elliott for working with the Board.

Mr. **Harrison** inquired if the intersection of Mooretown Road and Airport Road would be receiving a stoplight soon

Mr. Brewer stated that turn lanes and traffic lights would be installed by the end of summer 2002.

F. CONSENT CALENDAR

Mr. **McGlennon** inquired if a member wished to have an item pulled.

Mr. **Goodson** requested Item Number 1, Minutes, November 27, 2001, Regular Meeting, be pulled.

Mr. **Goodson** made a motion to adopt the remaining items on the Consent Calendar,

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

2. Department of Motor Vehicles Grant

**RESOLUTION**

**APPROPRIATION TO THE POLICE DEPARTMENT**

WHEREAS, the Department of Motor Vehicles has approved a grant in the amount of \$10,000 to the Police Department for equipment and selective enforcement overtime to combat the problem of Driving Under the **Influence**; and

WHEREAS, the grant only requires soft money local match, thus eliminating any additional spending by ~~the~~ Police Department, excluding **court** overtime and equipment maintenance; and

WHEREAS, the grant is administered by the Department of Motor Vehicles according to the Federal Government Fiscal Year which **runs** from October 1 - September 30, thus allowing any unspent funds as of June 30,2002, to be **carried** forward to James City County's next **fiscal** year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenues:

Department of Motor Vehicles **\$10,000**

Expenditures:

Police Department budget **\$10,000**

3. Award of Contract – District Park Phase I

**RESOLUTION**

**AWARD OF CONTRACT - DISTRICT PARK PHASE I**

WHEREAS, bids have been received **for** construction of the District Park, Phase I; and

WHEREAS, staff has reviewed all bids and determined that Henderson, Inc., is the lowest responsible and responsive bidder and is qualified to complete the project; and

WHEREAS, the bid is within the Capital Budget **allocated** for this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary contract documents for award of bid to Henderson, Inc., in the amount of \$1,041,707.

4. Budeet Amendment – Section 8 Housing Choice Voucher ProgramR E S O L U T I O NBUDGET AMENDMENT - SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

WHEREAS, the U. S. Department of Housing and Urban Development (**HUD**) has transmitted to the James City County Office of Housing and Community Development (OHCD) an executed Annual Contributions Contract (ACC) Notice of Amendment and Funding Exhibits which adds funding to the James City County Section 8 Housing Choice Program; and

WHEREAS, the Virginia Housing Development Authority has **transferred** escrow account funds held on behalf of Section 8 Family Self-Sufficiency (**FSS**) program participants to the County; and

WHEREAS, the additional funding **committed** by **HUD** and transferred by VHDA are necessary to enable the County to make Housing Assistance Payments on behalf of Section 8 Housing Choice Voucher participants, to pay for administrative and counseling costs, and to establish reserves for increases in program costs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the appropriated funds from the Community Development **Fund Budget** to be amended as follows:

Revenue:

HUD Section 8 Program Funds	\$521,734
HUD Section 8 Program Reserve Funds	126,474
FSS Coordinator Program Award	30,000
FSS Escrow Account Funds	<u>32,732</u>
	<u>\$710,940</u>

Expenditures:

Section 8 Housing Assistance Payments	\$513,291
Section 8 Administration	8,443
Section 8 Reserves	126,474
FSS Program <b>Personnel</b> Expenses	30,000
FSS Escrow Account Funds	<u>32,732</u>
	<u>\$710,940</u>

5. Award of Bid – County Office building, County Government Center

**RESOLUTION**

**AWARD OF BID - COUNTY OFFICE BUILDING, COUNTY GOVERNMENT CENTER**

**WHEREAS,** competitive bids were advertised for a County office building to be constructed at the James City County Government Center; and

**WHEREAS,** fourteen bids ~~were~~ received with the lowest responsive and responsible bid of \$3,821,000 by **Oyster Point Construction**, with deductive Alternate No. 2 of **-\$14,000** and additive Alternate No. 5 of \$12,000.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of James City County, Virginia, **hereby** authorizes the County Administrator or his designee to execute the necessary contract documents for the construction of a County office building in the total amount of **\$3,819,000** with Oyster Point Construction.

1. Minutes – November 27, 2001, Regular Meeting

Mr. **Goodson** requested that page 6, **10th** paragraph, second sentence, of the minutes be amended to state **“The Board indicated that if any condition proved to be a problem, the applicant could, at a future date, request an amendment to the SUP.”**

The Board discussed the amendment request and upon conclusion of the discussion decided that the minutes would not be amended.

Mr. **Goodson** made a motion to adopt the minutes as presented.

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

**G. PUBLIC HEARINGS**

1. Budget Amendment FY 2002

Mr. John E. McDonald, Manager of Financial and Management Services, stated that due to the size of an amendment to the adopted FY 2002 budget a public hearing is **required**.

Mr. McDonald stated that staff requests the Board amend the adopted FY 2002 budget by appropriating \$2,886,828 of **the undesignated** fund balance as of July 1, 2001, by placing \$1,000,000 into the County's Greenspace Fund, **\$1,000,000** into the Economic Development Capital Budget, and \$886,828 into the Capital Contingency.

The Board held a brief discussion concerning the proposed allocations

Mr. **McGlennon** opened the public hearing.

As no one wished to speak, Mr. **McGlennon** closed the public hearing.

Mr. Nervitt made a motion to adopt the resolution.

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

## RESOLUTION

### BUDGET AMENDMENT - FY2002

WHEREAS. the James City County Board of Supervisors has been asked to consider an amendment to the **FY2002** capital budget appropriating \$2,886,828 in **undesignated** year-end fund balance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the County's **FY2002** Operating and Capital Budgets and appropriations, as follows:

**Operating Budget:**

Undesignated Fund Balance	+ \$ 2,886,828
Contribution to Capital Projects	+ \$ 2,886,828

**Capital Budget:**

Contribution from the Operating Budget	+ \$ 2,886,828
Greenspace	+ \$ 1,300,000
Economic Development	+ 1,000,000
Capital Contingency	+ 886,828
<b>District Park</b>	<b>- 300,000</b>
	<b>+ \$ 2,886,828</b>

2. FY 2002-2007 Six-Year Secondary Road Plan

Ms. Tamara A. M. Rosario, Senior **Planner**, stated that each year the Virginia **Department** of Transportation (VDOT) requests the County review its secondary roads and make recommendations on the priority for allocation of State funds to those roads. Ms. Rosario briefly presented the descriptions of County secondary road projects by priority.

In concurrence with staff, the Planning Commission recommended approval of the FY 2002-2007 **Six-Year Secondary Road Plan** and funding schedule.

The Board and staff held a brief discussion concerning the construction program and funding associated with the projects.

Mr. **McGlennon** opened the public hearing.

As no one wished to speak, Mr. **McGlennon** closed the public hearing.

Mr. Nervitt made a motion to approve the FY 2002-2007 **Six Year Secondary Road List and Plan**.

The Board held a brief discussion concerning the delay in projects, moving work on Sandy Bay Road forward to avoid construction in this area during the 2007 Celebration, and evaluating the curb and guttering of **Magruder Lane** for inclusion in next years' Six-Year Secondary Road Plan.

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

3. Amendment to the Code of James City County – Section 12-5.(d) License Requirements

Ms. M. Ann Davis, Treasurer, stated that under the current business license requirements for James City County, businesses face the challenge of having the renewal filing deadline and the payment due for the license occur on March 1. This has created a customer service issue as taxpayers may receive the bill for the license only days or on the same day that payment is due.

The Treasurer and the Commissioner of the Revenue recommended the Board of Supervisors amend the Code of James City County to change the deadline for business license payments to April 5 as permitted by the Virginia Code, Section 58.1-3703.1(a)(2)(b).

The Board and Treasurer held a brief discussion concerning support from the business community in changing the license payment deadline and the potential in the future for filing for licenses over the internet.

Mr. McGlennon opened the public hearing.

As no one wished to speak, Mr. McGlennon closed the public hearing.

Mr. Kennedy made a motion to adopt the Ordinance.

The Board and staff held a brief discussion regarding an automated process for this service.

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

4. Case No. ZO-4-01. Sign Ordinance Amendment

Ms. Jill E. Schmidle, Senior Planner, stated that under Section 24-71(a), Building Face Signs, Sign Location and Area, the Zoning Ordinance states that for industrial uses the applicant may request an exception to allow the building face sign to exceed 60 square feet, however this does not include Planned Unit Development – Commercial (PUD-C) districts.

Staff recommended the Board amend the Zoning Ordinance to allow the industrial PUD-C to be included in the list of districts eligible for exceptions to the 60 square feet building face signs.

Staff found the addition of PUD-C to the list of districts would allow for consistency and flexibility within the industrial zoning districts.

The Planning Commission, at its meeting on December 3, 2001, voted 7-0 to approve the Ordinance amendment.

The Board held a discussion concerning the previously proposed John Deere monument sign, applicability of the amended Ordinance to the size of signs and not affecting the existing lighting regulations, and community character corridors within industrial parks.

The Board requested staff to look into sign standards for flexibility within an industrial park

Mr. McGlennon opened the public hearing.

As no one wished to speak, Mr. McGlennon closed the public hearing

Mr. **Goodson** made a motion adopt the amended Ordinance.

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

5. Case Nos. Z-6-01/SUP-19-01/HW-2-01. Williamsburg Landing Expansion

Ms. Jill E. **Schmidle**, Senior Planner, stated that Mr. Alvin Anderson has applied on behalf of Norman G. Beatty, **Katharine M.** Beatty, and Williamsburg Landing, Inc., for a **rezoning**, special **use** permit, and height waiver request to allow for the expansion of the Williamsburg Landing continuing care retirement community on .95 acres zoned **R-8**, Rural Residential, located at 3110 **Lake Powell** Road, further identified as Parcel **Nos.** (1-33) and (1-3) on the James City County Real Estate Tax Map Nos. (48-1) and (48-2).

Staff found the proposed rezoning, special use permit, and height limitation waiver consistent with surrounding zoning, the Comprehensive Plan and consistent with previous action by the Board of Supervisors.

The Planning Commission, at its meeting on November 5, 2001, voted 5-0-1, with abstention, to approve the rezoning, special use permit, and height limitation waiver.

Staff recommended approval of ~~the~~ cases and acceptance of the voluntary proffers.

The Board and staff discussed the existing 100-foot right-of-way buffer owned by VDOT and that it will protect the expansion of Route 199 even if the proposed project is approved, and construction access points to the site.

Mr. McGlennon opened the public hearing.

1. Mr. Alvin Anderson, applicant, provided ~~the~~ Board with an overview of the site and proposal, the VDOT right-of-way previously purchased to develop Route 199 to a four-lane road, construction accesses to the site, proffered conditions, the benefits to the community, and requested those in ~~the~~ audience in support of the project stand to be recognized.

The Board and applicant briefly discussed the Greenwood ~~he~~-School being in operation through June, buffer restoration, construction entrances to the site, and viability of assisted living.

Mr. McGlennon closed the public hearing as no one else wished to speak

Mr. **Goodson** made a motion to adopt the three cases.

The Board held a brief discussion regarding the proposed expansion.

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

## RESOLUTION

### CASE NO. Z-6-01. WILLIAMSBURG LANDING EXPANSION

**WHEREAS**, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. 2-6-01 for rezoning approximately .95 acres from R-8, Rural Residential, to ~~R-65~~, Multi-Family Residential District; and



WHEREAS, the **Planning** Commission of James City County, following its public hearing on November 5, 2001, recommended approval of Case No. 2-6-01 by a vote of 5 to 0 with one abstention; and

WHEREAS, the property is located at 3110 **Lake** Powell Road and further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (48-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, **Virginia**, does hereby approve Case No. 2-6-01 and accept ~~the~~ voluntary proffers.

## RESOLUTION

### CASE NO. SUP-19-01. WILLIAMSBURG LANDING EXPANSION

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, Mr. Alvin **Anderson** has applied on behalf of Norman G. Beatty, Katharine M. Beatty, and Williamsburg Landing, Inc. for a special use permit to expand the continuing care retirement community by extending SUP-7-95 to ~~the~~ Beatty property, and increasing ~~the~~ number of nursing units by 30 and number of assisted living units by 30 on both the Beatty property and the **Williamsburg** Landing property at 3110 Lake Powell Road and 5560 **Williamsburg** Landing Drive; and

WHEREAS, the proposed expansion is shown on the master plan "Williamsburg Landing Master Plan" prepared by **CS&D**; and

WHEREAS, the property is located on land zoned R-5, Multi-Family Residential District, and can be further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (**48-1**), and Parcel No. (1-3) on James City County Real Estate Tax Map No. (**48-2**); and

WHEREAS, ~~the~~ Planning Commission, following its public hearing on November 5, 2001, voted 5-0 with one abstention to approve this application.

NOW, THEREFORE, BE IT RESOLVED that ~~the~~ Board of Supervisors of James City County, Virginia, hereby approve the issuance of Special Use Permit No. SUP-19-01 as described herein with the following conditions:

1. If **construction has** not commenced on the project within 36 months from the issuance of the special use permit, it shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings **and/or** foundations.
2. This special use **permit** shall be limited to the following specially permitted uses:  
  
Single-family dwellings.  
  
Nursing homes and facilities for the residence **and/or** care of the aged.

**RESOLUTION****CASE NO. HW-2-01. WILLIAMSBURG LANDING EXPANSION****HEIGHT LIMITATION WAIVER**

**WHEREAS,** it is understood that all conditions for the application for a Height Limitation Waiver have been met.

**NOW, THEREFORE. BE IT RESOLVED** by the Board of Supervisors of James City County, Virginia, that a Height Limitation Wavier be granted for the construction of a facility to a maximum height of **50** feet above finished grade on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Alvin Anderson, on behalf of Norman G. Beatty, Katharine M. Beatty, and Williamsburg Landing, Inc.
Real Estate Tax Map Nos.	<b>(48-1); (48-2)</b>
Parcel Nos.	<b>(1-33); (1-3)</b>
Address:	<b>3110 Lake Powell Road; 5560 Williamsburg Landing Drive</b>
Election District:	<b>Jamestown</b>
Zoning:	<b>R-5, Multi-Family Residential District</b>

**6. Case No. SUP-21-01, Johnston Dental Medical Clinic**

Ms. Karen Drake, Senior Planner, stated that Mr. Greg Davis, on behalf of Timothy K. Johnston, DDS, and Kelly T. Johnston, has applied for a special use permit to construct and operate a dental medical clinic on **1.514 ±** acres, zoned A-1, General Agricultural District, at **7450** Richmond Road, further identified as Parcel No. **(1-18)** on the James City County Real Estate Tax Map No. **(23-2)**.

Staff found the proposed office to be a complimentary use to the surrounding residents and businesses while meeting the specified Community Character Area design criterion.

The Planning Commission, at its meeting on November **5,2001**, voted **6-0** to approve the project.

Staff recommended the Board approved the special use permit application with conditions.

The Board and staff discussed **VDOT's** assessment regarding the impacts this project may have on traffic conditions on Richmond Road, and irrigation concerns.

Mr. **McGlennon** opened the public hearing.

**1.** Mr. Greg Davis, applicant, provided the Board with an overview of the project, buffer restoration conditions, addressed irrigation concerns, and requested the Board approve the application.

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The Board, Mr. Davis, and Dr. Johnston discussed concerns, the applicant's inability to utilize St. Olaf's parking lot as an alternate access to the site, proposed extensive planning for buffering and landscaping on the site, and the intention to utilize water conservation measures on the site.

Mr. Harrison made a motion to adopt the resolution

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

## RESOLUTION

### CASE NO. SUP-21-01. JOHNSTON DENTAL MEDICAL CLINIC

**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,** dental medical clinics are a specially **permitted** use in the **A-1**, General Agriculture, zoning district; and

**WHEREAS,** the Planning Commission of James City County, following its public hearing on November 5, 2001, recommended approval of Case No. SUP-21-01 by a vote of 6 to 0 to permit the construction of a dental medical clinic at 7450 Richmond Road and further **identified as** Parcel No. (1-18) on James City County Real Estate Tax Map No. (23-2).

**NOW, THEREFORE, BE IT RESOLVED** that the **Board of Supervisors of James City County**, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-21-01 as described herein with the following conditions:

1. The dental medical clinic shall be built in accordance with the submitted binding master plan; titled "Master Plan of Dental Clinic, Timothy K. and Kelly T. Johnston" dated September 21, 2001.
2. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the clinic building. Such building shall ensure that the design and construction are reasonably consistent with the architectural elevations, titled "Dr. Johnston Office Concept Elevations" dated September 14, 2001, and submitted with this special use permit application, as determined by the Planning Director.
3. Prior to final site plan approval, the Planning Director shall review and approve the proposed **landscaping plan** for the entire property. Enhanced landscaping shall be provided that exceeds the planting standards of the landscaping requirements of the **James City County Zoning Ordinance** by 133 percent.
4. A privacy fence shall be provided along the **rear** property line that is landscaped on both sides and provides an effective buffer between the proposed clinic and the Norge Sports Club. Alternatives to installing a privacy fence, include but are not limited to installing a berm with trees and shrubbery that would provide an equivalent buffer may be considered and approved by the Planning Director. Parking spaces in the rear shall be located in such a manner that the parking spaces will **be incorporated into** the landscape design so as to complement the rear **landscape** buffer. **All** of these items shall be approved by the **Planning** Director prior to final site plan approval.

5. Fencing shall be provided that shields the view of the parking lot from Richmond Road. The fence shall be three to four feet in height and be compatible with the architectural features of ~~the~~ clinic and approved by the Planning Director prior to final site plan approval. Alternatives to installing fencing to shield the parking lot, include but are not limited to planting suitable shrubbery shall be considered and approved by the Planning Director.
6. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants, if and where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers. The water conservation standards shall be approved by ~~the~~ James City County Service Authority prior to final site plan approval.
7. Sidewalks shall be provided along Richmond Road, built in accordance to the standards listed in the James City County Zoning Ordinance and incorporated into the enhanced landscaping.
8. The Special Use Permit granted pursuant to this application shall be null and void and of no further force or effect unless construction is commenced within twenty-four months of the date of approval by ~~the James~~ City County Board of Supervisors.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate ~~the~~ remainder.

Mr. **McGlennon** recessed the Board for a break at 8:55 p.m.

Mr. **McGlennon** called the Board back to order at 9:02 p.m.

7. Termination of the New Town Community Development Authority and the New Town Community Development Authority Tax District

Mr. Leo P. Rogers, Deputy County Attorney, stated that New Town Associates, LLC, submitted a petition to ~~the County~~ to terminate and abolish the New Town Community Development Authority Tax District (CDA Tax District) and the New Town CDA. Additionally, the New Town CDA Board adopted a resolution requesting that the County terminate and abolish the New Town CDA and CDA Tax District upon satisfaction of all outstanding debts and transfer to the County of any remaining assets.

The New Town Associates, LLC, and the New Town CDA Board expressed a desire that remaining funds of the New Town CDA be used for enhanced landscaping of the upgraded intersection of Ironbound Road and Monticello Avenue or other public improvements to roads or other areas in New Town.

Staff recommended the Board adopt the resolution to terminate and abolish the New Town CDA and CDA Tax District.

The Board and staff held a brief discussion concerning the resolution of the New Town CDA debt and its outstanding assets, and initial funding sources for ~~the~~ New Town CDA.

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Mr. McGlennon opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, requested an accountability of the allocation of funds to the New Town CDA.

Staff stated that a majority of the New Town CDA funding went to the James City Service Authority for infrastructure and to the Courthouse BMP; and that an independent auditor has performed an accounting and audit of the CDA.

As no one else wished to speak, Mr. McGlennon closed the public hearing.

Mr. Harrison made a motion to adopt the resolution to terminate and abolish the New Town CDA and CDA Tax District.

The Board had a brief discussion and requested information regarding the accounting of what funding went to the CDA, what expenses they incurred, and what assets will be coming back to the County.

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

## RESOLUTION

### TERMINATION AND ABOLISHMENT OF THE NEW TOWN

#### COMMUNITY DEVELOPMENT AUTHORITY AND

#### THE NEW TOWN COMMUNITY DEVELOPMENT AUTHORITY TAX DISTRICT

**WHEREAS,** the New Town Community Development Authority (the New Town **CDA**) and the New Town Development Community Authority Tax District (the "CDA Tax District") were created by the Board of Supervisors of James City County, Virginia, on December 22, 1997; and

**WHEREAS,** the Board of Supervisors of James City County, Virginia, adopted, amended, restated, and readopted the resolution creating the New Town CDA and the CDA Tax District on January 12, 1999; and

**WHEREAS,** New Town Associates, LLC, as the successor owner of in excess of 51 percent of the land subject to the CDA Tax District, petitioned the County to terminate and abolish the **CDA Tax District** and the New Town CDA; and

**WHEREAS,** the New Town CDA Board adopted a resolution **confirming** the satisfaction of all outstanding indebtedness, authorizing its chairman to convey any of its remaining assets to the County and calling for the termination, abolishment, and orderly dissolution of the CDA Tax District and New Town CDA; and

**WHEREAS,** the Board of **Supervisors**, after holding a public hearing, desires to terminate and abolish the CDA Tax District and New Town CDA.

**NOW, THEREFORE, BE IT RESOLVED** that the **Board of Supervisors of James City County, Virginia**, shall accept the assets of the New Town **Community Development Authority** upon its orderly dissolution and winding-up of its affairs and hereby provides that the **New Town Development**

Authority Tax District and the New Town Community Development Authority shall terminate and cease to exist upon satisfaction any outstanding debts and transfer of its remaining assets to the County.

8. Case Nos. Z-3-01/MP-5-01, New Town— Sections 2 and 4

Mr. Paul D. Holt, III, Senior Planner, stated that **Alvin P.** Anderson and Paul W. **Gerhardt** of **Kaufman & Canoles** have applied for a rezoning and Master Plan to apply Design Guidelines and rezone approximately 80 acres, zoned R-8, Rural Residential, with proffers and an approved Master Plan, and Mixed Use, with proffers, at the intersection of Ironbound Road and Monticello Avenue, across from the **Courthouse**, further identified as a portion of Parcel No. (1-50) on the James City County Real Estate Tax Map No. (38-4).

Staff found the proposal generally consistent with the adopted 1997 Master Plan and Design Guidelines, compatible with **surrounding** zoning and development, and consistent with **the Comprehensive Plan**.

Staff also found that the proposed proffers sufficiently mitigate anticipated impacts.

The Planning Commission, at its meeting on November 5, 2001, voted 6-0 to recommend approval of this application.

Staff recommends the Board approve the application and accept the voluntary proffers.

The Board and staff discussed the anticipated traffic impacts through New Town, the civic **greenspace**, noise encroachments, leash laws for dogs, **BMPs**, recommendations within the draft of the **Powhatan Creek Watershed Study**, and concerns about sectional staging and phasing of the New Town development.

Mr. **McGlennon** opened the public hearing.

1. Mr. Alvin Anderson, applicant, **provided the** Board with an overview of the proposal, original Comprehensive Plan and Master Plan, addressed issues previously raised by the Board including civic structures, environmental and traffic impacts, civic spaces, and sprawl development.

The Board and Mr. Anderson discussed civic structures as **part** of the feel of the community, anticipated first impressions of visitors to New Town, pedestrian security, minimization of wetland impacts from development, and possibility of a discovery center within Section 2 or 4 of New Town

2. Mr. Sasha Digges, 3612 Ironbound Road, stated opposition to development for projects other than average workers, lack of affordable housing, and concern about developing upstream in the watershed to send water down to the area of Jamestown 1607 and thereby have the potential for another flooding.

3. Dr. Maciek **Sasinowski**, CEO, **INCOGEN**, stated that the New Town development is of interest to **INCOGEN** and suitable for its office space needs, and that this is what New Town has to offer that attracts businesses.

4. Mr. Ed Oyer, 139 **Indian Circle**, stated concern that the development of the County will have similar impacts on the working class as development in **Hilton Head**, South Carolina had on its working class, and recommended the Board encourage industrial development to take place within existing industrial parks such as Stonehouse Industrial Park and the James River Commerce Park

As no one else wished to speak, Mr. **McGlennon** closed the public hearing

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The Board and staff discussed the desalinization plant, needs of the industrial and commercial development for committed zoning, affordable housing in New Town, interest in stronger community character, a civic center within New Town, and proffers.

Mr. Harrison made a motion to adopt the **applications** and accept the voluntary proffers.

The Board held a discussion concerning the benefits of the project to the County and concern about affordable housing, traffic, and approval of additional development without a permit for the desalinization plant.

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

## RESOLUTION

### CASE NOS. Z-3-01/MP-5-01. NEW TOWN - SECTIONS 2 AND 4

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. 2-3-01 for the rezoning of approximately 80 acres from R-8, Rural Residential, with proffers, and MU, Mixed Use with proffers, to MU, with proffers; and

WHEREAS, on November 5, 2001, the Planning Commission **recommended** approval of this application by a vote of 6-0; and

WHEREAS, the property to be rezoned is identified as a portion of Parcel No. (1-50) on the James City County Real Estate Tax Map No. (38-4), more particularly shown on the plan entitled "New Town Sections 2 and 4 Master Plan," prepared by AES Consulting Engineers, and dated June, 2001, with a revision date of **September** 14, 2001

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. **Z-3-01/MP-5-01** and accepts the voluntary proffers.

**H. PUBLIC COMMENT** – None

### **I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended that upon conclusion of the meeting, the Board recess until 4 p.m. on January 2, 2002, for the Board's Organizational Meeting.

Mr. Wanner recommended the re-nomination of the members of the Board of Equalization whose terms were expiring to the Circuit Court Judge.

The Board concurred with the recommendation.

### **J. BOARD REPORTS AND DIRECTIVES** 33

Mr. Kennedy commented on the **E911** tax on cellular phones.

Mr. **McGlennon** wished the citizens happy holidays.

Mr. **Nervitt** thanked the citizens for their trust during his term and wished citizens happy holidays.

Mr. **Goodson** thanked Mr. **McGlennon** for serving as Chair for 2001.

Mr. Harrison made a motion to recess until 4 p.m. on January 2, 2002.

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

Mr. **McGlennon** recessed the Board at 11:07 p.m.



**Sanford B. Wanner**  
Clerk to the Board



DEC 11 2001

ORDINANCE NO. 31A-207

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 3, EXTERIOR SIGNS, SECTION 24-71, BUILDING FACE SIGNS.

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 3, Exterior signs, Section 24-71, Building Face Signs.

Chapter 24. Zoning  
Article **II**. Special Regulations  
Division 3. Exterior Signs

Section 24-71. Building face signs.


In zones where business or manufacturing is permitted, a building face sign shall also **be** permitted. The signs shall be **in compliance** with the following regulations:

(a) **Sign location** and area. The building face sign(s) shall be placed on the front facade of the building, except in cases **outlined** below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the building's or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

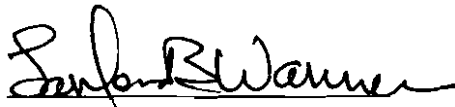
For industrial uses in the **M-1, M-2, PUD-C, and RT** Zoning Districts, the applicant may request an exception from the planning director to allow the building face sign(s) to exceed 60 square feet. An applicant may appeal the decision of the planning director to the DRC. The appeal shall be in writing and shall document the reasons and justifications for such request. The DRC shall approve, deny, or conditionally approve the applicant's exception request based on the review criteria outlined in this section. For the purposes of this section, industrial uses shall **mean any** industrial use that involves the manufacture **and/or** assembly of products or **components/parts** for products. In addition to the submittal requirements outlined in section 24-67, the applicant shall provide scale drawings of the building elevation(s) and proposed sign(s). A conceptual plan

Ordinance to Amend and **Reordain**  
Chapter 24. Zoning  
Page 2

shall also be submitted which shows the location of the sign relative to the existing and **proposed** landscaping, sight lines, distances from right-of-ways, and other pertinent site features.

  
**John J. McGlennon**  
Chairman, Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
**Clerk** to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
KENNEDY	AYE
NERVITT	AYE
<b>GOODSON</b>	AYE
MC GLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this **11<sup>th</sup>** day of December, 2001.

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NEW TOWN - SECTIONS 2 and 4 - PROFFERS

THESE PROFFERS are made as of this 1<sup>st</sup> day of November, 2001, by **NEW TOWN ASSOCIATES, LLC**, a Virginia limited liability company (together with its successors and assigns, "Associates") (index as a "grantor"); and the **COUNTY OF JAMES CITY, VIRGINIA** (the "County") (index as the "grantee").

RECITALS

R-1. Associates is the owner of certain real property in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the "Property").

R-2. The Property is subject to the New Town Proffers (the "New Town Proffers"), dated December 9, 1997, of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as document no. 980001284.

R-3. The New Town Proffers provide for development of the Property in accordance with (i) a conceptual master land use plan entitled, "NEW TOWN PLAN" prepared by Cooper, Robertson & Partners and **AES** Consulting Engineers, dated July 23, 1997, and revised December 8, 1997 (the "New Town Master Plan"), and (ii) design guidelines entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY, VIRGINIA" prepared by Cooper, Robertson & Partners dated September 3, 1997 (the "New Town Design Guidelines").

R-4. In furtherance of the vision embodied in the New Town Master Plan and New Town Design Guidelines, Associates, as the owner of the Property, has applied for a rezoning of the Property from MU, Mixed-Use, in part, and R-8, Rural Residential, in part, to MU, Mixed-Use, with proffers. The rezoning of the Property to MU, with proffers, is in fact consistent both with the

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land use designation for the Property on the County's Comprehensive Plan and the statement of intent for the MU zoning district set forth in Section 24-514 of the County's Zoning Ordinance in effect on the date hereof (the "Zoning Ordinance").

R-5. Associates has submitted an update to the Community Impact Statement previously filed with the County's Director of Planning which satisfies the requirements of Section 24-515(c) of the Zoning Ordinance and the New Town Proffers, which update to the Community Impact Statement includes, without limitation, an updated Fiscal Impact Study which has been reviewed and accepted by the County in connection with the rezoning request referenced above. The update to the Community Impact Statement, as well as the Community Impact Statement, are on file with the County's Director of Planning.

R-6. Pursuant to subsection 2(b) of the New Town Proffers, there has been established a Design Review Board ("DRB") for development of the property subject to the New Town Proffers.

R-7. Pursuant to the New Town Proffers, the DRB is charged with the responsibility of rendering a written advisory recommendation to the County's Planning Commission and to the County's Board of Supervisors as to the general consistency with the New Town Master Plan and the New Town Design Guidelines of any proposed master plans and guidelines in future rezonings of the property subject to the New Town Proffers.

R-8. Associates has previously submitted to the DRB, and the DRB has previously approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a master plan entitled 'NEW TOWN SECTIONS 2 & 4 MASTER PLAN, dated June, 2001, revised September 14, 2001 (the "Sections 2 and 4 Master Plan") and design guidelines entitled "NEW TOWN SECTIONS 2 & 4 DESIGN GUIDELINES", dated June 21, 2001 (the "Sections 2 and 4 Guidelines") for the Property, copies of which Sections 2 and 4 Master Plan and Sections 2 and 4 Guidelines are on file with the County's Director of Planning.

**R-9.** The provisions of the Zoning Ordinance, Section 24-1, et seq., may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, Associates, in furtherance of its application for rezoning, desires to proffer certain conditions which are specifically limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Section 15.2-2296 et seq. of the Code of Virginia (1950), as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

**R-10.** The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and the Sections 2 and 4 Master Plan, the Sections 2 and 4 Guidelines and all related documents described herein, and pursuant to Section 15.2-2296, et seq., of the Virginia Code, Section 24-16 of the Zoning Ordinance and the New Town Proffers, Associates agree that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

PROFFERS APPLICABLE TO ALL THE PROPERTY

1. Application of New Town Proffers, Master Plan and Design Guidelines. Unless otherwise specifically noted herein, these Proffers shall supercede and amend and restate in their entirety the New Town Proffers, the New Town Master Plan and the New Town Design Guidelines, but only as to the Property.

2. New Town Owner's Association. Either a supplemental declaration (the "Supplemental Declaration") shall be executed and recorded in the Clerk's Office to submit all or a

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portion of the Property to the New Town Master Association, a Virginia non-stock corporation (the "Commercial Association"), and to the Master Declaration of Covenants, Easements and Restrictions for New Town, dated June 22, 1998, recorded in the Clerk's Office as documents no. 980013868, the articles of incorporation and the bylaws governing the Association, as any of the foregoing have been or may be hereafter supplemented, amended or modified pursuant to the terms thereof, or, in the alternative, for any of the Property not submitted by the Supplemental Declaration, a separate association (the "Residential Association") shall be formed. In addition to the Commercial Association and Residential Association, one or more separate owners or condominium associations may be organized for the Property (each individually a "Separate Association") and supplemental restrictive covenants may be imposed on the Property. The Supplemental Declaration and any articles of incorporation, bylaws and declaration associated with separate owner's associations for the Property (collectively, the "Governing Documents"), if any, shall be submitted to and reviewed by the County Attorney for general consistency with this proffer. The Governing Documents shall (i) require that the applicable association adopt an annual maintenance budget and assess all members for the maintenance of the properties owned or maintained by such association, (ii) grant such association the power to, and require that such association, file liens on member's properties for non-payment of such assessments and for the cost to remedy violations of, or otherwise enforcing, the Governing Documents, and (iii) provide that the DRB is to serve as a design review board for each association formed with respect to the Property.

3. Development Process and Land Use.

(a) Development. All the Property shall be developed, in one or more phases, generally in accordance with the Sections 2 and 4 Master Plan and the Sections 2 and 4 Guidelines; provided, however, there are two categories of certain specifically identified development items

depicted on or described by the Sections 2 and 4 Master Plan **and/or** the Sections 2 and 4 Guidelines. These categories and their respective development items are as follows:

"Fixed Development Items":

- (i) land uses,
- (ii) densities,
- (iii) streets designated on Sections 2 and 4 Master Plan as "**REQUIRED**" ("Required Streets")
- (iv) "Civic Green", "Court Square", "Pecan Square", and "Village Community Spaces" (as those **terms** are defined in Section 6 hereof), and
- (v) buffer areas

"Flexible Development Items":

- (i) pedestrian connections,
- (ii) streets other than Required **Streets**,
- (iii) areas of commercial use, office use, residential use, parking placement zones, view triangles, "build-to zones" and frontage zones and all other structures and improvements that are not Fixed Development Items.

The Sections 2 and 4 Master Plan provides for the location of the Fixed Development Items, but only the general location of the Flexible Development Items. Flexible Development Items are shown on the Sections 2 and 4 Master Plan for illustrative purposes only, and may be altered, moved or eliminated subject to **DRB** review and approval pursuant to subsection 3(b) below. Notwithstanding the aforesaid, all of such development shall be expressly subject to such changes in configuration, composition, and location as required by all other governmental authorities having jurisdiction over such development and provided such changes are in compliance with the Zoning Ordinance, are reviewed by the County Planning Director pursuant to subsection 3(c) below and receive **DRB** review and approval.

(b) DRB Authority, Duties and Powers. All subdivision plats, site plans, landscaping plans, architectural plans and elevations and other development plans for the Property shall be submitted to the **DRB** for review and approval in accordance with the manual entitled

"**NEW** TOWN DESIGN PROCEDURES JAMES CITY COUNTY", as the same may be amended by the **DRB** from time to time, and such other rules as may be adopted by the **DRB** from time to time, for general consistency with the Sections 2 and 4 Master Plan and Sections 2 and 4 Guidelines. Evidence of **DRB** approval of plans required to be submitted to the County for approval shall be provided with any submission to the County Department of Development Management of such plans. The County shall not be required to review any subsequent development plans not receiving the prior approval of the **DRB**. In reviewing applications, development plans and specifications, the **DRB** shall consider the factors set forth in the Sections 2 and 4 Master Plan **and/or** the Sections 2 and 4 Guidelines. The **DRB** shall advise of either (i) the **DRB's** recommendation of approval of the submission, or (ii) the areas or features of the submission which are deemed by the **DRB** to be materially inconsistent with the applicable Sections 2 and 4 Guidelines **and/or** the Sections 2 and 4 Master Plan and the reasons for such finding and suggestions for curing the inconsistencies. The **DRB** may approve development plans that do not strictly comply with the Sections 2 and 4 Master Plan **and/or** the Sections 2 and 4 Guidelines, if circumstances, including, but not limited to, topography, natural obstructions, hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures and improvements and open space, wetlands and other natural features on the Property shall be constructed, improved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the **DRB**.

(c) Procedures for Changes to Sections 2 and 4 Master Plan and Sections 2 and 4 Guidelines. Applications to change the Sections 2 and 4 Master Plan **and/or** the Sections 2 and 4 Guidelines are to be made to the Planning Commission or the Board of Supervisors, as appropriate, as hereinafter provided and in accordance with the Zoning Ordinance.



In accordance with Section 24-518 of the Zoning Ordinance, all of such amendments shall be subject to the approval of the County Planning Commission if, after reviewing written confirmation **from** the County's Director of Planning, the Planning Commission concludes that the changes do not significantly alter the character of the land uses or other features or conflict with any conditions placed on the approval of the rezoning.

No amendment of the Sections 2 and 4 Master Plan **and/or** Sections 2 and 4 Guidelines which significantly alters the character of land uses or other material features or conflicts with any conditions placed on approval of the rezoning as **determined** by the County's Director of Planning, and, if applicable under Section 24-518 of the Zoning Ordinance, the Planning Commission, shall be effective unless approved by the County Board of Supervisors.

Any change or amendment shall apply after its effective date but shall not require modification or removal of any previously approved construction.

(d) Limitation of Liability. Review of and recommendations with respect to any application and plans by the DRB is made on the basis of aesthetic and design considerations only and the DRB shall not have any responsibility for ensuring the structural integrity or soundness of approved construction of modifications, nor for ensuring compliance with building codes or other **governmental** requirements, or **ordinances** or regulations. Neither the Associates, the County, the DRB nor any member of the DRB shall be liable for any injury, damages or losses arising out of the manner or quality of any construction on the Property.

4. Traffic Study and Road and Signal Improvements/Traffic Signal Preemption Equipment.

(a) In accordance with the requirements of Section 4 of the New Town Proffers, Associates has submitted to the County an updated traffic study entitled "TRAFFIC STUDY FOR SECTIONS 2 & 4 OF NEW TOWN (CASEY PROPERTY), JAMES CITY COUNTY,

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VIRGINIA", dated June 2001, prepared by DRW Consultants, Inc., Midlothian, Virginia (the "Traffic Study"), which is on file with the County's Director of Planning.

(b) The following entrance and road improvements shall be completed (or bonded pursuant to the County Code) for the "North Boulevard" (as designated in the **Traffic Study**) connection to Ironbound Road when warranted by VDOT:

- (i) A northbound left turn lane on Ironbound Road
- (ii) A southbound right turn lane on Ironbound Road
- (iii) On North Boulevard, a minimum of two **lanes** approaching Ironbound Road and two lanes departing Ironbound Road.

A traffic signal shall be designed and installed (or bonded pursuant to the County Code) as required by the Virginia Department of Transportation ("VDOT") when warranted at the intersection, which traffic signal shall include, subject to VDOT approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the James City County Fire Department.

(c) There shall be completed (bonded pursuant to the County Code) on "Court Street" (as designated in the Traffic Study) two lanes approaching Monticello Avenue and two lanes departing Monticello Avenue, when warranted by VDOT. A traffic signal shall be designed and installed as required by VDOT when warranted at the intersection, which **traffic** signal shall include, subject to VDOT approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the County Fire Department.

(d) For the "Center Street" (as designated in the Traffic Study) connection to Monticello Avenue, the following entrance and road improvements shall be completed (or bonded) when warranted by VDOT:

- (i) On "Center Street" (as **designated** in the **Traffic Study**), two lanes approaching and two lanes departing Monticello Avenue.
- (ii) A westbound right turn lane on Monticello Avenue at Center Street.

After opening of the Center Street connection to Monticello Avenue, a traffic signal shall be designed and installed (or bonded) as required by VDOT when warranted at the intersection, which traffic signal shall include, subject to VDOT approval, traffic signal preemption equipment meeting VDOT design standards and acceptable to the County Fire Department.

(e) Prior to occupancy of greater than 175,000 square feet of office space or, if sooner, equivalent p.m. peak hour trip generation from the Property, the following road improvements shall, subject to section 23-4.01 of the Virginia Code, as applicable, be completed (or bonded pursuant to the County Code) at the intersection of Monticello Avenue with Ironbound Road:

- (i) A second through lane on eastbound Monticello Avenue and on westbound Monticello Avenue.
- (ii) Right ~~turn~~ lanes on eastbound and westbound Monticello Avenue.

(f) The road improvements identified in items (b), (c), (d) and (e) above shall be installed to VDOT standards and specifications.

5. **Mix of Housing Types.** A minimum of fifteen (15) residential dwelling units constructed in Sections 2 and 4 of the Property combined shall be initially offered for sale for a period of nine (9) continuous months (if not earlier sold pursuant to such offer) after the issuance of a building permit for such units at a price at or below \$105,000, subject to adjustment as set forth herein, and a minimum of twenty-five (25) residential dwelling units constructed in Sections 2 and 4 of the Property combined shall be initially offered for sale for a period of six (6) continuous months after the issuance of a building permit for such units at prices between \$105,000 and \$140,500, subject to adjustment as set forth herein. The \$105,000 and \$140,500 prices set forth herein shall be increased by adjusting such price by the cumulative rate of inflation as measured by the Consumer Price Index – Urban, U.S. City Average for the period from January 2003 until the date of the settlement for the dwelling unit in question. The Director of Planning shall be provided

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with a copy of the listing agreement and sales literature for each residential dwelling unit offered for sale at a price at or below the adjusted price set forth above, and with respect to the sale of such units, consultation shall be made with, and referrals of qualified buyers shall be accepted from, the County Department of Housing and Community Development.

6. Community Spaces. The Sections 2 and 4 Master Plan and the Sections 2 and 4 Guidelines set forth (i) a "Village Green" and a "Village Square" or such alternative centrally located village community space as the DRB may approve as consistent with the Sections 2 and 4 Guidelines (collectively, the "Village Community Spaces"), (ii) a "Civic Green" ("Civic Green"), (iii) a "Court Square" ("Court Square"), and (iv) "Pecan Square" ("Pecan Square"). The construction of the Civic Green and Court Square shall be completed within ninety (90) days of the date building permits have been issued for the construction of building improvements comprising twenty-five percent (25%) of the allowable non-residential density of Section 2. The construction of the Village Community Spaces shall be completed within ninety (90) days of the date building permits have been issued for the construction of building improvements comprising sixty percent (60%) of the allowable non-residential density of Section 2. The construction of Pecan Square shall be completed within ninety (90) days of the date building permits have been issued for the construction of building improvements comprising fifty percent (50%) of the allowable residential or non-residential density of that portion of Section 2 identified on the Sections 2 and 4 Master Plan as fronting Ironbound Road, lying between Pecan Square and the Civic Green, and bounded on two sides by Required Streets. In lieu of such completion, but in order to provide completion assurances, an agreement may be made with the County and the County may be furnished with a certified check, bond with surety or letter of credit in an amount equal to one hundred fifty percent (150%) of the estimated cost to complete the respective improvements based upon preliminary site development plans approved by the DRB, in form satisfactory to the County, along with such other

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agreements which are satisfactory to and approved by the County Attorney, all **as** more particularly set forth in the County Code. Notwithstanding the aforesaid, the configuration, composition and location of the design of the Civic Green, the Court Square, the Pecan Square, the "Neighborhood Green" (as designated on the Sections 2 and 4 Master Plan), and the Village Community Spaces (collectively, the "Community Spaces") are subject to the provisions of **paragraph 3(c)** hereof, and shall be further expressly subject to such changes in configuration, composition and location as required by governmental authorities, other than the County, having jurisdiction over said areas, provided such changes **are** in compliance with the Zoning Ordinance, are reviewed by the County Planning Director and receive DRB review and approval. The Community Spaces shall be maintained by the Commercial Association, the Residential Association **and/or** a Separate Association, and shall be subject to **rules** and regulations **as** may be promulgated, **from** time to time, by the responsible association; provided, however, no permanent **barriers** shall be erected or maintained to prohibit pedestrian access to such Community Spaces and such Community Spaces shall be open to the owners of the Property, their respective mortgagees, and tenants and occupants of buildings constructed on the Property and the respective subtenants, licensees, concessionaires, business invitees, employees and customers of **all** such persons.

7. **Open Spaces.** The Property shall comply with applicable County open space requirements, including Section 24-524 of the Zoning Ordinance. The applicable open space requirements in developing the Property may be met by specifically designating open space on the remainder of the "R-8 Property" (as defined in the New Town Proffers) as and when the Property is developed and such open space requirements applicable to the Property cannot reasonably be met by identifying open space located on the Property. Such designation of open space on the remaining R-8 Property may be subject to change with the prior written approval of the County's Department of Development Management. At the request of the County, Owner shall subject that

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portion of the Property designated on the Sections 2 and 4 Master Plan as the "Woodland Preserve" to an open space (for Section **24-524** compliance) or a natural open space easement, as appropriate, to ensure compliance with open space requirements with respect to such area. Further, Associates may utilize Community Spaces, in part, to meet the open space requirements for the Property.

8. Ironbound Road Right-of Way. At such time as VDOT is prepared to improve Ironbound Road, there shall be conveyed, free of charge to the County or VDOT, in a single conveyance, an additional variable width portion of the Property and of the R-8 Property lying adjacent to, and along, Ironbound Road as is necessary for the upgrade of Ironbound Road to a variable width four lane road with medians and bikeways generally as described in the Sections 2 and 4 Guidelines, which area conveyed shall be limited to, but not necessarily include all of, that portion of the Property and the R-8 Property, as shown on Figure 8 in the Sections 2 and 4 Guidelines, "Ironbound Comprehensive Plan and Section", as follows: (1) along the easterly property line of Section 2 of the Property adjacent to Ironbound Road thereby providing a right of way for Ironbound Road up to a maximum width of **126** feet (when combined with existing right of way) which total width is measured from the existing eastern right of way line of Ironbound Road, and (2) along the easterly property line of Section 3 of the R-8 Property adjacent to Ironbound Road thereby providing additional right of way for Ironbound Road up to a maximum additional area conveyed of **76** feet in width which additional width is measured **from** the existing western right-of-way line of Ironbound Road.

9. Streetscapes. All site development and subdivision plans for development within the Property shall include (i) pedestrian connections on the Property, or the portion thereof so developed, along main roads adjoining the Property, (ii) streetscape plans for adjacent streets within the Property, and (iii) streetscape plans for those portions of the Property adjacent to Ironbound Road and Monticello Avenue, all of which pedestrian connections and streetscapes shall be

consistent with the Sections 2 and 4 Guidelines applicable to the Property. The approved streetscape plans, including, where required by the **DRB** pursuant to the Sections 2 and 4 Design Guidelines, street trees, the town wall or fence, sidewalks, walking trails, crosswalks, street lighting, street furniture, and bike lanes, and any other miscellaneous improvements required by the Sections 2 and 4 Design Guidelines and approved by the **DRB**, shall be implemented when the adjacent portion of the Property is developed.

10. Bus/Transit Facilities. At least three (3) bus pull-off areas and bus stop shelters shall be constructed on the Property, one each on the proposed Court Street and North Boulevard within Sections 2 and 4, respectively, of the Property and the third elsewhere on the Property, or at such reasonable alternative locations as approved by the County Transit Administrator. Design of the pull-offs and shelters shall be approved in advance by the DRB. The pull-offs and shelters shall be installed when the adjacent roadways are constructed.

11. Recreation Facilities. The Property is being developed in furtherance of a comprehensive town plan that is subject to the Section 2 and 4 Guidelines and the Section 2 and 4 Master Plan which provide for a more urban approach to the design of buildings and public spaces to avoid conventional suburban patterns and promote a walking environment, and implementation of such development design will provide for a network of sidewalks, alleyways and community areas. Specifically, in furtherance of the County Comprehensive Parks and Recreation Plan proffer guidelines (the "County Recreation Guidelines"), as in effect on the date hereof, recreation facilities in the form of the Community Spaces to be established at the Property shall be provided, open to all residents of the development, and maintained and regulated by the Commercial Association, the Residential Association and/or a Separate Association. Further, prior to issuance of certificates of occupancy for more than one hundred (100) residential dwelling units in Section 4 of the Property, there shall be installed in Section 4 at least two (2) urban scale playgrounds or such alternative

neighborhood recreation or urban park **area(s)** as approved by the **DRB** and the County's Director of **Planning**. At least two (2) such playground, recreation or park areas shall have installed thereon either playground equipment consistent with County Recreation Guidelines or such acceptable alternative equipment as approved by the Planning Commission's Development Review Committee.

12. Water Conservation. The **owner(s)** of the Property, the Residential Association **and/or** the Commercial Association shall be responsible for developing and enforcing, as to the Property, water conservation standards to be submitted to and approved by James City Service Authority (the "**JCSA**"). The standards shall address such water conservation measures as limitations on installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Design features, including the use of drought tolerant grasses and **plantings**, a water conservation plan, and drought management plan shall be implemented to reduce the total irrigated area of the Property in order to accomplish the limitation on use of public water and groundwater. The standards shall be approved by the JCSA prior to approval of the first site plan for development of the Property or any portion thereof.

13. Contribution for Public Facilities.

(a) Water: Recreation. A contribution shall be made to the County in the amount of Seven Hundred Dollars (\$700), for each individual residential dwelling, house, condominium or other residential unit (individually, a "Residential Unit", and collectively, the "Residential Units") developed on the Property (the "Per Unit Facilities Contribution"). The County shall make these monies available for development of water supply alternatives and recreational facilities, the need for which is deemed by the County to be generated by the development of the Property. The Per Unit Facilities Contribution shall be payable for each of the Residential Units developed within the



Property at the time of issuance of a building permit by the County for the particular Residential Unit or grouping, phase or section of Residential Units.

(b) School Facilities. A contribution shall be made to the County in the amount of Two Hundred Ninety-five Dollars (**\$295**), for the initial 370 Residential Units developed on the Property (the "Per Unit School Contribution"). The calculation of such contributions is premised upon a need for a total financial contribution for the entire New Town of \$240,000, said need being deemed by the County to be generated by the anticipated development of the residential components of New Town. The County shall make these monies available for acquisition of school sites **and/or** construction of school facilities, the need for which is deemed by the County to be generated by the development of the Property. Such contributions shall be payable for each of the initial 370 Residential Units developed within the Property at the time of issuance of a building permit by the County for the particular Residential Unit or grouping, phase or section of Residential Units.

(c) The Per Unit Facilities Contribution and Per Unit School Contribution (collectively, the "Per Unit Contributions") paid in each year shall be adjusted annually beginning January 1, 2003 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the respective Per Unit Contributions be adjusted to a sum less than the amount initially established by this Proffer Agreement. The adjustment shall be made by multiplying each of the Per Unit Contributions for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most **currently** expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the Per

Unit Contributions shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the Per Unit Contributions to approximate the rate of annual inflation in the County.

14. Private Streets. As stated on the Sections 2 and 4 Master Plan, all streets within Sections 2 and 4 of the Property have the potential to be private; however, the intention is that all streets within the Property be public and constructed in conformance with **VDOT** construction standards unless VDOT will not approve any streets as substantially described in the Sections 2 and 4 Guidelines, in which event such streets not approved as public shall be private. Pursuant to Section 24-528 of the County Code, private streets within the Property shall be maintained by the Residential Association, Commercial Association and/or a sub-association, as applicable. The party responsible for construction of a private street shall deposit into a maintenance fund to be managed by the applicable Residential Association, Community Association, or sub-association responsible for maintenance of such private street an amount equal to one hundred **fifty** percent (150%) of the amount of the maintenance fee that would be required for a similar public street as established by VDOT – Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee amount at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the street to be designated as private.

15. Archaeological Study. Pursuant to the New Town Proffers, a Phase I Archaeological Study for the Property, entitled "A Phase I Archaeological Survey of the Casey Property, James City County, Virginia", dated July 30, 1990, prepared for the Casey Family c/o

Virginia Landmark Corporation by the William and Mary Archaeological Project Center, has been submitted to, and reviewed and approved by, the County Director of Planning. A further Phase II study was conducted for all sites at the Property that were recommended in the Phase I study referenced above for a Phase II evaluation, **and/or** identified as being eligible for inclusion on the National Register of Historic Places, the results of which Phase II study shall be submitted to, and approved by, the Director of Planning. Based upon the Phase I and Phase II studies, a Phase III Treatment Plan has been prepared and submitted to, and shall be subject to the approval of, the Director of Planning. All Phase I, Phase II and Phase III studies referenced in these Proffers shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards.

16. Small Whorled Pogonia. The owner of the Property shall cause a survey to be conducted of the Property for small whorled pogonias. The location of any small whorled pogonias located on the Property shall be shown on all subdivision or other development plans of the Property. Before any land disturbing activity is allowed in the vicinity of the small whorled pogonias identified, if any, on the Property, a conservation plan shall be prepared by the owner of the Property in accordance with state and federal laws applicable to the Property at the time of development of the conservation plan and said conservation plan shall be submitted for information purposes to the Director of Planning.

17. ~~Prohibition of Restrictions on Vehicular Access.~~ Notwithstanding **anything** in the New Town Master Plan, the New Town Design Guidelines, the New Town Proffers, the Sections 2 and 4 Master Plan, the Sections 2 and 4 Guidelines **and/or** these Proffers to the contrary, no private

DEC 13 2010

streets installed pursuant to the provisions of Section 14 above for the purpose of providing access from Ironbound Road or Monticello Avenue to the Property or the R-8 Property now owned by Associates shall have erected thereon at Monticello Avenue or Ironbound Road any permanent fence, gate or other structure to prohibit or restrict (except for curbs, landscaping features and other forms of traffic control measures, including, without limitation, one way streets, truck traffic limitations and **traffic** signals) public vehicular access from Monticello Avenue and/or Ironbound Road to the Property **and/or** the R-8 Property now owned by Associates.

#### MISCELLANEOUS PROVISIONS

18. **Disposition of Proffered Property and Payments.** In the event payment of cash and dedication of real property are proffered pursuant to these Proffers and any of such property and cash payments are not used by the County or, with respect to real property, the Commonwealth of Virginia, for the purposes designated within twenty (20) years **from** the date of receipt by the County, the amounts and property not used shall be used at the discretion of the Board of Supervisors of the County for any other project in the County's capital improvement plan, the need for which is deemed by the County to be generated by the development of the Property.

19. **Successors and Assigns.** This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors **and/or** assigns. Any **obligation(s)** of Associates hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

20. **Severability.** In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any

portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

21. Conflicts. In the event there is a conflict between: (1) these Proffers, the Sections 2 and 4 Guidelines, **and/or** the Sections 2 and 4 Master Plan; and (2) the New Town Proffers, the New Town Master Plan and/or the New Town Guidelines, then these **Proffers**, the Sections 2 and 4 Guidelines and the Sections 2 and 4 Master Plan shall govern. In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of **Supervisors** and the Courts or as otherwise provided by law.

22. Signature by the County. The County's Director of Planning has executed these Proffers solely for purpose of confirming the filings and submissions described herein and confirming approval by the Board of Supervisors of the rezoning of the Property with these Proffers by resolution dated December 11, 2001.

23. Headings. All section and subsection headings of Conditions herein are for convenience only and are not a part of these Proffers.

24. Conditions Applicable Only To The Property. Notwithstanding anything in these Proffers to the contrary, the failure to comply with one or more of the conditions herein in developing the Property shall not affect the rights of Associates and its successors in interest to develop its other property in accordance with the other applicable provisions of the County Zoning Ordinances.

DEC 19 5 01 12

WITNESS the following signatures, thereunto duly authorized:

NEW TOWN ASSOCIATES, LLC

By:   
James D. Franklin

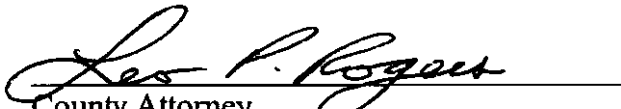
Its: Authorized Representative

THE COUNTY OF JAMES CITY, VIRGINIA

By: 

Its: DIRECTOR OF PLANNING

APPROVED AS TO FORM:

  
County Attorney

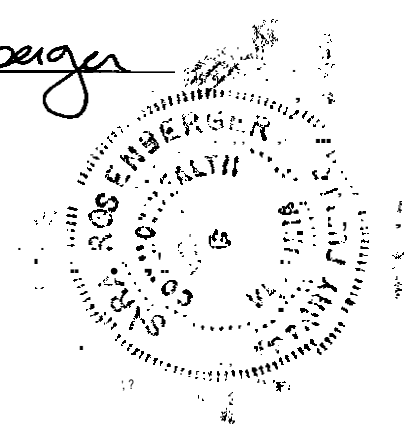
DEC 19 5 01 13

STATE OF VIRGINIA  
CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of December, 2001 by James D. Franklin as Authorized Representative of New Town Associates, LLC, a Virginia limited liability company, on its behalf, under Limited Power of Attorney, dated October 19, 2001.

Sara Rosberger  
NOTARY PUBLIC

My commission expires: 3-31-2004



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

The foregoing instrument was acknowledged before me this 13 day of December, 2001 by O. MARVIN SOWERS as Di NING for the County of James City, Virginia.

Carole C. Giuliano  
NOTARY PUBLIC

My commission expires: May 31, 2002

DEC 19 2001

**EXHIBIT A**

I

That portion of that certain piece or parcel of land located in James City County, Virginia, shown and set out as "Southern Civic District Section 1" on the Master Land Use Plan entitled "NEW TOWN PLAN", prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997, last revised December 8, 1997, lying north of Monticello Avenue.

II

Those certain pieces or parcels of land shown and set out as Sections 2 and 4 on the Master Land Use Plan entitled "NEW TOWN PLAN", prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997, last revised December 8, 1997.

Parcels I and II above comprise approximately 82.8 acres.

VIRGINIA: City of Williamsburg and County of James City, to Wit:  
 In the Clerk's Office at the Circuit Court for the City of  
 Williamsburg and County of James City the \_\_\_\_\_  
 day of \_\_\_\_\_ Dec 2001 this Proffer  
 was presented with the certificate annexed and admitted  
 to record at \_\_\_\_\_ 9:20 AM o'clock.  
 Teste:  
 By: Betsy Woodbridge  
 Deputy Clerk

DEC 19 2001 15



COPY

JB ✓  
COPY

**RESOLUTION**

**REQUESTING 1 TOWN AND ABOLISHMENT OF  
THE NEW TOWN COMMUNITY DEVELOPMENT AUTHORITY AND  
THE NEW TOWN COMMUNITY DEVELOPMENT AUTHORITY TAX DISTRICT**

WHEREAS, the New Town Community Development Authority (the "Authority") and the New Town Development Authority Tax District (the "Tax District") were created by the Board of Supervisors of James City County, Virginia, on December 22, 1997; and

WHEREAS, the Board of Supervisors of James City County, Virginia, adopted, amended, restated and readopted the resolution creating the Authority and the Tax District on January 12, 1999; and

WHEREAS, the New Town Community Development Authority Board ("Authority Board") desires to terminate and abolish the Authority and the Tax District; and

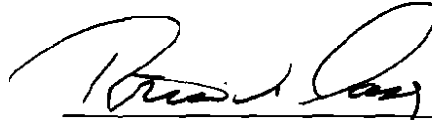
WHEREAS, New Town Associates, LLC has expressed to the Authority Board a desire that the \$100,000 payment to the Authority to be used for enhanced landscaping of an upgraded intersection of Monticello Avenue and Ironbound Road or other public improvements to roads or other public areas in the New Town area (the "Funds"); and

WHEREAS, in the event the Authority receives said contribution from New Town Associates, LLC prior to, or at, its dissolution, provision of the disposition of the Landscaping Funds is necessary.

NOW, THEREFORE, BE IT RESOLVED that:

1. In the event New Town Associates, LLC, pays the Funds to the Authority, the Authority Board hereby authorizes and directs that, upon receipt by the Authority of the Funds, the Authority shall pay such Funds to the County which the Authority Board anticipates will be used by the County for the construction of enhanced landscaping at and near the upgraded intersection of Monticello Avenue and Ironbound Road, said landscaping to be generally in accordance with the New Town Design Guidelines, James City County, Virginia, prepared by Cooper, Robertson & Partners or other public improvements to roads or other public areas in the New Town area, and
2. The Authority Board authorizes and directs the Authority to pay all outstanding debts and to not incur any **further** debts or obligations for the Authority; and
3. The Authority Board authorizes the Authority to join with the petition of the owners of land constituting at least 51 percent of the acreage or the assessed value of the land area located within the Tax District in petitioning that the Board of Supervisors of the County terminate Authority and the Tax District; and

4. The Authority Board authorizes and directs the Authority to, in connection with the orderly abolition, termination and dissolution of the Authority, transfer any and all remaining assets, if any, of the Authority to the County, and the Authority Board further authorizes and directs the Chairman of the Board of the Authority to execute all documents, checks and instruments on behalf of the Authority in furtherance of this Resolution.



Brian N. Casey  
Chairman of the Authority Board

ATTEST:



William M. Rorke III  
Clerk to the Authority Board  
*Secretary*

Adopted by the Board of the New Town Community Development Authority, of James City County, Virginia this 7<sup>th</sup> day of December, 2001.



## COUNTY ADMINISTRATION

101-C MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784  
(757) 253-6605

E-MAIL: [cadm@james-city.va.us](mailto:cadm@james-city.va.us)  
Fax: (757) 253-6833

December 5, 2001

Ms. Christine A. Bott, Executive Director  
Williamsburg Area Golf Association  
P.O. Box 384  
Williamsburg, VA 23187

**Re: FY2002 Tourism Investment Grant**

Dear Ms. Bott:

I regret to inform you that the Williamsburg Area Golf Association was not awarded grant funding for FY2002. The Williamsburg Area Golf Association application was deemed incomplete under the grant application instructions and the Grant request was written to supplement the Golf Williamsburg Grant to reach the maximum grant award of \$60,000.

While the Williamsburg Area Golf Association did not receive funding during FY2002, the Association is encouraged to submit applications for future Tourism Investment Grants.

Should you have any questions on the above, please contact me

Sincerely,

William C. Porter, Jr.  
Assistant County Administrator

WCP/wcp

DEC. 11, 2001

ORDINANCE NO. 16A-24

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND ~~REORDAIN~~ CHAPTER 12, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 12-5, LICENSE REQUIREMENTS.

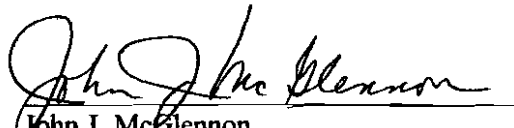
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 12, Licenses, is hereby amended and ~~reordained~~ by **amending** Section 12-5, License requirements.

Article I. In General


Section 12-5. License requirements.

(d) The ~~tax and/or~~ fee shall be paid with the application in the case of any license not based on gross receipts or purchases. **If the** tax is measured by the gross receipts or purchases of the business, the tax shall be paid on or before ~~March 1~~ **April 5**.

This ordinance shall become effective January 1, 2002.

  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
KENNEDY	AYE
NERVITT	AYE
GOODSON	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this **11th** day of December, 2001.