

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF DECEMBER 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Michael J. Brown, Chairman, Powhatan District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District
Bruce C. Goodson, Roberts District
John J. McGlennon, Jarnestown District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Den 9 from Cub Scout Pack 103 led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Jim Brewer, Williamsburg Residency, Virginia Department of Transportation (VDOT), stated that the Greensprings Trail is on schedule to be completed in 2006, the Virginia Capital Trails projects are running on schedule; stated that the intersection of Ironbound Koad and Route 321 advertisement date is February of 2006; and that VDOT is tracking potholes and repair work of the potholes.

Mr. Harrison thanked VDOT staff for work on pothole repairs in the Berkeley District.

Mr. Bradshaw thanked VDOT staff for paving work to Chickahominy Haven; requested maintenance work on Ware Creek Manor for encroaching vegetation and the rough spots on Church Lane.

E. PRESENTATION

1. Chairman's Award

a. Employee

Mr. Brown presented Mr. John H. Carnifax, Jr., with the 2005 Chairman's Award for his service to the County through park facility developments and partnerships for the betterment of the citizens of James City County and surrounding community.

Mr. Carnifax thanked the Chairman for the award and expressed his pleasure in working for the County.

b. Volunteer Group

Mr. Brown presented Ms. Pat Groening, representing the Tax-Aide Program, and Matt Brodrick, representing the Volunteer Income Tax Assistance Program, with the 2005 Chairman's Award for Service to the citizens of the County by assisting them in and preparing tax filings.

2. Volunteer Recognition - Second Quarter - FY 06

Mr. Brown, on behalf of the Board, recognized Sharon W. Hamlin, Senior Firefighter with the James City County Fire Department, as the volunteer of the Second Quarter - FY 06 for her commitment to the Mid-Atlantic Bum Camp, a residential summer camp that assists young burn survivors by providing activities that support their physical, psychological, and social needs.

F. PRESENTATION

1. Annual Financial Report - KPMG LLP

Ms. Elizabeth P. Foster, Partner at KPMG LLP, provided the Board with an overview of KPMG's independent audit results of the County's financial statements for the year ending June 30, 2005, and stated that this year's audit was a clean and unqualified audit, the highest you can get.

The Board and Ms. Foster discussed the interior audit controls of the County and that additional tests were conducted by KPMG as required when misappropriation of funds is identified within a locality.

2. Builders for the Bay - Jennifer Zielinski, Center for Watershed Protection

Ms. Jennifer Zielinski, Center for Watershed Protection, provided a brief presentation on the highlights of the James City County Site Planning Roundtable and recommendations of the Roundtable for open space development, buffer development, and better site-planning development in the County.

The Board and staff briefly discussed the timeframe for bringing forward the Roundtable recommendations following the completion of the Rural Lands Study.

G. PUBLIC COMMENT

1. Mr. David Brown, 1502 Bush Neck Road, stated concern that his request for appeal for Real Estate Assessment resulted in a denial by the Board of Equalization, and stated concern that the Board of Equalization members and staff of the Real Estate Assessment Office are not acting in the interest of the community and property owners.

2. Mr. Robert Duckett, Director of Public Affairs with the Peninsula Housing and Builders Association, stated support for the recommendations put forth by the Builders of the Bay in reference to the County's Site Planning Roundtable, and stated that the recommendations demonstrate that economic development and environmental protection is not at conflict.

3. Mr. Ed Oyer, 139 Indian Circle, stated that 101 Indian Circle is an eye-sore with an abandoned vehicle on the parcel and requested assistance from the County in addressing the blight.

4. Ms. Ellie Tan, 204 Jones Mill Lane, requested assistance from the County in addressing the need to have the dam in the Kingspoint subdivision, Section V, fixed and clarifying ownership and access rights to the property.

Mr. Wanner stated that Mr. Rogers will report back to the Board regarding the conversation with Ms. Tan.

Mr. Brown recognized Mr. Rinaldi, Economic Development Authority, and Mr. Kale, Planning Commission, in the audience.

H. CONSENT CALENDAR

Mr. Harrison requested Item Nos. 7, 8, and 9 be pulled.

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

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

1. Minutes -November 22,2005, Work Session
November 22,2005, Regular Meeting
2. Conveyance of Easement to Verizon Virginia, Inc. - Site Improvements and Roadways at the Warhill Site

RESOLUTION

CONVEYANCE OF EASEMENT TO VERIZON VIRGINIA, INC. -

SITE IMPROVEMENTS AND ROADWAYS AT THE WARHILL SITE

WHEREAS, James City County owns 67.70 acres commonly known as 6450 Centerville Road (Warhill Site) designated as Parcel No. (1-13) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Verizon requires a 15-foot utility easement in order to relocate copper and fiber telephone cable at Centerville and Richmond Road as a result of improvements to the Warhill Site; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to convey a utility easement to Verizon; and

WHEREAS, a public hearing is not required pursuant to §15.2-1800(B) of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the right-of-way agreements and such other documents necessary to convey a utility easement to Verizon Virginia, Inc. as results of the improvements to the Warhill Site.

3. Conveyance of Easement to Dominion Virginia Power - Site Improvements and Roadways at the Warhill Site

RESOLUTION

**CONVEYANCE OF EASEMENT TO DOMINION VIRGINIA POWER -
SITE IMPROVEMENTS AND ROADWAYS AT THE WARHILL SITE**

WHEREAS, James City County owns 67.70 acres commonly known as 6450 Centerville Road (Warhill Site) designated as Parcel No. (1-13) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Dominion Virginia Power requires a 30-foot by 30-foot utility easement in order to relocate a utility pole at Centerville Road as a result of improvements to the Warhill Site; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to convey a utility easement to Dominion Virginia Power; and

WHEREAS, a public hearing is not required pursuant to §15.2-1800(B) of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the right-of-way agreements and such other documents necessary to convey a utility easement to Dominion Virginia Power as results of the improvements to Warhill Site.

4. Appointment of Animal Control Officer

RESOLUTION

APPOINTMENT OF ANIMAL CONTROL OFFICER

WHEREAS, the Board of Supervisors of James City County is authorized to appoint Animal Control Officers; and

WHEREAS, the Animal Control Officers are vested with the authority to enforce the animal laws in the County pursuant to Virginia Code, Sections 3.1-796.66, et.seq., and James City County Code, Section 3-2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Kerri McKenzie is hereby appointed Animal Control Officer for James City County, Virginia.

5. Creation of Nurse Educator Position

RESOLUTION

CREATION OF NURSE EDUCATOR POSITION

WHEREAS, the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to fund a full-time Nurse Educator position for Olde Towne Medical Center (OTMC); and

WHEREAS, the Board of Directors of WAMAC has approved the creation of ~~the~~ full-time Nurse Educator position for OTMC; and

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

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, creates the full-time other position of Nurse Educator.

6. Contingency Transfer - School Board Salaries and Fringes

RESOLUTION

CONTINGENCY TRANSFER -

SCHOOL BOARD SALARIES AND FRINGES

WHEREAS, the School Board of James City County has adopted an increase in salaries beginning January 1, 2006, from \$3,000 to \$5,500; and

WHEREAS, the adopted budget for FY 2006 did not include that increase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to amend the previous adopted budget for Fiscal Year 2006, as follows:

Expenditures:

<u>Williamsburg James City County Schools</u>	
School Board Salaries/Fringes	\$6,900
<u>Non-Departmental</u>	
Operating Contingency	(\$6,900)

10. Hurricane Isabel Disaster Recovery Residential Anti-Displacement and Relocation Assistance Plan

RESOLUTION

HURRICANE ISABEL DISASTER RECOVERY RESIDENTIAL

ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality which utilizes Community Development Block Grant (CDBG) Funds adopt a plan to minimize CDBG project related displacement of households.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Hurricane **Isabel** Disaster Recovery Project Anti-Displacement and Relocation Plan.

11. Hurricane Isabel Disaster Recovery Project CDBG Grant Agreement and Appropriation of Funds

RESOLUTION

HURRICANE ISABEL DISASTER RECOVERY PROJECT CDBG

GRANT AGREEMENT AND APPROPRIATION OF FUNDS

WHEREAS, the James City County Board of Supervisors authorized by Resolution On May 24, 2005, the submission to the Virginia Department of Housing and Community Development (VDHCD) of an application for a Community Development Block Grant (CDBG) for the Hurricane Isabel Disaster Recovery Project; and

WHEREAS, James City County has been notified of the award of \$355,960 of CDBG funds and is undertaking all actions required by DHCD prior to entering into an agreement to receive the CDBG funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant Agreement with the Virginia Department of Housing and Community Development.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2006, as follows:

Revenue:

Disaster Recovery Community Development Block Grant	<u>\$355,960</u>
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Expenditure:

Hurricane Isabel Disaster Recovery Project	<u>\$355,960</u>
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BE IT FURTHER RESOLVED that the appropriation of funds for the CDBG Disaster Recovery Project be designated a continuing appropriation to carry beyond FY 2006 until the Hurricane **Isabel** Disaster Recovery Project is completed.

7, 8, & 9. Ironbound Square Elderly Apartment Project Tax Exemption Denial; Ironbound Elderly Housing CDBG Residential Anti-Displacement and Relocation Assistance Plan; Ironbound Elderly CDBG Grant Agreement and Appropriation of Funds

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated that the Board of Supervisors has **taken** action to support affordable and moderate housing in the Ironbound area, that a tax exemption approval would reduce the project's operating expenses that are subsidized by Housing and Urban Development, and requested the Board approve the resolution denying its support of exemption of the project from local taxes as has been done in other jurisdictions where Bay Aging's other Section 202 developments are located.

Mr. Hanson stated that Housing and Urban Development does not support off-site stormwater improvements through the 202 program, however the improvement project did get support through a block grant.

Mr. Hanson recommended approval of the resolutions for the site improvements required to enable the construction of the development and authorization to sign the Community Development Block Grant and appropriation of the funds allocated to the Ironbound Elderly Housing Project.

RESOLUTION

IRONBOUND SQUARE ELDERLY APARTMENT PROJECT TAX EXEMPTION DENIAL

WHEREAS, the James City County Board of Supervisors endorsed the application of Bay Aging to obtain a Housing and Urban Development (HUD) Section 202 Supportive Housing for the Elderly Program grant for the purpose of building and operating a development including 67 apartment units for elderly households within Ironbound Square; and

WHEREAS, in addition to the endorsement by the Board of Supervisors, James City County is supporting the development of this project in a variety of forms including acquisition of property, granting of certain fee waivers, and construction of certain required off-site improvements; and

WHEREAS, the US Department of Housing and Urban Development requires that project sponsors of Section 202 funded developments request exemption from local real estate and/or personal property taxes for the subject development notwithstanding other support provided to the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does not support the request to grant exemption of the Ironbound Square Elderly Apartment project from local real estate and/or personal property taxes.

RESOLUTION

IRONBOUND ELDERLY HOUSING CDBG RESIDENTIAL

ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality which utilizes Community Development Block Grant (CDBG) Funds adopt a plan to minimize CDBG project related displacement of households.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached CDBG Anti-Displacement and Relocation Plan for the Ironbound Elderly Housing Project.

RESOLUTION

IRONBOUND ELDERLY HOUSING CDBG

GRANT AGREEMENT AND APPROPRIATION OF FUNDS

WHEREAS, the James City County Board of Supervisors authorized by resolution on March 22, 2005, the submission to the Virginia Department of Housing and Community Development (VDHCD) an application for a Community Development Block Grant (CDBG) for the Ironbound Elderly Housing Project; and

WHEREAS, James City County has been notified of the award of \$300,000 of CDBG Funds and is undertaking all actions required by VDHCD prior to entering into an agreement to receive the CDBG funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant Agreement with the Virginia Department of Housing and Community Development.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2006, as follows:

Revenues:

Ironbound Elderly Housing Community Development Block Grant	<u>\$300,000</u>
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Expenditure:

Ironbound Elderly Housing Project	<u>\$300,000</u>
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BE IT FURTHER RESOLVED that the appropriation of funds for the CDBG Project be designated a continuing appropriation to carry beyond FY 2006 until the Ironbound Elderly Housing Project is completed.

I. PUBLIC HEARINGS

Mr. Brown stated that Mr. Vernon M. Geddy, III, stated that the applicant agrees with County staff to remand the Jamestown Retreat cases back to the Planning Commission, however, a Public Hearing will still be held at the appropriate time during the meeting.

1. Fiscal Year 2007-2012 Six-Year Secondary System Construction Program

Mr. John T. P. Home, Manager of Development Management, requested the Board approve the Six-Year Secondary System Construction Program, which reflects the outcome of the Board's Work Session on November 22, 2005.

The Board and staff discussed the ranked list of the main projects in the plan and that other projects will be addressed in the Capital Improvements Projects.

Mr. Brown opened the Public Hearing.

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

Mr. Bradshaw made a motion to approve the resolution.

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

RESOLUTION

FY 2007 - 2012 SIX-YEAR SECONDARY SYSTEM

CONSTRUCTION PROGRAM

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Six-Year Secondary System Construction Program; and

WHEREAS, the James City County Board of Supervisors had previously agreed to assist in the preparation of the Program, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Program (2006107 through 2011112) as well as the Construction Priority List (2006107) on December 13, 2005, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Program and Priority List; and

WHEREAS, James W. Brewer, Residency Administrator, Virginia Department of Transportation, appeared before the Board of Supervisors and recommended approval of the Six-Year Program for Secondary Roads (2006107 through 2011/12) and the Construction Priority List (2006107) for James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that since said Program appears to be in the best interest of the Secondary Road System in James City County and of the citizens residing on the Secondary System, said Secondary Six-Year Program (2006107 through 2011112) and Construction Priority List (2006107) are hereby approved as presented at the public hearing.

2. Exemption from County Real Property and Personal Property Taxes: Indigo Park Recreation Association: Windsor Forest Association: Greater First Colony Area Civic Association

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the County has received applications seeking property tax exemptions for 13 parcels owned by three community associations.

Mr. McDonald recommended the Board adopt the ordinance amendments granting tax exemption for eight parcels where the facilities on those properties are open for membership to the general public; and recommended denial for the other five parcels submitted by the Greater First Colony Area Civic Association be exempt as those parcels do not offer public benefits.

Mr. Brown opened the Public Hearing

1. Ms. Marion Paine OHCB employee, representative of the Greater First Colony Area Civic Association Board of Directors, requested the right to reserve the right to come back before the Board for an exemption request on the parcels not being granted tax exemption at this time.

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

Mr. McGlennon made a motion to approve the ordinance amendments for the eight parcels,

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

3. Case Nos. SUP-29-05. Centerville Road Family Subdivision Consideration and Agricultural and Forestal District 8-86. Cranston 's Pond Family Subdivision Consideration

Ms. Kathryn Sipes, Planner, stated that Shirley Sulenski applied for a special use permit (SUP) for a family subdivision creating a parcel of less than three acres in size from a 23.15-acre parcel zoned A-1, General Agricultural, at 6273 Centerville Road and further identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (31-2). The proposed subdivided parcel will be 2.05-acres in size and will be conveyed to Ms. Shirley Sulenski.

Staff does not believe that approval of this request will set a negative precedent as the proposed lots meet zoning ordinance requirements upon issuance of the requested SUP.

At its meeting on November 29, 2005, the Agricultural and Forestal District Advisory Committee unanimously voted for approval of the application.

Staff recommended the Board approve the amended special use permit resolution and adopt the resolution authorizing the subdivision.

Mr. Brown opened the Public Hearing.

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

Mr. Bradshaw made a motion to approve the resolutions as amended

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

RESOLUTION

CASE NO. SUP-29-05. CENTERVILLE ROAD FAMILY SUBDIVISION CONSIDERATION

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 (SUP) process; and

WHEREAS, the applicants have requested an SUP to allow for a family subdivision in an A-I, General Agricultural District, located at 6273 Centerville Road, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (31-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-29-05 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot of approximately two acres with one parent lot of approximately 21 acres remaining, generally as shown on the conceptual subdivision plat submitted with this application.
2. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
3. Access onto **Centerville** Road from Parcels 1 and 2 shall be limited to the existing shared driveway, as depicted on the plat prepared by Roger Spearman titled *Family Subdivision of Property Standing in the Names of Otto C. and Thelma J. Ripley and Shirley Jean Sulenski* and dated October 10, 2005. Prior to approval of the subdivision plat, the applicant shall dedicate an access easement of not less than 20 feet in width for this purpose."
4. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-30-05. St. Olaf Catholic Church

Mr. Matt D. Arcieri, Planner, stated that Peter Margan, Chair of the St. Olaf Building Committee, applied for an SUP to allow the church to complete minor expansions and renovations at 104 Norge Lane, further identified as Parcel No. (1-16) on the James City County Real Estate Tax Map No. (23-2), zoned R-8, Rural Residential with Proffers.

Mr. Arcieri stated that per the Planning Commission's **recommendation**, a condition limiting placement of modular office trailers to three years and requiring additional landscaping to screen the trailers from Richmond Road has been added.

Staff found the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Comprehensive Plan.

At its meeting on December 5, 2005, the Planning Commission recommended approval of the application by a vote of **6-0**.

Staff recommended approval of the application.

Mr. Brown opened the Public Hearing.

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

Mr. Bradshaw made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-30-05. ST. OLAF CATHOLIC CHURCH

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 (SUP) process; and

WHEREAS, houses of worship are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public **Hearing** on December 5, 2005, recommended approval of Case No. SUP-30-05 by a 6-0 vote to bring the existing Church facility into conformance with the current zoning ordinance and to permit the Church to expand and renovate its existing facilities; and

WHEREAS, the property is located at 104 Norge Lane and further identified as Parcel No. (1-16) 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 SUP-30-05 as described herein with the following conditions:

1. This SUP shall be valid for operation of a house of worship and **accessory** uses thereto. Construction **and/or** placement of new buildings on the property or additions and renovations to existing structures shall be permitted provided these total expansions do not exceed 4,000 square feet.
2. Only one entrance shall be allowed onto Norge Lane.
3. A minimum 100-foot-wide undisturbed buffer, free of structures and paving, shall be maintained along Richmond Road, except as provided herein. Lighting, trails, sidewalks, fencing, and signs may be located in the buffer with the prior written approval of the Planning Director.
4. **Placement** of modular office trailers on this property shall be permitted for a period of **three** years from the date of SUP approval. The trailers shall be removed from the property no later than January 13, 2009. A landscaping **plan** shall be approved by the Planning Director prior to final site plan approval for these trailers. The landscaping plan shall include enhanced landscaping within the 100-foot buffer along Richmond Road (Route 60 West) so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the plantings within the Community Character Corridor buffer shall be evergreen.
5. The design, building materials, scale, and colors of any additions or expansions of the existing Church shall be compatible with those of the existing Church. The final architectural design of any additions or expansions shall be submitted to and approved by the Planning Director prior to final site plan approval.
6. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height **and/or** other structures and shall be recessed **fixtures** with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case Nos. Rezoning 6-05/Master Plan 4-05. Warhill Tract

Mr. Matt Arcieri, Planner, stated that James City County has applied to rezone approximately 165.92 acres from R-8, Rural Residential, PUD-C, Planned Unit Development, Commercial, and M-1, Limited

Business/Industrial, with Proffers, to approximately 155.9 acres of PUD-R, Planned Unit Development, Residential, approximately 8.77 acres of PUD-C, Planned Unit Development, Commercial with amended and restated proffers, and approximately 1.21 acres of R-8, Rural Residential, for the **development** of the **Williamsburg/James** City County Third High School, Thomas Nelson Community College **Williamsburg** Campus, and future **commercial** development. The property to be zoned R-8 will be conveyed to the Zion Baptist Church.

Mr. Arcieri stated that an amended proffer page 1 has been submitted.

Staff found the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors.

At its meeting on November 7, 2005, the Planning Commission recommended approval of the application by a vote of **6-1**.

Staff recommended approval of the applications and acceptance of the voluntary amended proffers with the amended first page.

Mr. Brown opened the Public Hearing.

1. Dr. Charles Taylor, President of Thomas Nelson Community College, reemphasized the partnership with the County and community for land transfer and use for the Historic Triangle campus.

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

Mr. Wanner stated that the Board may see amended proffers in the future if current negotiations with the State necessitates action.

Mr. Goodson made a motion to approve the resolution and accept the amended proffers including the amended first page.

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

RESOLUTION

CASE NO. Z-6-05/MP-4-05. WARHILL TRACT

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-6-05iMP-4-05, with Master Plan, for rezoning approximately 165.92 acres from R-8, Rural Residential, and PUD-C, Planned Unit Development, Commercial, and M-1, Limited **Business/Industrial**, with Proffers, to 155.94 acres of PUD-R, Planned Unit Development, Residential, 8.77 acres of **PUD-C**, Planned Unit Development, Commercial with amended and restated proffers, and 1.21 acres of **R-8**, Rural Residential; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on November 7, 2005, recommended approval of Case No. **Z-6-05/MP-4-05**, by a vote of 6 to 1; and

WHEREAS, the properties are located at 6450 **Centerville** Road and 5700 **Warhill** Trail and further identified as Parcel Nos. (1-12) and (1-12) on James City County Real Estate Tax Map No. (32-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-6-05/MP-4-05 and accept the voluntary proffers

6 Case Nos. Rezoning 7-05/Master Plan 5-05/Height Waiver 3-05. Jamestown Reheat

Mr. Brown stated that the Board will be remanding this item back to the Planning Commission.

Mr. Matthew J. Smolnick, Planner, stated that Vernon Geddy, III, applied on behalf of Michael C. Brown Ltd., to rezone approximately 16.5 acres, zoned LB, Limited Business, and R-2, General Residential, at 1676 and 1678 Jamestown Road and 180 Red Oak Landing further identified as Parcel Nos. (1-36), (1-37), and (1-39) on the James City County Real Estate Tax Map No. (47-3) to R-5, Multifamily Residential with Proffers; and to redevelop the property with four three-story buildings and two two-story buildings containing a total of 66 age-restricted condominium units for sale with fourteen three-car garages and recreation amenities that will be managed by a community association.

Staff concurred with the request to remand the case back to the Planning Commission,

The Board and staff discussed the expectations of the County to see community benefits identified with proposed density changes.

Mr. Brown opened the Public Hearing

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

Mr. McGlennon made a motion to remand the case back to the Planning Commission.

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

7. A Resolution to Authorize the Acquisition, by Voluntary Conveyance or Condemnation of a 44-Acre Tract of Land being a Portion of the 164 ± Acres of Real Property Commonly Known As the "Jacksons" Tract, 4085 Centerville Road in James City County Owned by Sarah H. Armistead, Trustee/Executor Under the Robert T. Armistead Will and Letitia A. Hanson and Michael J. Cavanaugh, Trustees Under the Letitia Armistead Hanson Revocable Trust, For Public Purposes, To Wit: Construction of a New Elementary School

Mr. John T. P. Horne, Manager of Development Management, stated that approximately 44 acres of land off Brick Bat Road has been identified as the appropriate site for the eighth elementary school and requested the Board approve the resolution authorizing the County Attorney's Office and/or the law firm of Randolph, Boyd, Cherry and Vaughn to voluntarily acquire or condemn that 44 acres for public use as permitted in the Code of Virginia.

Mr. Rogers provided an overview of the interaction of staff, the selection committee, and property owners; and stated that if a settlement is not concluded in a timely fashion a request to move forward to condemnation may be made.

The Board and staff discussed the timing involved to have the school open for use by September 2007, negotiations and communication with the property owner, and that the remaining land is suitable for development and use by the owner.

Mr. Brown opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, stated concern about the County's decision to consider condemnation in light of the fact that developers have been asked for and have given to the County proffers for schools.

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

Mr. Bradshaw made a motion to approve the resolution.

The Board and staff discussed the need for another school beyond the eighth elementary, need to place school facility where student population exists, and the County's proper use of the condemnation power as provided by the Virginia Code to local governments.

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

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACQUISITION, BY VOLUNTARY CONVEYANCE OR CONDEMNATION, OF A 44-ACRE TRACT OF LAND BEING A PORTION OF THE 164 ± ACRES OF REAL PROPERTY COMMONLY KNOWN AS THE "JACKSONS" TRACT, 4085 CENTERVILLE ROAD IN JAMES CITY COUNTY, OWNED BY SARAH H. ARMISTEAD, TRUSTEE EXECUTOR UNDER THE ROBERT T. ARMISTEAD'S WILL, AND LETITIA A. HANSON AND MICHAEL J. CAVANAUGH, TRUSTEES UNDER THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST, FOR PUBLIC PURPOSES, TO WIT:

CONSTRUCTION OF AN ELEMENTARY SCHOOL

WHEREAS, the Williamsburg-James City County Public Schools ("Schools") needs to construct an eighth elementary school in order to meet the needs of the growing community; and

WHEREAS, the Schools and the County of James City, Virginia ("County") have determined that the 44-acre tract hereinafter described property is the necessary and proper location for a new elementary school; and

WHEREAS, after holding a public hearing, the Board of Supervisors of James City County is of the opinion that a public necessity exists for the acquisition of the hereinafter described property for the construction and operation of a new elementary school in order to provide an adequate public education system and for such public purposes as to provide for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of the County.

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

1. The acquisition of the hereinafter described property for a public school is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended, and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by §15.2-1900, Code of Virginia (1950), as amended.

2. The County elects to use the procedures set forth in §§ 33.1-119 through 33.1-132, as authorized by §15.2-1904A, Code of Virginia (1950), as amended.
3. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent to so enter and take the property under those powers granted the Commonwealth Transportation Commissioner pursuant to §§ 33.1-119 through 33.1-132, Code of Virginia (1950), as amended.
4. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are hereby authorized and directed to acquire by voluntary acquisition or, if necessary by condemnation, in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Article 7 (§33.1-89 *et seq.*), Code of Virginia (1950), as amended, the hereinafter described property.
5. The names of the present owners of the property to be acquired are: Sarah H. Armistead: Trustee with the Power of Sale Under the Will of Robert T. Armistead, and Letitia A. Hanson and Michael J. Cavanaugh, Trustees, under the Letitia Armistead Hanson Revocable Trust.
6. A substantial description of the property is:

44 acres of land as shown on the drawing entitled "School Site 1", being a portion of that certain parcel or **tract** of land, situate, lying and being in James City County, Virginia, commonly known as "Jacksons" containing one hundred sixty-three and 881100 (163.88) acres, more or less, but conveyed in gross and not by the acre, designated on a plat and survey of the tract made by Sydney Smith, Surveyor, in April, 1920, as "Mrs. Rosa Armistead's Portion" bounded and described as follows: on the North by a pond known as Warburton's Pond, and by lands of Charles Thompson, on the South by a road separating the land hereby conveyed from Greenspring Farm, on the East by Warburton's Pond, the land conveyed to John G. Warburton and the lands of Charles Thompson, and on the West by the tracts of land known as Pine Woods, Varnees and Nayses, and the south prong of Warburton's Pond.

BEING the same property as that conveyed to Rosa L. **Armistead** by deed of W.A. **Bozarth**, et als. dated June 7, 1920, recorded April 11, 1921 in James City Deed Book 19, page 241, the said Rosa L. Armistead having died seized and possessed of the said property at her death on August 11, 1956 and by her will dated September 20, 1953, and recorded in James City County Will Book 6, at page 195, she devised the said property to R. T. Armistead and Letitia Hanson; and

All that certain lot, piece or parcel of land located in James City County, Virginia, designated as Part of Parcel-1 on that certain plat entitled "PLAT OF A PORTION OF PARCEL-1, PROPERTY OF GREENSPRINGS PLANTATION, INC." dated June 10, 1997 as prepared by Freeman & Associates, Land Surveyors, attached to a deed from Greensprings Plantation, Inc., a Virginia corporation, dated July 15, 1997, recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County, Virginia, as Instrument No. 970012003.

BEING the same property as that conveyed to THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST, Letitia Armistead Hanson and Michael J. Cavanaugh, Trustees, from Letitia Armistead Hanson, by Deed of Gift dated December 5, 2003 and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County, Virginia as Document No. 030038497.

7. Just compensation is estimated to be \$450,000 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of §15.2-1903(A), Code of Virginia (1950), as amended, have been met.
9. In the event any of the properly described in Paragraph 6 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.
10. An emergency is declared to exist and this resolution shall be in effect from the date of its passage.

J. BOARD CONSIDERATIONS

1. Authorizing Execution of an Agreement with the Trust for Public Land to Participate in the Planning for and Acquisition of the Residual Interest in the 197 ± Acres of Land Commonly Known as the Jamestown Marina and Campground

Mr. John T. P. Home, Manager of Development Management, stated that in April 2005 The Trust for Public Land (TPL) entered into an option purchase contract with Ambler/Jamestown Campsite, LLC and Jamestown Yacht Basin, LLC to acquire approximately 197 acres of land commonly known as the Jamestown Marina and Campground. During the past seven months TPL has made a good faith effort to raise funds for the purchase of the property and the next installment is due.

Staff recommended adoption of the resolution authorizing the County Administrator to execute the agreement with The Trust for Public Land regarding the property commonly known as the Jamestown Marina and Campground.

Mr. Goodson made a motion to approve the resolution.

The Board and staff discussed the fund raising efforts of The Trust for Public Land and the County's Greenspace Fund; and thanked The Trust for Public Land for its willingness to participate in this acquisition.

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

RESOLUTION

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE TRUST

FOR PUBLIC LAND TO PARTICIPATE IN THE PLANNING FOR AND ACQUIRE

THE RESIDUAL INTEREST IN THE 197 +/- ACRES OF LAND

COMMONLY KNOWN AS THE JAMESTOWN MARINA AND CAMPGROUND

WHEREAS, on April 25, 2005, The Trust for Public Land (TPL) entered into an option purchase contract with **Ambler/Jamestown Campsite, LLC** and **Jamestown Yacht Basin, LLC** (collective Property Owner) to acquire 197 +/- acres of land commonly known as the Jamestown marina and campground for \$12.5 million; and

WHEREAS, TPL deposited \$100,000 with the Property Owner which is applied to the purchase price; and

WHEREAS, over the past seven months TPL has been working to secure grants and other funding to apply to the purchase price; and

WHEREAS, on December 31, 2005, an installment payment in the amount of \$2.9 million is due under the option purchase contract to the Property Owners; and

WHEREAS, the County and TPL have negotiated an agreement whereby the County pays \$2.9 million in exchange for TPL working with the County on master planning the property, seeking the County's consent before conveying any interests in the property and conveys TPL's residual interests in the property to the County upon closing; and

WHEREAS, the Board of Supervisors is of the opinion that the agreement with TPL is in the best interests of the County and fulfill goals and objectives identified by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the above-described agreement with The Trust for Public Land regarding the property commonly known as the Jamestown Marina and Campground.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to pay \$2.9 million from the County's Greenspace Fund to The Trust for Public Land pursuant to the terms of the agreement.

2. Lease Agreement - Heritage Humane Society

Mr. William C. Porter, Assistant County Administrator, stated that County staff and representatives from the Heritage **Humane** Society (HHS) have developed an agreement for a combined animal shelter and requested the Board approve the resolution authorizing the County Administrator to execute any and all documents with the HHS for the operation and maintenance of a combined animal shelter and contribution for the construction of the combined facility.

Mr. Neal Robertson, Treasurer of HHS, stated that the construction documents are done and now in the process of working with a builder, and thanked those who have worked on this joint venture.

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

LEASE AGREEMENT - HERITAGE HUMANE SOCIETY

WHEREAS, the Heritage Humane Society (Heritage) and James City County Animal Control (County) need to update their animal shelters to meet State Code requirements; and

WHEREAS, the County and Heritage have developed an agreement for the operation and maintenance of a combined animal shelter; and

WHEREAS, under the agreement the County has agreed to contribute \$482,000 toward the construction of a combined animal shelter.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute any and all documents with the Heritage Humane Society for the operation and maintenance of a combined animal shelter and to contribute \$482,000 for the construction of the combined facility upon the signing of the agreement.

K. PUBLIC COMMENT

1. Ms. Debbie Osborne, The Trust for Public Land, thanked the Board for its leadership and identification of the campground and yacht basin as a site for the preservation of open land.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Williamsburg Area Transport Company is looking into ID cards for riding the buses and ensuring the ID cards are available to a wide variety of riders.

Mr. Wanner stated that the County offices will be closed on December 23, December 26, and January 2 in observance of the holidays.

Mr. Wanner recommended that when the Board concluded its business, the Board recess to 4 p.m. on January 3, 2006, for its Organizational Meeting.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison, Mr. Goodson, Mr. McGlennon, and Mr. Bradshaw thanked Mr. Brown for his leadership and service to the County.

Mr. Brown thanked the members of the Board and County staff for their professionalism and service to the County; recapped the accomplishments of the Board during the past four years; commented on the rate of growth in the County and that the County has maintained and expanded its superbly trained and equipped public safety sector; and thanked the citizens of James City County for permitting him the privilege and honor to serve the community.

At 9:42 p.m., Mr. Brown recessed the Board for a James City Service Authority Board of Directors meeting.

At 10:23 p.m., Mr. Brown reconvened the Board.

N. CLOSED SESSION

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

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

Mr. Brown convened the Board into Closed Session at 10:24 p.m.

Mr. Brown reconvened the Board into Open Session at 10:26 p.m.

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

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

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. Bradshaw made a motion to appoint Linda Rice to an unexpired term on the Purchase of Development Rights Committee; term to expire on February 12, 2007.

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

0. RECESS

Mr. McGlennon made a motion to recess to 4 p.m. on January 3, 2006.

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

At 10:33 p.m., Mr. Brown recessed the Board to 4 p.m. on January 3, 2006, for its Organizational Meeting.

A handwritten signature in black ink that reads "Sanford B. Wanner". The signature is written in a cursive style with a large initial 'S' and a long horizontal flourish at the end.

Sanford B. Wanner
Clerk to the Board

121305bos.min

DEC 13 2005

ORDINANCE NO. 200

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

GREATER FIRST COLONY AREA CIVIC ASSOCIATION

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, the Board of Supervisors must make a determination that properties to be eligible for exemption be determined to be religious, charitable, patriotic, historical, benevolent, cultural, or a public park or playground; and

WHEREAS, the Board of Supervisors must also determine certain facts, as enumerated in this resolution;

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning the Greater First Colony Area Civic Association ("Association"):

1. The Association is not a tax-exempt nonprofit organization under Section 501(c) of the Internal Revenue Code of 1954 but certain properties are operated as not-for-profit, are available to the general public, and are, therefore, included in the category of a benevolent use; and
2. The Association does not have a current annual license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. No director, officer, or employee of the Association is paid an unreasonable compensation in relation to the services provided by such person to the Association; and
4. No net earnings of the Association inure to the benefit of any individual; and
5. The Association receives most of its funds from membership fees; and
6. The Association does not engage in propaganda, attempt to influence legislation, or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. The Association owns real and personal property for the benevolent use of the public as identified below:

Parcel No. 4520100007 - 125 Pasheheg Drive, Recreation Area and Pool, \$157,300 value

Parcel No. 4520100007A - 127 Pasbeheg Drive, Recreation Area, \$11,100 value

- 8. The Association has made application for exemption for five other parcels, shown below, that have not been identified for exemption from real and personal property taxes:

Parcel No. 4520800014A - 3016 Pine Hollow, Rec Lot Heritage Landing, \$1,600 value

Parcel Nos. 4540200084A and L - 219 The Maine, Lake Pasbehegh, \$16,300 value

Parcel No. 4530400001 - 94 Shellbank Drive, Boat Basin/Beach, \$15,200 value

Parcel No. 4510100011 - no address, 9.05 acres fronting the river, \$9,100 value

- 9. The Association is an equal opportunity employer and service provider. The Association does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and
- 10. The Association operates and maintains a recreational area, including an outdoor pool that is made available for the enjoyment of any resident of James City County who chooses to pay a fee to cover the costs of operations and maintenance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that two parcels owned by the Greater First Colony Area Civic Association and used for benevolent uses shall be exempt from real and personal property taxation, such property identified as Parcel Nos. 4520100007 (125 Pasbehegh Drive) and 4520100007A (127 Pasbehegh Drive).


BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that the tax exemptions granted to the two parcels identified above and owned by the Greater First Colony Area Civic Association shall be effective retroactive to July 1, 2004, and shall remain in effect unless terminated by the Board of Supervisors or the benevolent uses of such real or personal property change.



Michael J. Brown
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOIE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

DEC 13 2005

ORDINANCE NO. 201BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAINDIGO PARK RECREATION ASSOCIATIONEXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-365 I of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, the Board of Supervisors must make a determination that properties to be eligible for exemption be determined to be religious, charitable, patriotic, historical, benevolent, cultural, or a public park or playground; and

WHEREAS, the Board of Supervisors must also determine certain facts, as enumerated in this resolution;

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning the Greater First Colony Area Civic Association ("Association"):

1. The Association is not a tax-exempt nonprofit organization under Section 501(c) of the Internal Revenue Code of 1954 but certain properties are operated as not-for-profit, are available to the general public, and are, therefore, included in the category of a benevolent use; and
2. The Association does not have a current annual license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. No director, officer, or employee of the Association is paid an unreasonable compensation in relation to the services provided by such person to the Association; and
4. No net earnings of the Association inure to the benefit of any individual; and
5. The Association receives most of its funds from membership fees; and
6. The Association does not engage in propaganda, attempt to influence legislation, or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. The Association owns real and personal property for the benevolent use of the public in the form of one recreation parcel with deed restrictions for recreational use: Parcel No. 3840700024 - 154 Stanley Drive, 1.662 acres, consisting of an outdoor pool and related improvements. The assessed value as of July 1, 2005, is \$34,500 and the lost taxes for FY 2006 would be \$271.

- 8. The Association is an equal opportunity employer and service provider. The Association does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and
- 9. The Association operates and maintains a recreational area, including an outdoor pool that is made available for the enjoyment of any resident of James City County who chooses to pay a fee to cover the costs of operations and maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the Indigo Park Recreation Association property at 154 Stanley Drive shall be exempt from real and personal property taxes as a benevolent use.

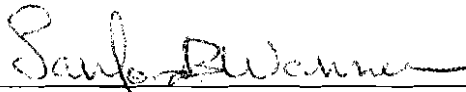
BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that the tax exemption granted to the Indigo Park Recreation Association shall be effective retroactive to July 1, 2004, and shall remain in effect unless terminated by the Board of Supervisors or the benevolent uses of such real or personal property change.



Michael J. Brown /
 Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROW	AYE

ATTEST:



Sanford B. Wanner
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

IP_Exempt.res

ADOPTED

DEC 13 2005

ORDINANCE NO. 202

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

WINDSOR FOREST ASSOCIATION

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, the Board of Supervisors must make a determination that properties to be eligible for exemption be determined to be religious, charitable, patriotic, historical, benevolent, cultural, or a public park or playground; and

WHEREAS, the Board of Supervisors must also determine certain facts, as enumerated in this resolution;

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning the Windsor Forest Association ("Association"):

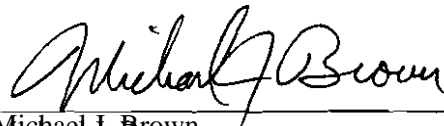
1. The Association is not a tax-exempt nonprofit organization under Section 501(c) of the Internal Revenue Code of 1954 but certain properties are operated as not-for-profit, are available to the general public, and are, therefore, included in the category of a benevolent use; and
2. The Association does not have a current annual license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. No director, officer, or employee of the Association is paid an unreasonable compensation in relation to the services provided by such person to the Association; and
4. No net earnings of the Association inure to the benefit of any individual; and
5. The Association receives most of its funds from membership fees; and
6. The Association does not engage in propaganda, attempt to influence legislation, or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. The Association owns real and personal property for the benevolent use of the public as identified below:

108 Wynham Way, Parcel No. 3230700035, pool and recreation area, valued at \$125,700 and Parcel Nos. 3231100001A, 3232400001A, 3232600001A, and 3241200001A which consist of buffers and landscape buffers valued at a combined total of \$11,000. Lost taxes in FY 2006 would be \$1,073 in total.

- 8. The Association is an equal opportunity employer and service provider. The Association does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin; and
- 9. The Association operates and maintains a recreational area, including an outdoor pool that is made available for the enjoyment of any resident of James City County who chooses to pay a fee to cover the costs of operations and maintenance. The Association also owns certain other benevolent property for the common good of the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the Windsor Forest Association shall be exempt from real and personal property taxation for real and personal property owned by the Windsor Forest Association and used for benevolent uses, such property identified above.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that the tax exemption granted to the Windsor Forest Association shall be effective retroactive to July 1, 2004, and shall remain in effect unless terminated by the Board of Supervisors or the benevolent uses of such real or personal properties change.



Michael J. Brown

Chairman, Board of Supervisors

SUPERVISOR	VOTE
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

RESOLUTION

CASE NO. AFD-6-86. CRANSTON'S POND SUBDIVISION CONSIDERATION

WHEREAS, the owners of property located at 6773 Centerville Road and further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (31-2) have requested Board consideration of the subdivision of less than 25 acres; and

WHEREAS, the property is located in the Cranston's Pond Agricultural and Forestal District (AFD); and


WHEREAS, pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Cranston's Pond AFD be developed to a more intense use without prior approval of the Board; and

WHEREAS, the Board of Supervisors has adopted conditions for all properties in the Cranston's Pond AFD; and

WHEREAS, the adopted conditions for the Cranston's Pond AFD limit the subdivision of land to 25 acres or more, except where the Board of Supervisors authorizes lots to be created for residential use by members of the owners' immediate family, as defined by the James City County Subdivision Ordinance; and

WHEREAS, the AFD Advisory Committee at its meeting on November 29, 2005, recommended approval of the application by a unanimous vote.

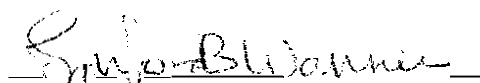
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the subdivision of an approximately 23-acre parcel into an approximately 21-acre parcel and an approximately two-acre parcel be conveyed to an immediate family member of the owners as described herein.



Michael J. Brown
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

ATTEST:


Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of December, 2005.

050030713

Tax Parcel Nos. (32-1) (1-13) and (32-1) (1-12)

WARHILL PROFFERS

THESE PROFFERS are made as of this 13th day of December 2005, by the County of James City, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County").

RECITALS

WHEREAS County is the owner of an approximately 165.9-acre parcel of real property in James City County, Virginia (the "Property"), located at 6450 Centerville Road in the Powhatan District. The Property is generally situated to the south of Route 614, west of Route 199, and north of the Virginia Power right-of-way.

WHEREAS the Property is now zoned PUD-C and M-1, with proffers. The existing proffers are set forth in an Agreement dated October 18, 1996 and are recorded in James City County Deed Book 820 at page 168 (the "Existing Proffers").

WHEREAS County has applied for a rezoning of the Property now zoned R-8 and B-I and M-1, with proffers, to PUD-R, Planned Unit Development - Residential. PUD-C, Planned Unit Development - Commercial, with proffers, and R-8 Rural Residential to obtain the greater flexibility in developing and locating uses within the Property provided under the PUD provisions of the James City County Code (the "County Code") and to terminate the Existing Proffers applicable to the Property and to replace the Existing Proffers as they apply to the Property with new proffers.

WHEREAS, in accordance with Section 24-484 of the County Code, the County submitted a master plan with this rezoning entitled "MASTER PLAN FOR TNCC HISTORIC TRIANGLE CAMPUS & JAMES CITY COUNTY HIGH SCHOOL" dated September 22, 2005 and prepared by the Timmons Group ("Master Plan") which fully incorporates on Land Bay I, the master plan entitled "Master Plan for TNCC Historic Triangle Campus" approved by the Virginia State Board for Community Colleges on November 18, 2004.

NOW, THEREFORE, for and in consideration of the approval of the requested amendment; Master plan and rezoning, and pursuant to section 15.2-2298 of the Code of Virginia, 1950, as amended, and section 24-16 of the County Code, County agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Amended and Restated Proffers shall be null and void and the Existing Proffers shall remain in full force and effect.

Prepared by:
Leo P. Rogers, Esq.
James City County
P.O. Box 8784
Williamsburg, VA 23187-8784

PROFFERS

PART A. The following proffers shall apply to Land Bay 1:

1. Master Plan. The Property shall be developed generally as shown on the Master Plan. with oniy changes thereto that the County Administrator determines do not change the basic concept or character of the development. The Master Plan depicts the general location and approximate boundaries of features shown. No changes to Land Bay 1 of the Master Plan shall be made without first submitting the proposed change to the County Administrator and providing the County with a reasonable opportunity to submit written comments. In addition, changes to Land Bay 1 of the Master Plan which adversely impact: i. the infrastructure to the site or remaining Property; ii. facilities for the joint educational programs between the community college and the public schools; iii. the safety and security of students or other persons on the Property; or iv. the finances of the Cnuntly as it relates to the provision of infrastructure or the remainder of the Property shall only be permitted with the advice and consent of the County. Changes to the Master Plan which adversely impact joint education programs between the community college and the County's public schools shall only be permitted after meeting and conferring with the County.

2. Perimeter Buffer. There shall be a one-hundred-foot (100') perimeter buffer (.Bufferⁿ) generally as shown on the Master Plan. The Buffer shall be exclusive of any structures and shall be undisturbed, except for the entrances, trails, sidewalks, a fire lane and patio area as shown generally on the Master Plan and a single monument sign located within 15 feet of the Centerville Road right of way in the area already cleared for the old entrance to the Property previously used by Dominion Virginia Power. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Buffer and County shall endeavor to design utility systems that do not intrude into the Buffer.

3. Lighting. Any new exterior site lighting in parking areas, sidewalks and trails shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height andior other structures and shall be recessed fixtures with no bulb, lens. or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare. as defined by applicable Virginia law and regulations, shall extend outside the property lines.

4. Height Limitation. No building shall exceed sixty feet (60') in height as measured from grade. For the purposes of this proffer, building height shall be defined as: "the vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof. to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable. hip or gambrel roof. For Building set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building."

5. Signage. All new signage shall conform to the following:

5.1 Freestanding Signs

Freestanding signs shall only be permitted on properties havicg street frontage and shall be in compliance with the following regulations:

(a) Sign location and setbacks. One freestanding sign shall be permitted on each street frontage. Such signs may only be placed on the property within required yards and setbacks and shall be located at least five feet from any property line.

(b) Sign area. Such signs shall not exceed 32 square feet per face

(c) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.

(d) Sign lighting. Internally illuminated signs shall be prohibited. Signs may be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

5.2 Building Face Signs

Building face 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 buildings 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.

(b) Sign mounting. Such signs shall be mounted flat against the building on the side measured above. Signs, including mounting apparatus shall extend no more than 18 inches from the building face.

(c) Sign lighting: Internally illuminated signs shall be prohibited.

(d) Additional signs for buildings facing onto public rights-of-way or parking lots. When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

(e) An owner may elect to relocate the building face sign, which would typically be placed above the buildings main public entrance, on the side of the building that faces the public road right-of-way or parking lot. This provision would only apply if the side of the building facing the public road right-of-way or parking lot has no public entrance. This provision would not allow for additional building face signs beyond the maximum number permitted; it only provides the applicant an option on which side of the building to place the building face sign. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

5.3 Special Regulations for Certain Signs

(a) Logos, trademarks, murals, etc. Any logo, trademark, mural, copyright or recognizable symbol pertaining to the use or business contained within the building painted on any face of the building shall be treated as a building face sign.

(b) Flags as signs. Flags used as signs shall be allowed, provided that the same are installed in a permanent fashion, are maintained in good repair and will not constitute a hazard to vehicular or pedestrian traffic.

(c) Signs on entrance marquees or canopies. Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as provided in paragraph 5.2 (a) above.

(d) Signs on corner lots. Signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate site distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, Director of Planning may permit setbacks of less than 50 feet.

(e) Directional signs. Directional signs may be allowed in compliance with the following regulations:

(1) Directional signs shall show only the name and/or logo, mileage and direction; and

(2) Do not exceed ten square feet in size

5.4 Exemptions

The following signs are exempted from the provisions of these proffers and may be erected or constructed in accordance with the structural and safety requirements of the building code:

(a) Official traffic signs, historical markers, provisional warning signs or sign structures when erected or required to be erected by a governmental agency and temporary signs indicating danger;

(b) Traffic signs authorized by the Virginia Department of Transportation to be placed on a street right-of-way;

(c) Temporary non-illuminated signs, not more than six square feet in area, advertising commercial real estate for sale or lease and located on the premises, provided such signs conform to the following regulations:

(1) One sign is permitted for each street frontage per parcel

(2) The maximum height of the sign shall not exceed eight feet

(3) The sign shall be erected in such a manner that it does not obstruct views of existing signs and/or create a safety hazard.

(d) Non-illuminated signs warning trespassers or announcing property as posted, not to exceed two square feet per sign in residential, commercial and industrial areas, and four square feet per sign in agricultural areas;

(e) Sign on a truck, bus or other vehicle, while in use in a normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle (to which signs are attached) in designated customer or employee parking at the place of business;

(f) Signs which are not visible from a public road or abutting property line;

(g) Signs not to exceed six square feet in area, which state the name or number of a building, to be located on the rear or sides of a building on a parcel containing four or more buildings;

(h) Signs placed upon the exterior of a structure indicating the location of restrooms, bathhouses, entrances or exits;

(i) Signs not to exceed six square feet in area indicating the entrance or exit from a parking lot, potable water supply, sewage station for recreational vehicles or other notices related to public health or safety. Such signs shall be adjacent to the facility;

(j) One special notice placard, not to exceed four square feet in size, attached to a building or to a freestanding sign indicating credit cards which are accepted on the premises; group affiliations of which the business is a member or clubs or groups which utilize, recommend, inspect or approve the business for use by its members;

(k) Signs conveying political, ideological, religious, social or governmental messages unrelated to businesses, services or manufacturing activities or the goods connected therewith; provided such signs shall not exceed 32 square feet in size; and provided, that any such signs related to or connected with political campaigns shall not be maintained for longer than 90 days and shall be removed within ten days after the election to which they pertain;

(l) Signs or banners of not more than 32 square feet advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization;

(m) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes; and

(n) Special decorative displays used for purposes of advertising the opening of a new store, business or profession.

5.5 Prohibited Signs

The following signs are specifically prohibited:

(a) Off-premise signs or off-premise billboards;

(b) Flashing, animated and rotating signs or appurtenances to signs which are non-stationary;

- (c) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire or ambulance vehicles or for navigation or traffic-control purposes;
- (d) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet;
- (e) Signs which are not an integral part of the building design but fastened to and supported by or on the roof of a building or projecting over or above the roof line or parapet wall of a building;
- (f) Signs placed or located to conflict with the vision clearance or other requirements of applicable VDOT regulations;
- (g) Signs attached to trees, utility poles or other unapproved supporting structure;
- (h) Signs which are portable or otherwise designed to be relocated or are constructed on a chassis or carriage with permanent or removable wheels;
- (i) Signs attached, painted on, or affixed to vehicles used primarily for display and/or advertising purposes parked in designated customer or employee parking at the place of business; and
- (j) Pennants, banners, flags and other displays used for marketing or advertising

6. Prohibited Uses. The following uses shall be prohibited: automobile service stations, convenience centers for trash and recycling, gunsmiths, tobacco and pipe stores, taverns, retail sale of alcohol for off-premises consumption, liquor stores, retail sale of firearms or ammunition, and landfills.

Part B. The following proffers shall apply to Land Bays 2, 3 and 4:

1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only changes thereto that the Director of Planning determines do not change the basic concept or character of the development. The Master Plan depicts the general location and approximate boundaries of features shown.

2. Perimeter Buffer. There shall be a one-hundred-foot (100') perimeter buffer ("Buffer") generally as shown on the Master Plan. The Buffer shall be exclusive of any structures and shall be undisturbed, except for the entrance as shown generally on the Master Plan, the trails, sidewalks and bike lanes, and patio areas as shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the Buffer area with the approval of the Director of Planning. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Buffer and Owner shall endeavor to design utility systems that do not intrude into the Buffer. With the prior approval of the Director of Planning, utilities may intrude into or cross the Buffer.

3. Lighting. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures and shall

be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines. The height limitation provided in this paragraph shall not apply to field lighting provided that proper permits are issued under the County Zoning Ordinance.

4. Height Limitation. No building shall exceed sixty feet (60') in height as measured from grade.

5. Signage. All new signage shall be in accordance with the Code of James City, County, as amended.

6. Prohibited Uses. The following uses shall be prohibited: automobile service stations, convenience centers for trash and recycling, gunsmiths, tobacco and pipe stores, taverns, retail sale of alcohol for off premises consumption, liquor stores, retail sale of firearms or ammunition, and landfills.

WITNESS the following signatures. thereunto duly authorized:

THE COUNTY OF JAMES CITY, VIRGINIA

By: Sanford Warner

Title: COUNTY ADMINISTRATOR

Approved as to form:

[Signature]
County Attorney

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 28 Nov 05
at 9:19 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

COMMONWEALTH OF VIRGINIA,
COUNTY OF JAMES CITY, to-wit.

The foregoing instrument was acknowledged before me this 7th day of December, 2005,
by Sanford Warner on behalf of the County of James City, a political
subdivision of the Commonwealth of Virginia.

Mary Francis Reeger
Notary Public

My commission expires: Oct. 31, 2009.