

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF OCTOBER, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Jay T. Harrison, Sr., Chairman, Berkeley District  
Bruce C. Goodson, Vice Chairman, Roberts District  
John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
James G. Kennedy, Stonehouse District

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

**B. MOMENT OF SILENCE**

Mr. Harrison requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Sara-Kay Knicely, a Junior at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT), provided an update on the removal of storm debris from the interstate, primary roads, and major collector roads in the County.

Mr. McGlennon requested VDOT repair a pothole on Brookwood Drive (Route 700), and a pothole near the intersection of Lake Powell Road (Route 618) and Marclay Road .

Mr. McGlennon requested a schedule update for the work on Ironbound Road (Route 615) below Sandy Ray Road (Route 681).

Mr. Brewer stated that work would begin on that portion of Ironbound Road in Spring of 2004.

**E. PUBLIC COMMENT**

1. Reverend Thomas T. Shields, Sr., representing the Tri-County Pastor's Council, voiced the Council's sentiment that the citizens of the County would like the County to play a more active role in its recovery from the storm including providing information on where citizens can go for help with issues related to insurance disputes, inflated contractor fees, contractors failing to keep commitments to perform work, and available resources and services.

Reverend Shields recommended a Town Meeting where representatives of the County and businesses can be on hand to address questions about the needs of the community.

2. Mr. Wayne Nunn, 238 Lock Haven, stated concern regarding the real estate assessments, tax rates, apparent inequity in assessments within subdivisions, and requested the Board have an independent assessment audit performed in the County.

3. Mr. Ed Oyer, 139 Indian Circle, stated concern that citizen calls to 911 were told that the call was logged on the list, that citizens were not aware of any representatives checking in on Districts after the storm, that not all affected citizens were notified about the boil water notices or where they could get bottled water, and requested the overhanging trees on roadways be evaluated for removal.

#### **F. PRESENTATION**

Mr. Harrison recognized Mr. Joe McCleary and Mr. A. Joe Poole, III, Planning Commission members, in the audience.

##### 1. Planning Commission Annual Report FY 2002-2003

Mr. Joe Poole, Chairman of the Planning Commission, presented an overview of the Planning Commission's FY 2002-2003 Annual Report and highlighted some of its accomplishments and projects.

Mr. McGlennon thanked the Planning Commission and Planning staff for its accomplishments and work on the Comprehensive Plan update.

#### **G. CONSENT CALENDAR**

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

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

##### 1. Minutes -

- a. September 9.2003. Regular Meeting
- b. September 20.2003. Special Meeting
- c. September 23.2003. Work Session

##### 2. Strengthening Families Program - Grant

### **RESOLUTION**

#### **STRENGTHENING FAMILIES PROGRAM - GRANT**

WHEREAS, James City County has received a grant to implement the Strengthening Families Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to accept this capital award in the amount of \$85,000 for bus shelters and two operational support vehicles.

BE IT FURTHER RESOLVED that the Board of Supervisors makes the following appropriation to the FY 04 Williamsburg Area Transport Budget:

Revenues:

Federal Matching Funds	\$68,000
State Matching Funds	6,800
Local Matching Funds	<u>10,200</u>
	<u>\$85,000</u>

Expenditure:

Williamsburg Area Transport	<u>\$85,000</u>
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5. Budget Transfer – Commonwealth Attorney's Office

R E S O L U T I O N

BUDGET TRANSFER - COMMONWEALTH ATTORNEY'S OFFICE

WHEREAS, the position of Deputy Commonwealth Attorney is vacant; and

WHEREAS, an experienced prosecutor from a neighboring locality is qualified for the position; and

WHEREAS, additional funding in the amount of \$14,615 is needed to match her current salary; and

WHEREAS the necessary funds are available in Operating Contingency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that \$14,615 in funds budgeted in FY 2004 Operating Contingency be transferred to the Commonwealth Attorney's Office.

6. Contingency Transfer – Peninsula Public Health District

R E S O L U T I O N

CONTINGENCY TRANSFER – PENINSULA PUBLIC HEALTH DISTRICT

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WHEREAS, the Peninsula Public Health District (District) received additional, unanticipated funds from the Commonwealth for employee pay and Virginia Retirement System (VRS) increases, each requiring additional local matching funds; and

WHEREAS, in addition, the District has experienced a surge of new activity, specifically in environmental health services for water and septic systems; and

Revenue:

Historic Triangle Substance Abuse Coalition \$4,025

Expenditure:

Office of Community Services \$4,025

3. Carry Forward funds – Records Manaeement Svstem

R E S O L U T I O N

CARRY FORWARD FUNDS –RECORDS MANAGEMENT SYSTEM

WHEREAS, the Police Department applied for and received a grant from the Department of Criminal Justice Services for a new Records Management System in the amount of \$134,900 in FY 2002; and

WHEREAS, the Police Department added an additional \$36,500 for training, travel, and equipment purchases that weren't covered by the grant; and

WHEREAS, the Board of Supervisors approved the acceptance of the grant and the necessary matching funds on January 8,2002; and

WHEREAS, the Police Department will have expended or obligated \$150,588 of any grant funds by June 30,2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declare \$20,812 as a continuing appropriation from the FY 03 Police Department's budget (001-062-0530) to be carried forward to the FY 04 Budget for the purpose of completing the Records Management System.

4. Appropriation – FY 04 Commonwealth Mass Transit Capital Matching Grant (Williamsburg Area Transport)

R E S O L U T I O N

APPROPRIATION - FY 04 COMMONWEALTH MASS TRANSIT

CAPITAL MATCHING GRANT (WILLIAMSBURG AREA TRANSPORT)

WHEREAS, the Commonwealth of Virginia has made matching capital revenues available to assist public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of Williamsburg Area Transport operations.

WHEREAS, the District has requested additional funds from all five of the localities that are included within the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby increases the FY 2004 Operating Budget allotment to the District by \$24,836 and authorizes a transfer from Operating Contingency to fund that request.

7. FY 2005-2010 Six-Year Improvement Program

**RESOLUTION**

**2005 - 2010 SIX-YEAR IMPROVEMENT PROGRAM**

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area and promote economic development; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

On schedule completion of the widening of the existing sections of Route 199 to four lanes;

- On schedule completion of the Route 199/Route 31 intersection improvements, with adequate pedestrian facilities;

Funding the construction of Route 60 relocation with priority given to the section between Route 60 at a point east of Blow Flats Road in the County to the Fort Eustis Interchange in the City of Newport News;

On schedule completion of the Monticello Avenue/Ironbound Road intersection improvement, with improvements being completed prior to the widening of Ironbound Road;

Funding for landscaping along the Route 199 corridor;

Proceeding with the next phases of preliminary design and environmental study for the Capital-to-Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998;

Continued support for the Greensprings Interpretive Trail project; and

Support for the Peninsula Light Rail Project

**H. PUBLIC HEARINGS**

1. Case Nos. Z-6-03/MP-4-03. New Town – Sections 2 and 4 Rezoning Amendment

Ms. Karen Drake, Senior Planner, stated that Alvin P. Anderson of Kaufman & Canoles applied on behalf of New Town Associates, LLC, to amend the Master Plan, Proffers, and New Town Design Guidelines for approximately 85.6 acres of New Town Sections 2 and 4 zoned M-1, Limited Business, R-8, Rural Residential, with proffers and an approved Master Plan, and MU, Mixed Use, with proffers; at the intersection of Ironbound Road and Monticello Avenue (northwest corner) across from the Courthouse and 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 to be generally consistent with the adopted 1997 New Town Master Plan and Design Guidelines; and found the proposed development compatible with the surrounding zoning and development and the 2003 Comprehensive Plan recommendations.

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

The Planning Commission voted unanimously to reconunend approval of the rezoning at its meeting on September 8, 2003.

Staff recommended approval of the rezoning application and acceptance of the voluntary proffers.

Mr. Harrison opened the Public Hearing.

1. Mr. Greg Davis of Kaufman & Canoles, representing the applicant, provided an overview of the proposal and requested the Board approve the application.

Mr. Brown requested an explanation for the necessity to curb cut Monticello Avenue for a right-in only entrance to the site.

Mr. Davis stated that it is the safest traffic alternative to accessing the site with the imitations in interconnecting the site within the New Town development.

Mr. Brown inquired if additional right-in only curb cuts are anticipated.

Mr. Davis stated that the Master Plan does not show any, however he was unable to say for certain that no additional cuts would be requested.

Mr. Brown stated that additional curb cuts would impact the character uniqueness of the development.

Mr. McGlennon inquired how traffic would be directed out of the parking lot into the New Town development at the entrance/exit point.

Mr. Davis and Mr. Marvin Sowers, Director of Planning, stated that there are no plans for signage structures to direct traffic at the enter/exit point.

As no one else wished to speak to this matter, Mr. Harrison closed the Public Hearing

Mr. Goodson made a motion to adopt the revised resolution.

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

## RESOLUTION

### CASE NOS. Z-6-03/MP-4-03, 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. Z-6-03/MP-4-03 to rezone approximately 2.9 acres from M-1, Limited Business, and R-8, Rural Residential, with proffers, to MU, Mixed-Use, with proffers; and amend the New Town Master Plan in connection therewith; and pursuant to the New Town Sections 2 and 4 Proffers, dated November 1, 2001, to amend the New Town Sections 2 and 4 Master Plan and New Town Design Guidelines for Sections 2 and 4; and
- WHEREAS, on September 8, 2003, the Planning Commission recommended approval of this application by a vote of 7-0; and
- WHEREAS, the property to be rezoned is identified as a portion of Parcel No. (1-50) on James City County Real Estate Tax Map No. (38-4), and comprising a portion of the land more particularly shown on the plan entitled "New Town Sections 2 and 4 Amended Master Plan" prepared by AES Consulting Engineers, with a revision date of June 23, 2003.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the rezoning and master plan amendments applied for in Case Nos. Z-6-03/MP-4-03 and accepts the voluntary proffers. Further, the Board of Supervisors does hereby approve the amendments to the New Town Sections 2 and 4 Design Guidelines and the New Town Sections 2 and 4 Master Plan requested as a part of the applications in Case Nos. Z-6-03/MP-4-03.

#### 2. Case Nos. Z-5-03/MP-6-03/Design Guidelines. Windsor Meade Marketulace

Mr. Christopher Johnson, Senior Planner, stated that Alvin P. Anderson of Kaufman & Canoles applied on behalf of C. C. Casey Limited Company, to rezone approximately 34.49 acres to construct a 200,000-square-foot commercial shopping center at 4692, 4696, 4700, 4704, 4710, and 4740 Old News Road, zoned R-8, Rural Residential, and further identified as Parcel Nos. (1-2), (1-5), (1-6), (1-7), (1-8), and (1-34) on the James City County Real Estate Tax Map No. (38-3).

Staff found the proposal compatible with the surrounding zoning and land use, consistent with the Comprehensive Plan, and consistent with the New Town Master Plan, Design Guidelines, and proffers.

The Planning Commission voted 6-1 to recommend approval of the application at its meeting on September 8, 2003.

Staff recommended approval of the resolution approving the rezoning, master plan, and design guidelines. and accepting the voluntary proffers.

Mr. Harrison opened the Public Hearing.

1. Mr. Tim Trant of Kaufman & Canoles, representing the applicant, provided an overview of the proposal, anticipated developer conception of the marketplace, the role Section 11 plays in the New Town Development, and requested approval of the application.

Mr. McGlennon inquired about the nature of the tenants lined up for the marketplace

Mr. Trant stated that other than announcing the tenant Belk, the other tenants are in various phases of negotiations and therefore he is unable to disclose that information at this time.

Mr. Jim Gresock of S.L. Nusbaum, stated that there are half-a-dozen tenants at various stages of negotiations for the commercial space.

Mr. McGlennon inquired if a sense of the type of retail stores could be given

Mr. Gresock stated that the tenants would complement the Belk shopping experience.

Mr. McGlennon inquired how the design of the marketplace will complement pedestrian and bike traffic.

Mr. Trant provided an overview of the pedestrian walkways and layout of the parking lot and commercial space to promote easy bike and pedestrian access.

Mr. Gresock stated that the layout would be similar to the Ukrop's parking lot layout

As no one else wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. Brown made a motion to adopt the resolution.

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

**RESOLUTION**

**CASE NO. Z-5-03/MP-6-03/DESIGN GUIDELINES.**

**WINDSORMEADE MARKETPLACE**

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-5-03/MP-6-03/Design Guidelines for rezoning 34.49± acres from R-8, Rural Residential, with proffers; to MU, Mixed-Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 8, 2003, recommended approval of Case No. Z-5-03/MP-6-03/Design Guidelines, by a vote of 6 to 1; and

WHEREAS, the properties are located at 4692, 1696, 4100, 4704, 4710, and 4740 Old News Road and further identified as Parcel Nos. (1-2), (1-5), (1-6), (1-7), (1-8), and (1-34) on James City County Real Estate Tax Map No. (38-3).



NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-5-03/MP-6-03/Design Guidelines and accepts the voluntary proffers.

3. Adoption of the 2000 Edition of the Virginia Statewide Fire Prevention Code

Mr. Mark Hill, Deputy Fire Marshall, stated that in order for Chapter 9, Fire Protection, of the James City County Code to remain current, the Virginia Statewide Fire Prevention Code-2000 Edition needs to be adopted

Mr. Hill recommended the Board adopt the Ordinance amending and reordaining Chapter 9 of the Code of James City County.

Mr. Brown stated that there appeared to be no substantive changes and requested verification of that observation.

Mr. Hill stated that this is a housekeeping amendment.

Mr. Morton stated that in the future substantive changes would be presented to the Board regarding this chapter of the Code.

Staff recommended approval of the Ordinance.

Mr. Harrison opened the Public Hearing

As no one wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison (4). NAY: (0). ABSENT: Kennedy (1).

4. Amendments to the FY 2004 Operating and Capital Budgets

Mr. John E. McDonald, Manager of Financial and Management Services, stated that a reduction of \$580,000 in real property revenue and operating contingency spending in the FY 2004 Operating Budget is recommended as a result of the Board's decision to reduce the FY 2004 real property tax rate to \$0.86; that an increase of the FY 2004 Capital Budget by \$13.5 million is recommended for public safety communication improvements; and that \$580,950 be restored to Greenspace in the Capital Budget.

Mr. McDonald stated that separate resolutions have been drafted for Board consideration regarding the FY 2004 Operating Budget and the FY 2004 Capital Budget.

The Board discussed the role of the Contingency Fund, desire to identify other revenue sources, and the anticipated revenue associated with the land book values.

Mr. Harrison opened the Public Hearing.

1. Mr. Ralph Bressler, Berkeley District, stated concern regarding the reduction in the tax rate when revenue sources are soft, the land book value revenue is lower than the trigger figure for the tax rate

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reduction. that there could be additional one-time emergencies in FY 04; and recommended the Board look for additional revenue sources and reconsider the tax rate reduction

As no one else wished to speak to this matter, Mr. Harrison closed the Public Hearing.

Mr. McGlennon stated that he requested staff to split the FY 2004 Budget resolution so that the FY 2004 Operating Budget and the FY 2004 Capital Budget could be considered separately.

The Board discussed the possible impacts of the tax rate reduction in the face of revenue shortfalls, the ability of the County to pull funding together to cover one-time funding events, the method of assessment appraisals, a cash proffer policy, and the lack of an identification of services to be reduced to compensate for the tax rate reduction.

Mr. McGlennon made a motion to approve the amendments to the FY 2004 Capital Budget resolution.

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

## RESOLUTION

### AMENDMENTS TO THE FY 2004 CAPITAL BUDGET

WHEREAS, the Board of Supervisors of James City County has adopted a budget for the year ending June 30, 2004 (FY 2004), and has been requested to amend the Capital Budget to accommodate certain changes; and

WHEREAS, those changes consist of: 1) the appropriation to the Capital Budget of the anticipated proceeds from the 800-MHz public safety communications system financing; and 2) the appropriation of funds received from the sale of property to the Virginia Department of Transportation (VDOT) returned to the Greenspace account from which the original purchase was funded.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Capital Budget and appropriates additional funds in the amount of \$13.5 million from the proceeds of a public financing to radio system improvements.

BE IT FURTHER RESOLVED that the Board of Supervisors amends the FY 2004 Capital Budget and appropriates additional funds in the amount of \$580,950 received from the sale of property to the Greenspace account.

Mr. Brown made a motion to approve the amendments to the FY2004 Operating Budget

On a roll call vote, the vote was: AYE: Brown, Goodson, Kennedy, Harrison (4). NAY: McGlennon (1).

**RESOLUTION****AMENDMENTS TO THE FY 2004 OPERATING BUDGET**

WHEREAS, the Board of Supervisors of James City County has adopted a budget for the year ending June 30, 2004 (FY 2004), and has been requested to amend the Operating Budget to accommodate a certain change; and

WHEREAS, this change consists of a reduction in Operating Contingency and real property tax revenue to reflect the current tax on real property of \$0.86.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Operating Budget by reducing real estate tax revenues and Operating Contingency by \$580,000.

**I. BOARD CONSIDERATION****1. Yarmouth Creek Watershed Management Plan (Deferred from September 9, 2003)**

Mr. John T. P. Home, Acting General Services Manager, stated that the Yarmouth Creek Watershed Management Plan (Plan) was deferred by the Board at its meeting on September 9, 2003, and stated that staff continues to recommend adoption of the Plan with the exception of Priority No. 3, Special Stormwater Criteria.

The Board and staff discussed the proposed buffer, the formation of the Yarmouth Creek Watershed Advisory Committee, and the assessed values of property within the Watershed.

Mr. Kennedy made a motion to adopt the resolution

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

**RESOLUTION****YARMOUTH CREEK WATERSHED MANAGEMENT PLAN**

WHEREAS, the Yarmouth Creek Watershed is a resource of local and national significance; and

WHEREAS, the Board authorized staff to prepare a Management Plan to help the County and landowners protect the watershed and its natural resources; and

WHEREAS, stakeholders, staff, and consultants have met over a period of 12 months to share information, set goals, and develop the Watershed Management Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Yarmouth Creek Watershed Management Plan dated July 14, 2003, with the exception of Priority No. 3, Special Stormwater Criteria.

At 8:42 p.m., Mr. Harrison recessed the Board for a brief break

At 8:52 p.m., Mr. Harrison reconvened the Board.

#### **J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated concern about the rate at which the home and property values are rising and impacting assessments, commented on a neighboring jurisdiction's recent denial of another development due to the proposed density.

2. Mr. Mark Rinaldi, 10020 Sycamore Landing Road, complimented staff's dedication in helping citizens with the aftermath of Isabel.

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

Mr. Wanner introduced John T. P. Home, Acting General Services Manager.

Mr. Home provided the Board with an update on the debris pick up within the County.

Mr. Brown asked if the County would make more than one pass through the County to collect debris.

Mr. Home stated that there would be two passes through the County to collect tree debris, construction debris, and household debris.

Mr. Brown inquired about the collection of rootballs.

Mr. Home stated that rootballs that are 26 inches or less would be collected with the tree debris, and rootballs over 26 inches would be collected by a different debris crew.

Mr. McGlennon inquired how the debris collection would impact the fall leaf collection.

Mr. Home stated that instead of three leaf collections to be held once in November, once in December, and once in January, that there would be two collections, one in December and one in January.

Mr. Wanner stated that Mr. Kennedy sponsored a Chickahominy Haven citizen meeting with members of FEMA and County staff.

Mr. McGlennon inquired about the maintenance of overhanging trees.

Mr. Wanner stated that staff will identify the Virginia Department of Transportation streets with overhanging trees and those County maintained properties with overhanging trees and have the appropriate entity address the hazardous situations.

Mr. Wanner recommended that the Board go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, the appointments of individuals to County Boards and/or Commissions.

Mr. Wanner recommended that at the conclusion of the agenda, the Board recess to 4 p.m. on October 28, 2003, for a Work Session.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon requested the County arrange a joint meeting with the representatives of Cox Cable to permit the County and its citizens to voice concerns regarding its customer service following the hurricane.

Mr. Brown concurred with Mr. McGlennon's request and stated that he had numerous conversations with citizens about Cox Cable's customer service.

Mr. Harrison requested staff set up a town meeting for October 30 with representatives from various agencies to provide citizens with information regarding debris clean up efforts and any services or sources available to citizens to cope with the effects of Isabel.

Mr. Harrison stated that a Berkeley District town meeting would be held on October 22 at the Clara Byrd Baker Elementary School regarding the affordable housing project in the Five Forks area.

**M. CLOSED SESSION**

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, the appointments of individuals to County Boards and/or Commissions.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison (4). NAY: (0). ABSENT: Kennedy (1).

At 9:16 p.m. Mr. Harrison convened the Board into Closed Session

At 9:23 p.m. Mr. Harrison reconvened the Board into Open Session.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison (4). NAY: (0). ABSENT: Kennedy (1).

**RESOLUTION****CERTIFICATION OF CLOSED MEETING**

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

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

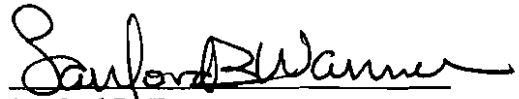
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, (ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to reappoint Henry Lindsey to a five-year term on the Wetlands Board, term to expire on October 1, 2008.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison (4). NAY: (0). ABSENT: Kennedy (1).

**N. RECESS**

At 9:24 p.m. Mr. Harrison recessed the Board until 4 p.m. on October 28, 2003.



Sanford B. Wanner  
Clerk to the Board

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030032005  
SUPPLEMENTAL PROFFERS  
NEW TOWN - SECTIONS 2 and 4

THESE SUPPLEMENTAL PROFFERS are made as of this 3rd day of October, 2003, 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 developer of a mixed-used project referred to as "New Town" located in James City County, Virginia which is subject to and more particularly described in certain proffers (collectively the "Proffers") which include (i) the New Town Proffers ("New Town Proffers") dated December 9, 1997 of record in the Office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City, Virginia ("Clerk's Office") as Instrument No. 980001284, and (ii) the New Town - Sections 2 and 4 - Proffers dated November 1, 2001 of record in the Clerk's Office as Instrument No. 010023715 (the "Section 2 and 4 Proffers"). The Sections 2 and 4 Proffers are attached hereto and incorporated by reference.

R-2. 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-3. Associates has acquired certain additional property by deed dated January 28, 2003 of record in the Clerk's Office as instrument no. 030004167 (the "Additional Property"). Associates intends, by these Supplemental Proffers and a re-zoning of the Additional Property and property formerly a part of Section 9 of New Town, to consolidate into Section 4 of New Town the Additional Property and portions of the Property previously a part of Section 9 of New Town. The property to be added to Section 4 of New Town, to be rezoned and subjected to these Proffers, is shown on EXHIBIT A (the "Area Added").

R-4. In furtherance of the additions to Section 4 of New Town, Associates has applied for rezoning of the Area Added from R-8 with proffers, M-1 and MU to MU subject to these Supplemental Proffers. Associates has also applied for certain amendments to the New Town Design Guidelines. The requested rezoning to MU, with these Supplemental Proffers, is, in fact, consistent both with the 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. 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-6. 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 AMENDED MASTER PLAN, dated June, 2001, revised June 23, 2003 (the "Sections 2 and 4 Amended Master Plan") and amended design guidelines entitled "Amended and Restated NEW TOWN SECTIONS 2 & 4 DESIGN GUIDELINES". dated July 31, 2003 (the "Sections 2 and 4 Amended Guidelines") for the Property, copies of which Sections 2 and 4 Amended Master Plan and Sections 2 and 4 Amended Guidelines are on file with the County's Director of Planning.



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 Amended Master Plan, the Sections 2 and 4 Amended 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 Proffers, Associates agrees that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

PROFFERS APPLICABLE TO AREA ADDED

1. Application of Sections 2 and 4 Proffers, Amended Master Plan and Amended Design Guidelines. Development and use of the Area Added shall hereafter be subject to and in accordance with the Sections 2 and 4 Proffers as amended hereby, the Amended Master Plan and the Sections 2 and 4 Amended Guidelines, each of which are incorporated herein by reference. The Sections 2 and 4 Proffers are attached hereto for ease of reference. Terms of the Sections 2 and 4 Proffers relative to interpretation, amendment and construction of the Sections 2 and 4 Proffers and/or the Amended Design Guidelines shall be applicable hereto as if set forth in full below. The term "Property" as used in the Sections 2 and 4 Proffers shall be deemed by virtue hereof to include the Area Added.

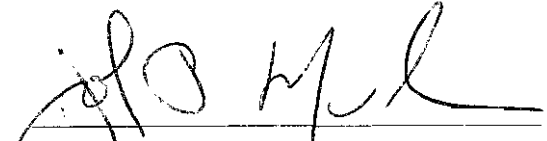
2. Right-In Access from Monticello Avenue. The Area Added may be served by one (1) right in only entrance providing direct access to the Area Added from Monticello Avenue with a turn lane, as shown on the Sections 2 and 3 Amended Master Plan. The entrance shall be governed by signage and design criteria approved by VDOT and the County's Director of Planning, which shall provide for right turn only use of such entrance from Monticello Avenue. No exit to, or left turn entrance from Monticello Avenue shall be permitted via the entrance described herein.

3. Supplemental Proffers. These Supplemental Proffers amend the Sections 2 and 4 Proffers and the provisions of the New Town Master Plan only as to the Area Added. No amendment to the proffers affecting property not included in the Area Added and of record in the Clerk's Office as of the date hereof is intended or accomplished hereby.

4. Recitals. The Recitals set forth above shall be included and read as a part of these Proffers and are incorporated by reference.

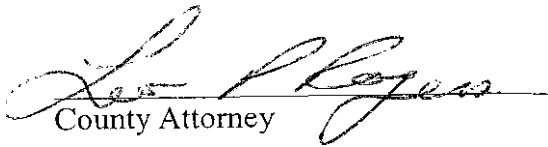
WITNESS the following signatures, thereunto duly authorized:

NEW TOWN ASSOCIATES, LLC

By: 

Title: EXECUTIVE DIRECTOR

APPROVED AS TO FORM:

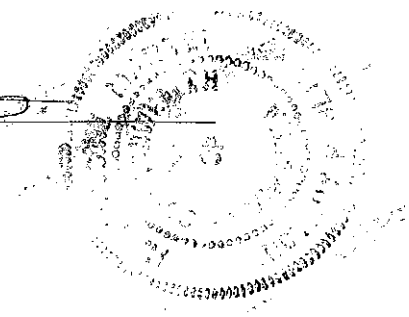
  
County Attorney



STATE OF VIRGINIA  
COUNTY OF JAMES CITY, to wit.

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of October, 2003 by John P. McCANN, Executive Director of New Town Associates, LLC, a Virginia limited liability company, on its behalf.

*N. Mexie Mc...*  
NOTARY PUBLIC



My commission expires:

December **a**, 2004

#6045813 v3

EXHIBIT A

ADDED AREAS

Those certain pieces or parcels of land shown and set out as "AREA ADDED TO SECTION 4" on the NEW TOWN Sections 2 and 4 AMENDED MASTER PLAN prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated June, 2001 and last amended June 23, 2003.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
This document was admitted to record on 20 Oct. 03  
at 9:26 AM/PM. The taxes imposed by Virginia Code  
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX	LOCAL TAX	ADDITIONAL TAX
_____	_____	_____
\$ _____	\$ _____	\$ _____

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B Woolridge Clerk

030 032006

## WINDSORMEADE MARKETPLACE PROFFERS

THESE PROFFERS are made as of this 3rd day of October, 2003, by C. C. CASEY LIMITED COMPANY, a Virginia limited liability company (together with its successors and assigns, "Casey") (index as a "grantor"), and the **COUNTY OF JAMES CITY, VIRGINIA** (the "County") (index as the "grantee").

RECITALS

R-1. Casey 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").

Prepared by:  
Kaufman & Canoles, P.C.  
1200 Old Colony Lane  
Williamsburg, VA 23185

R-4. In furtherance of the vision embodied in the New Town Master Plan and New Town Design Guidelines, Casey has applied for a rezoning of the Property from R-8, Rural Residential, with proffers to MU, Mixed-Use, with proffers. The rezoning of the Property to MU, with proffers, is in fact consistent both with the 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. Casey 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. Casey has submitted to the DRB, and the DRB has approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a conceptual master plan of development for the Property entitled "Master Plan for Rezoning of WindsorMeade Marketplace" prepared by AES Consulting Engineers and dated January 30, 2003.

R-9. Casey has submitted a revised conceptual master plan of development entitled "Master Plan For Rezoning, Windsormeade Marketplace, Section 11, New Town West, Owner: C. C. Casey Limited Company" prepared by AES Consulting Engineers and dated June 02, 2003, revised August 29, 2003, revised September 2, 2003 (the "Marketplace Master Plan"), consistent with the "Master Plan for Rezoning of WindsorMeade Marketplace", dated January 30, 2003 approved by the DRB, the New Town Master Plan, and the New Town Design Guidelines. A copy of the Marketplace Master Plan is on file with the County's Director of Planning.

R-10. Casey has submitted to the DRB, and the DRB has approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, design guidelines for the Property entitled "WindsorMeade Marketplace Design Guidelines", dated May 1, 2003 (the "Marketplace Guidelines"). A copy of the Marketplace Guidelines is on file with the County's Director of Planning.

R-11. Pursuant to the New Town Proffers, a Phase I Archaeological Study recommending no further treatment or further 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.



R-12. Casey has caused a small whorled pogonia survey to be conducted on the Property in 1996 and 2001 revealing that no small whorled pogonias or small whorled pogonia habitat exist on the Property. The reports generated from these surveys are entitled "SEARCHES FOR THE SMALL WHORLED POGONIA, ISOTRIA MEDEOLOIDES, ON THE CASEY TRACT, CHISEL RUN WATERSHED, WILLIAMSBURG/JAMES CITY COUNTY, VIRGINIA SPRING/SUMMER 1996" (the "1996 Report") and "SEARCHES FOR THE SMALL WHORLED POGONIA, ISOTRIA MEDEOLOIDES, ON THE WINDSORMEADE PROPERTY JAMES CITY COUNTY, VIRGINIA JULY 2001" (the "2001 Report"). The 1996 Report and the 2001 report were prepared by Dr. Donna M. E. Ware of the College of William & Mary for Williamsburg Environmental Group, Inc. Dr. Ware will write a letter to the County stating that no small whorled pogonias or small whorled pogonia habitat exist on the Property. A copy of the 1996 Report, 2001 Report, and the letter from Dr. Ware will be on file with the County's Director of Planning.

R-13. 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, Casey, 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-14. 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 of the Property as set forth above and the Marketplace Master Plan, the Marketplace 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, Casey agrees that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

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. Casey shall (i) organize an owner's association or associations in accordance with Virginia law in which all owners of the Property, by virtue of their property ownership, shall be members of an association, or (ii) execute a supplemental declaration and record it in the Clerk's Office submitting all or a portion of the Property to an existing owner's association comprised of owners of property within the New Town Master Plan and amendments thereto. Any articles of incorporation, bylaws, declarations, or supplemental declarations (together, the "Governing Documents") creating and governing such association(s) shall be submitted to and reviewed by the County Attorney for consistency with this Proffer.

3. Development Process and Land Use.

(a) Development. The Property shall be developed in one or more phases generally in accordance with the Marketplace Master Plan and the Marketplace Design Guidelines, including, but not limited to, the land uses, densities and design set forth therein; however, 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.

(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 Marketplace Master Plan and Marketplace 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 Marketplace Master Plan and/or the Marketplace 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 Marketplace Guidelines and/or the Marketplace 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 Marketplace Master Plan and/or the Marketplace 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 Marketplace Master Plan and Marketplace Guidelines. Applications to change the Marketplace Master Plan and/or the Marketplace 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 Marketplace Master Plan and/or Marketplace 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 Casey, 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.

(e) Land Use. As a result of the rezoning sought in connection with these Proffers, "Table 1, Land Use and Density Tabulation: Residential, West Side" and "Table 2, Land Use and Density Tabulation: Non-Residential, West Side" shown on page 2 of the New Town Master Plan are hereby amended to reflect the densities and land uses specified in EXHIBIT B attached hereto. Except as hereby amended, the Tables and Charts on page 2 of the New Town Master Plan shall remain unchanged.

4. Traffic Study and Road Improvements.

(a) In accordance with the requirements of Section 4 of the New Town Proffers, Casey has submitted to the County an updated traffic study entitled "TRAFFIC STUDY FOR PROPOSED S. L. NUSBAUM SHOPPING CENTER AT MONTICELLO AVENUE/WINDSORMEADE WAY, JAMES CITY COUNTY, VIRGINIA", dated May 28, 2003, prepared by DRW Consultants, Inc., Midlothian, Virginia (the "Traffic Study"), which is on file with the County's Director of Planning.

(h) The following entrance and road improvements shall be completed (or bonded pursuant to the County Code) for the Monticello Avenue/WindsorMeade Way intersection when warranted as determined by VDOT:

- (i) A second eastbound left turn lane on Monticello Avenue
- (ii) A westbound right turn lane on Monticello Avenue
- (iii) On WindsorMeade Way, a minimum of three lanes approaching Monticello Avenue (two left turn lanes and one right turn lane) and two lanes departing Monticello Avenue.

A traffic signal shall be designed and installed (or bonded pursuant to the County Code) when warranted as determined by VDOT at the Monticello Avenue/WindsorMeade Way 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. Any costs incurred in designing, installing, or bonding the aforementioned traffic signal shall be less the \$10,000.00 previously proffered in paragraph 5 of the "WindsorMeade Ptoffers" recorded in the Clerk's Office at Instrument No. 010020618.

A traffic signal shall be designed and installed (or bonded pursuant to the County Code) when warranted as determined by VDOT at the WindsorMeade Way/Crossover 2 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.

5. Water Conservation. The owner's association to be established pursuant to paragraph 2 shall be responsible for establishing, 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 textures 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

6. Subdivision. Notwithstanding anything in these Proffers to the contrary, the failure by Casey, its successors or assigns, to comply with one or more of the conditions of these Proffers in developing any portion(s) of the Property which failure does not in any way, in whole or in part, apply to the remainder of the Property or portion(s) thereof owned by a separate owner(s) will not affect the ability of such separate owner(s) to develop the remainder of the Property or such portion(s) in accordance with these Proffers and other applicable provisions of the County's Zoning Ordinance.

#### MISCELLANEOUS PROVISIONS

7. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the Casry and the County, and their respective heirs, successors and/or assigns. Any obligation(s) of Casey hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof:

8. 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.

9. Conflicts. In the event there is a conflict between: (1) these Proffers, the Marketplace Guidelines, and/or the Marketplace Master Plan; and (2) the New Town Proffers, the New Town Master Plan and/or the New Town Guidelines, then these Proffers, the Marketplace Guidelines and the Marketplace 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.

10. 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 October 14, 2003

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

12. 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 Casey and its successors in interest to develop its other property in accordance with the other applicable provisions of the County Zoning Ordinances.

WITNESS the following signatures, thereunto duly authorized:



C. C. Casey Limited Company

By: Robert T. Casey  
Robert T. Casey

Its: Secretary

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

The foregoing instrument was acknowledged before me this 7th day of October, 2003 by Robert T. Casey as Secretary of C. C. Casey Limited Company, a Virginia limited liability company, on its behalf.

Norica R. Smith  
NOTARY PUBLIC

My Commission Expires July 31, 2007

My commission expires: \_\_\_\_\_



THE COUNTY OF JAMES CITY, VIRGINIA

By: *O. Marvin Sowers*  
O. Marvin Sowers

Its: Director of Planning

COMMONWEALTH OF VIRGINIA

~~CITY~~/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of October, 2003 by O. Marvin Sowers as Director of Planning for the County of James City, Virginia, on its behalf.

*Mary Frances Rieger*  
NOTARY PUBLIC

My commission expires: October 31, 2005.

APPROVED AS TO FORM:

By: *Leo P. Rogers*  
Leo P. Rogers

Its: Deputy County Attorney

COMMONWEALTH OF VIRGINIA  
~~CITY~~/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of October, 2003 by Leo P. Rogers as Deputy County Attorney for the County of James City, Virginia

*Mary Frances Rieger*  
NOTARY PUBLIC

My commission expires: October 31, 2005

**EXHIBIT A**

All those certain lots, parcels or tracts of land, situate and lying in the Powhatan District of James City County, Virginia, containing 34.13 acres more or less and being a portion of the same property as shown on a map entitled "Master Plan For Rezoning, Windsormeade Marketplace, Section 11, New Town West, Owner: C. C. Casey Limited Company", prepared by AES Consulting Engineers and dated June 02, 2003, revised August 29, 2003, and being the properties designated as a portion of James City County Tax Map Parcels #(38-3)(1-2), #(38-3)(1-5), #(38-3)(1-6), (38-3)(1-7), #(38-3)(1-8), and a Portion of Tax Map Parcel #(38-3)(1-34), and a parcel formerly owned by the Commonwealth of Virginia.

Said parcels are more particularly described by metes and bounds as follows:

**All of James City County Tax Map Parcels #(38-3)(1-2), #(38-3)(1-5), #(38-3)(1-6), (38-3)(1-7), #(38-3)(1-8) and a Portion of Tax Map Parcel #(38-3)(1-34) Owned by C. C. Casey Limited Company:**

Beginning at a point on the northerly right-of-way line of Monticello Avenue Extended, State Route #321, said point being S28°41'04"W, 358.65' from the intersection of the westerly right-of-way line of State Route #199 and the northerly right-of-way line of said Monticello Avenue Extended, State Route #321, a comer to the property described hereon and the property now or formerly standing in the name of the Commonwealth of Virginia; thence leaving said comer of the property now or formerly standing in the name of the Commonwealth of Virginia and lying along the right-of-way line of Monticello Avenue Extended, State Route #321, S46°23'51"W, 530.33' to a point; thence along a curve to the right, having a radius of 869.93' and an arc length of 91.40' to a point; said point being at the intersection of the northerly right-of-way line of said Monticello Avenue Extended, State Route #321 and the easterly right-of-way line of what is now known as Old News Road; thence leaving said right-of-way line of Monticello Avenue Extended, State Route #321 and lying along the easterly right-of-way line of what is now known as Old News Road, N34°54'22"W, 480.33' to a point; thence N33°17'29"W, 275.90' to a point; thence along a curve to the left, having a radius of 400.00' and an arc length of 62.99' to a point; thence N42°18'49"W, 9.79' to a point; thence along a curve to the left, having a radius of 251.53' and an arc length of 40.04' to a point; said point being a comer to the properties described hereon and the remaining portion of James City Tax Map Parcel #(38-3)(1-34) now or formerly standing in the name of C. C. Casey Limited Company; thence along the line of the remaining portion of James City Tax Map Parcel #(38-3)(1-34) now or formerly owned by C. C. Casey Limited Company and an existing 40' private right-of-way, N43°12'19"E, 178.71' to a point; thence leaving said 40' private right-of-way and continuing along the line of the remaining portion of James City County Tax Map Parcel #(38-3)(1-34), now or formerly owned by C. C. Casey Limited Company, N36°30'08"W, 123.42' to a point; thence along a curve to the right, having a radius of 790.50' and an arc length of 214.79' to a point; thence along a curve to the right, having a radius of 587.50' and an arc length of 101.13' to a point; thence N11°04'18"W, 34.77' to a point; thence along a curve to the right, having a radius of 787.50' and an arc length of 246.68' to a point; thence along a curve to the right, having a radius of 1387.50' and an arc

length of 46.69' to a point; thence  $N89^{\circ}13'21''E$ , 746.48' to a point; thence  $N63^{\circ}40'56''E$ , 565.00' to a point on the westerly right-of-way line of State Route #199, a comer to the properties described hereon and the remaining portion of James City County Tax Map Parcel #(38-3)(1-34) now or formerly owned by C. C. Casey Limited Company; thence leaving said comer of the remaining portion of James City Tax Map Parcel #(38-3)(1-34) now or formerly standing in the name of C. C. Casey Limited Company and lying along the westerly right-of-way line of State Route #199,  $S08^{\circ}18'36''E$ , 171.61' to a point; thence  $S04^{\circ}50'02''W$ , 654.04' to a point; thence along a curve to the left, having a radius of 903.51' and an arc length of 235.65' to a point, said point being a comer to the property described hereon, the property now or formerly standing in the name of the Commonwealth of Virginia and the intersection of the right-of-way line State Route #199 and Monticello Avenue Extended, State Route #321; thence along the line of the property now or formerly owned by the Commonwealth of Virginia,  $S2S^{\circ}41'04''W$ , 358.65' to the aforesaid point of beginning. The properties described above contain an aggregate area of 34.13 acres more or less.

Less and except any portion of that certain piece or parcel of land contained within the above metes and bounds description that is located within the Right Of Way lines for WindsorMeade Way shown on that certain plan entitled "WindsorMeade Way Road Construction Plan" prepared by AES Consulting Engineers, dated May 2002, revised June 20.2003, revised August 28,2003.

Parcel Formerly Owned by the Commonwealth of Virginia and Now Owned by C. C. Casey Limited Company:

Beginning at a point at the intersection of the westerly right-of-way line of State Route #199 and the northerly right-of-way line of Monticello Avenue Extended, State Route #321; thence lying along the northerly right-of-way line of said Monticello Avenue Extended, State Route #321,  $S46^{\circ}23'51''W$ , 276.71' to a point, a comer to the property described hereon and the properties now or formerly owned by C. C. Casey Limited Company; thence leaving said comer of the properties now or formerly owned by C. C. Casey Limited Company and lying along the property owned by the Commonwealth of Virginia,  $N28^{\circ}41'04''E$ , 358.65' to a point, said point being on the westerly right-of-way line of State Route #199; thence lying along the westerly right-of-way line of State Route #199,  $S13^{\circ}36'06''E$ , 71.92' to the aforesaid point of beginning. The property described above contains an area of 0.35 acres more or less.

**EXHIBIT B**

**CASEY NEW TOWN WEST SIDE  
REVISED RESIDENTIAL LAND USE AND DENSITY TABULATION  
(INCLUDES BERRY PROPERTY)**

SECTION	PERMITTED USE	SECTION AREA IN ACRES	DEVELOPABLE AREA	MAXIMUM DWELLING UNITS (D.U.)	DENSITY D.U./ACRE
11	E, G, C, D, M (CE) (CG) (GI), I, J	34.48	33.00	0	0
12	A, B, C, D, I, J	44.11	39.50	209	4.7
VUMH	A, B, C, D, M, (IDCE), E, I, J	105.93	85.20	343	3.2
<b>Subtotal</b>		<b>184.52</b>	<b>157.70</b>	<b>552</b>	

**CASEY NEW TOWN WEST SIDE  
REVISED NON-RESIDENTIAL LAND USE AND DENSITY TABULATION  
(INCLUDES BERRY PROPERTY)**

SECTION	PERMITTED USE	SECTION AREA	DEVELOPABLE AREA	MAXIMUM NON-RESIDENTIAL SQUARE FOOTAGE	DENSITY SF/ACRE
11	E, G, C, D, M (CE) (CG) (GI), I, J	34.48	33.00	200,000	5,799
12	A, B, C, D, I, J	44.11	39.50	0	0
VUMH	A, B, C, D, M, (IDCE), E, I, J	105.93	85.20	34,100	322
<b>Subtotal</b>		<b>184.52</b>	<b>157.70</b>	<b>234,100</b>	

NOTE: RESIDENTIAL UNITS AND NON-RESIDENTIAL SQUARE FOOTAGE NOT UTILIZED WITHIN THE PARTICULAR SECTIONS INDICATED, MAY BE TRANSFERRED TO OTHER SECTIONS OF THE NEW TOWN MASTER PLAN IF APPROVED BY THE DRB AND THE OWNERS OF THE AFFECTED SECTIONS

#6042614 v7

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
This document was admitted to record on 2009.03  
at 9:27 AM/PM. The taxes imposed by Virginia Code  
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.

STATE TAX                      LOCAL TAX                      ADDITIONAL TAX

\$ \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B Woolridge Clerk

OCT 14 2003

ORDINANCE NO. 9A-12

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, FIRE PREVENTION CODE, SECTION 9-1, ADOPTION OF VIRGINIA STATEWIDE FIRE PREVENTION CODE; SECTION 9-2, DEFINITIONS; SECTION 9-3, AMENDMENTS; AND SECTION 9-4, OPEN BURNING OF YARD WASTE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Fire Protection, is hereby amended and reordained by amending Article I, Fire Prevention Code, Section 9-1, Adoption of Virginia Statewide Fire Prevention Code; Section 9-2, Definitions; Section 9-3, Amendments; and Section 9-4, Open burning of yard waste.

Chapter 9. Fire Protection

Article I. Fire Prevention Code\*

**Sec. 9-1.** Adoption of Virginia Statewide Fire Prevention Code.

Pursuant to section 27-97 of the Code of Virginia, the ~~1996~~ 2000 edition of the Virginia Statewide Fire Prevention Code is adopted by James City County, except as otherwise modified or amended in this article, and the same is hereby incorporated fully by reference. This code shall be referred to in this chapter as the "fire prevention code" or "SFPC." The fire department shall enforce the fire prevention code under the direction of the fire official.

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Cross reference-Fire protection requirements in subdivisions, § 19-63.

\*State *regulation* reference-13 Virginia Administrative Code 5-51-Virginia Statewide Fire Prevention Code.

**Sec. 9-2. Definitions.**

The following words and terms used in the fire prevention code shall have the definitions ascribed to them in this section:

~~Chief appointing authority or appointing authority.~~ *Local governing body.* The James City County Board of Supervisors.

~~Chief authority or chief administrative officer.~~ *The county administrator of James City County.*

~~Deputy.~~ *The James City County Deputy Fire Marshal.*

*Fire official.* The fire marshal of the county or his duly authorized representative. For the purposes of this code, the tenn code official shall also mean fire official.

*IFC. International Fire Code /2000*

*Jurisdiction.* The County of James City, Virginia.

~~Legal counsel~~ *department of the jurisdiction.* The county attorney or an attorney appointed by the board of supervisors to represent the county in legal matters.



~~*Open burning.* Any burning wherein the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. A chamber shall be regarded as enclosed when, during the time combustion takes place, only apertures, ducts, stacks, flues or chimneys necessary to provide air and to permit the escape of gas are open.~~

*Yard waste.* Include leaves, brush, grass, stumps, scrub vegetation, bushes, and twigs or branches

### Sec. 9-3. Amendments.

The fire prevention code is hereby amended, modified and changed as set out in the following subsections of this section.

- (1) ~~*SFPC Section F-107.2.3 107.2, Permits required,*~~ is hereby ~~amended to read as follows~~ *added:*

Permits shall be obtained, when required, from the fire official. Permits shall be available at all times on the premises designated in the permit for inspection of the fire official. Fees for such permits, and for inspections, shall be in such amounts as are from time to time established by resolution of the board of supervisors.

- ~~(2) *Section F-107.2.3.1, Permits required,* is hereby added.~~

With exception of mandatory permits for explosives and blasting agents, the county shall require permits issued as a part of the Statewide Fire Prevention Code for the following:

- (a) Fireworks

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- (b) Open burning of debris waste as a result of land clearing, refuse as result of agricultural and forestal management practices, and bonfires.

(32) ~~Section F-107.2.4.1, Local Fees~~ SFPC Table 107.2 - Operational Permit Requirements is hereby ~~amended~~ added:

- (a) \$100.00 per event or \$200.00 per calendar year (at same site with similar displays) for fireworks.
- (b) \$50.00 for each waste open burning permit.
- (c) \$25.00 for each bonfire permit.

~~State law reference - Authority of county to adopt fire prevention code, Code of Va., §27-97.~~

(43) ~~Section F-113.2.1.1, Board of Appeals~~ SFPC Section 112.1, Local Board of Fire Prevention Code Appeals (BFPCA) , is hereby ~~amended to read~~ added:

The James City County Board of Building Code Appeals is hereby constituted as and shall serve as the James City County Board of Fire Prevention Code Appeals.

(54) ~~Section F-113.2.3~~ SFPC Section 112.2.1, Chairman is hereby ~~amended to read~~ added:

The chairman of the James City County Board of Building Code Appeals shall also serve as chairman of the James City County Board of Fire Prevention Code Appeals.

(65) IFC Section ~~F-311.1.1~~ 503.2.2, ~~Specifications~~ Authority is hereby ~~amended to read~~ added:

Fire ~~lanes~~ *apparatus* access roads, when required, shall conform to the specifications issued by the fire official. The fire official shall maintain records of those properties which are required to establish and maintain fire ~~lanes~~ *apparatus* access roads.

(76) IFC Section ~~F-403.3-307.2.2, Allowable burning~~ *Prohibited open* burning, is hereby amended to read added:

Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs, and the burning of yard waste, and household debris, except garbage, when conducted in accordance with this code; provided, however, pursuant to section 10.1-1142 of the Code of Virginia, that:

- (a) It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other inflanunable material upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.
- (b) *Except* as provided in subsection (c), ~~During~~ during the period beginning February 15 and ending April 30 of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful in this county or *any portion* thereof ~~organized for~~

*forestfire control under the directioiz of the state forester, for any person to set fire to, or to procure another to set tire to, any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire located in or within three hundred feet of any woodland, brushland or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.*

The provisions of this subsection shall not apply to any fires which may be set on federal lands. ~~and, between February 15 and March 1 of each year, on lands owned by the Department of Game and Inland Fisheries.~~

(c) *Subsection (b) shall not apply to any fire set between February 15 and March 1 of each year, if:*

1. *The fire is set for "prescribed burning" that is conducted in accordance with a "prescription" and managed by a "certifiedprescribed burn manager" as those terms are defined in Va. Code section 10.1-1150.1;*
2. *The burn is conducted in accordance with Va. Code section 10.1-1150.4;*
3. *The state forester has, prior to February 1, approved theprescription for the burn;*  
*and*
4. *The burn is being conducted for one oj the following purposes: (i) control of exotic and invasive plant species that cannot be accomplished at other times oj the year;*

(ii) wildlife habitat *establishment and* maintenance that cannot be accomplished at other *times of the year*; or (iii) management necessary for natural *heritage* resources.

The state forester may on the day of any burn planned to be conducted pursuant to this *subsection* revoke his approval of the *prescription for* the burn if hazardous fire conditions *exist*. The state forester may revoke the certification of any *certified* prescribed *burn* manager who violates any provision of *this* subsection.

(cd) Any person who builds a fire in the open air, or uses a fire built by another in the open air, within 150 feet of any woodland, brushland or field containing dry grass or other inflammable material shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

(de) Any person violating any of the provisions of ~~subsections (a), (b) or (c)~~ of this section shall be guilty of a Class 3 misdemeanor for each separate offense. If any forest fire originates as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the Commonwealth for the full amount of all expenses incurred by the Commonwealth in suppressing such fire. Such amounts shall be recoverable by action brought by the ~~Sstate F~~forester in the name of the Commonwealth on behalf of the Commonwealth and credited to the Forestry Operations Fund.

(87) ~~IFC Section F-403.5-307.3, Location requirements, is hereby amended to read~~ is added:

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~~The location for any open burning shall not be less than 50 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Fires in approved containers shall be permitted; provided, that such fires are not less than 15 feet from any structure.~~

~~Exception:~~ The location of any open burning conducted for the disposal for land clearing refuse which has been permitted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality shall not be less than 500 feet from an occupied dwelling.

(98) ~~IFC Section F-403.5.1~~ 1404.3, ~~Open burning prohibited-Construction sites~~, is hereby added:

Open burning of construction waste, demolition waste, refuse or any other type of waste is prohibited when located at a construction or demolition site. The removal of such waste from a construction or demolition site and the subsequent burning of the same at another location in James City County is also prohibited.

Exception: Approved open burning for the disposal of land clearing refuse shall be allowed on construction sites when conducted in accordance with the regulations concerning open burning issued by the Virginia Department of Environmental Quality and this Code.

(+09) ~~IFC Section F-403.6, 307.2.2 Open burning stipulations Prohibited~~ open burning is hereby amended to read added:

~~Notwithstanding any other provision of this chapter, o~~ Open burning shall not be used for waste disposal purposes, the quantity of material to be burned shall not exceed five feet in any dimension, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

Exception: Approved burning for forest management and agriculture practices and open burning for disposal of land clearing refuse when conducted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.

(~~11~~10) *SFPC Section F-3101.2 3301.2, Permit required*, is hereby ~~amended to read~~ *added*:

A permit shall be obtained from the fire official for the display or discharge of fireworks. Upon written application by an organization or association representing a fair or amusement park or by any administrator, organization or group of individuals to the county fire department, a permit may be issued for the display of fireworks; provided, that such display shall be held under proper supervision and at a location safe to persons and property. Such application shall include a description of the types of fireworks to be displayed and the location to be used to ensure the safety of those in attendance. The permittee shall furnish a bond or *certificate of insurance* in the amount required by section\* *3301.2.4.2* of the Virginia Statewide Fire Prevention Code. A permit, when issued, shall be for a stated period. No such permit shall be issued by the fire official to any organization or association or group of individuals unless the fire official is satisfied that the display will be held at an appropriate site. A member of the fire department shall, prior to the issuance of such a permit, inspect the scene for its appropriateness for the display of fireworks. An authorized member of the fire department may revoke any such permit during the display if such is conducted in any manner not in keeping with the application or in compliance with this section and the display shall thereupon be immediately stopped.

(1211) ~~SFPC Section F-3102.1~~ 3302.1, *Definitions, general*, is hereby amended to read:

The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this Code, have the meanings shown herein.

"Fireworks." ~~shall mean and include a~~ Any item known as a firecracker, torpedo, skyrocket or other substance or thing, of whatever form or construction, that contains any explosive or flammable compound or substance and is intended or commonly known as fireworks and which explodes, rises into the air, or travels laterally, or fires projectiles into the air. The term "fireworks" shall also include pinwheels, sparklers, fountams or Pharaoh's serpents. The term "fireworks" shall not include auto flares or caps for pistols.

*"Permissible fireworks." Any auto flares or caps for pistols.*

~~(13) Section F-3103.1, General is amended to read:~~

~~The rules and regulations for fireworks shall be in accordance with NFPA 1123, 1124 and 1126 listed in Chapter 44.~~

(1412) ~~SFPC Section F-3103.4~~ 3301.2.4.2, *Bond for display Fireworks display* is amended to read:

The permit holder shall furnish a bond *or certificate of insurance* at a minimum ~~in the~~ amount of \$1,000,000.00 for the payment of all potential damage caused by either to the person or property due to the permitted display, and arising from any acts of the permit holder or agent of the permit holder,



*employees*, or agent of the permit holder. The property owner shall agree in writing to the bond *or certificate* of *insurance* amount prior to the permit being issued.

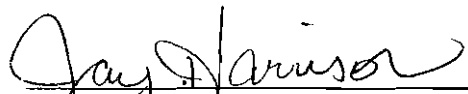
**Sec. 9-4. Open burning of yard waste.**

The fire prevention code is hereby amended, modified and changed as set out in the following subsection of this section:

- (1) *IFC Section F-403.3.1 307.2.2, ~~Burning yard waste Prohibited open burning~~*, is hereby added.
  - (a) Notwithstanding any other provision of this Code, open burning of yard waste by any person shall be unlawful within the county except in those areas zoned A-1, General Agriculture; provided, however, even within A-1 areas, yard waste shall not be burned in platted subdivisions consisting of five or more lots of which at least three lots have occupied dwellings or in manufactured home parks. In those areas where the open burning of yard waste is otherwise permitted, it shall be unlawful for any person to burn yard waste during the period beginning February 15 and ending April 30 of each year, except between the hours of 4:00 p.m. and 12:00 midnight.
  - (b) Open burning of yard waste performed in an area permitted in paragraph (a) shall comply with any applicable provisions of state law and this article.

(c) Notwithstanding paragraphs (a) and (b), open burning of yard waste shall be allowed for farming activities and pursuant to a permit for forest management and agriculture practices and open burning for disposal of land clearing refuse when conducted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.

State law reference-Code of Va., §§ 27-97 and 10.1-1142.

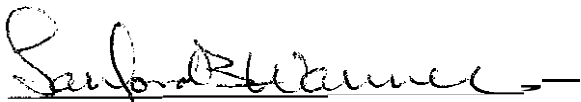


Jay T. Harrison, Sr.  
Chairman, Board of Supervisors

SUPERVISOR                      VOTE

MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
KENNEDY	ABSENT
HARRISON	AYE

ATTEST:



Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of October, 2003.

Pages 52 - 66 of this volume omitted, due to a clerical error and the reproduction of a set of minutes twice in this volume

No set of minutes have been omitted or overlooked in this volume.