

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF SEPTEMBER 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Ysabel Dieguez, a first-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Dr. John Whitley, 110 Governor Berkeley, commented on decorum and disrespectful comments by members of the Board of Supervisors.

2. Mr. Jack Haldeman, 1597 Founders Hill North, on behalf of the James City County Citizens Coalition (J4C), commented on the group's support for increased fees for independent water systems.

3. Mr. Ed Oyer, 139 Indian Circle, commented on the loss of Lt. Todd Weaver; decreased enrollment in schools; and demographic and income comparisons between James City County and York County.

4. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the Constitutional Conservations kickoff event and encouraged attendance at the remaining events. He commented on disrespectful comments that he felt were aimed at him and defaults in the financial obligations of members of the Board.

F. BOARD REQUESTS AND DIRECTIVES

Ms. Jones commented that on Thursday, September 30, 2010, at 6:30 p.m. a meeting will be held at the James City/Williamsburg Community Center Room A for the public to take an opportunity to meet the new County Administrator.

Mr. Middaugh stated that the meetings would be held each Thursday beginning on September 30, 2010, in the Berkeley District.

Mr. Icenhour stated the meeting on October 7, 2010, in the Powhatan District would be held in the Human Services Building Auditorium.

Mr. McGlennon stated the meeting on October 14, 2010, in the Jamestown District would be held at Rawls Byrd Elementary School.

Mr. Goodson stated the meeting on October 21, 2010, in the Roberts District would be held at James River Elementary School Auditorium.

Mr. Kennedy stated the meeting on October 28, 2010, in the Stonehouse District would be held at the James City County Library in Norge.

G. CONSENT CALENDAR

Ms. Jones asked to pull Item No. 3 for more information for the benefit of the citizens.

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

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

1. Minutes – September 14, 2010
2. Grant Award – Virginia Department of Health – \$21,762

RESOLUTION

GRANT AWARD - VIRGINIA DEPARTMENT OF HEALTH - \$21,762

WHEREAS, James City County was awarded a grant from the Virginia Department of Health under the Clean Vessel Act in the amount of \$21,762 (\$16,322 grant, \$5,440 local match); and

WHEREAS, the grant requires a match of \$5,440 which is available in the Grants Match Account; and

WHEREAS, the funds are to be used to purchase and install a sewage system at the County's Jamestown Yacht Basin facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation amendment to the General Fund Grants Match:

Revenues:

VDH-Clean Vessel Act	\$16,322
General Fund Grants Match	<u>5,440</u>
Total	<u>\$21,762</u>

Expenditure:

VDH-Clean Vessel Act	<u>\$21,762</u>
----------------------	-----------------

4. Declaration of a Local Emergency

RESOLUTION

DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of James City County, Virginia, does hereby find that due to the recent lack of rain coupled with low humidity, the County faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby, including an immediate prohibition on open burning; and

WHEREAS, a condition of extreme peril of life and property necessitated the declaration of the existence of an emergency; and

WHEREAS, due to exigent circumstances, the Board of Supervisors was unable to convene to consent to the declaration of a local emergency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that, pursuant to Section 44-146.21 of the Code of Virginia, 1950, as amended, the Declaration of a Local Emergency dated September 17, 2010, by Robert C. Middaugh, Jr., Director of Emergency Management for James City County, be, and the same hereby, is confirmed.

BE IT FURTHER RESOLVED that the Director of Emergency Management and the Emergency Operations Division of the James City County Fire Department shall exercise those powers, functions, and duties as prescribed by State law and the ordinances, resolutions, and approved plans of James City County in order to mitigate the effects of said emergency.

3. Contract Award – Construction of Ironbound Square Revitalization Road Improvements, Phase II – \$589,535

Mr. Rick Hanson, Office of Housing and Community Development Director, gave information about when the project will occur and the extent of the work. He stated that the contract included reconstruction of the remaining portion of Watford Lane and construction of three new cul-de-sacs, paved shared drives, stormwater management structures, water and sewer line extensions and other improvements. He stated the pre-construction meeting is scheduled for October 11, 2010, and citizens will be invited to a subsequent

meeting that week. He stated that directly-impacted citizens would be notified by mail and the information would be on the County website. He stated the construction would begin October 21, 2010, and conclude in August, 2011.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CONTRACT AWARD – CONSTRUCTION OF IRONBOUND SQUARE REVITALIZATION

ROAD IMPROVEMENTS – PHASE II - \$589,535

WHEREAS, bids were publicly advertised for the construction of Ironbound Square Revitalization Road Improvements - Phase II; and

WHEREAS, eight bids were considered for award and David A. Nice Builders, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, sufficient funds are available to award the bid amount of \$589,535 from the Ironbound Square Roads Project in the Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract up to the amount of \$589,535 with David A. Nice Builders, Inc. for the Construction of Ironbound Square Revitalization Road Improvements - Phase II.

H. PUBLIC HEARINGS

1. Agricultural and Forestal District (AFD) 2010 Renewals

- a. Case No. AFD-1-89. Armistead 2010 Renewal
- b. Case No. AFD-5-86. Barnes Swamp 2010 Renewal
- c. Case No. AFD-1-02. Carter's Grove 2010 Renewal
- d. Case No. AFD-10-86. Christenson's Corner 2010 Renewal
- e. Case No. AFD-6-86. Cranston's Pond 2010 Renewal
- f. Case No. AFD-2-86. Croaker 2010 Renewal
- g. Case No. AFD-9-86. Gordon Creek 2010 Renewal
- h. Case No. AFD-12-86. Gospel Spreading Church Farm 2010 Renewal
- i. Case No. AFD-3-86. Hill Pleasant Farm 2010 Renewal
- j. Case No. AFD-7-86. Mill Creek 2010 Renewal
- k. Case No. AFD-1-93. Williamsburg Farms 2010 Renewal
- l. Case No. AFD-11-86. Yarmouth Island 2010 Renewal

Ms. Kate Sipes, Senior Planner, stated there were currently 14 AFDs in the County, with 12 in the renewal process. She stated that per State Code, a public hearing was required to renew an AFD for an additional term. Per State Code, a public hearing must be held to consider the renewal of an AFD for an

additional term. There are currently 14 AFDs in the County. Twelve are currently in the renewal process: Armistead, Barnes Swamp, Carter's Grove, Christenson's Corner, Cranston's Pond, Croaker, Gordon Creek, Gospel Spreading Church Farm, Hill Pleasant Farm, Mill Creek, Williamsburg Farms, and Yarmouth Island. All have four-year terms, expiring between September and November 2010. Wright's Island AFD was renewed by the Board of Supervisors in July 2010, with an eight-year term; the remaining district, Pate's Neck, has a six-year term which expires in 2012.

At its meeting on September 1, 2010, the Planning Commission recommended renewal of the AFDs other than AFD-7-86, Mill Creek and AFD-1-02, Carter's Grove by a vote of 7-0. The Planning Commission recommended renewal of AFD-7-86 Mill Creek by a vote of 6-0 with one abstention and AFD-1-02 Carter's Grove by a vote of 5-0 with two abstentions.

Staff recommended renewal of all the districts and adoption of the ordinances.

Mr. Kennedy opened the Public Hearing.

1. Ms. Jacqueline Griffin-Allmond, 1804 Treasure Island Road, stated she was speaking in relation to Gospel Spreading Church AFD. She commented that she would like to add a provision to this AFD to allow for the construction of two dwellings on the parcels and limitations to be placed on wireless communication towers and equipment on this property due to possible negative health effects. She commented that the 1990 renewal of this AFD has stunted the growth of the parcel and requested that the original provisions be included in the current renewal ordinance.

2. Mr. Robert Richardson, 2786 Lake Powell Road, continued Ms. Griffin-Allmond's statements which requested approval of the planned community that would have originally been allowed on the property. Mr. Richardson commented on the historical significance of the property. He stated that the modifications to the ordinance were being requested. He noted that he was a neighbor of Gospel Spreading Church AFD and felt it was an asset to the community.

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

Mr. Kennedy asked Mr. Rogers to address the concerns of Ms. Griffin-Allmond.

Mr. Rogers stated the application for the renewal of the AFD could be done only if the property owner and the County were in agreements with the change. He stated the court has determined that the owner was the James City County Bible and Agricultural Training School, which was the applicant in this case.

Mr. Goodson stated the Board could not make the changes without approval by the property owner.

Mr. Rogers stated the Board could make the changes, but it would need to notify the property owner.

Mr. McGlennon made a motion to adopt the ordinances.

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

2. Case No. SUP-0019-2010. Harmonious Hardscapes

Ms. Sarah Propst, Planner, stated that Mr. David Barglof has applied for a Special Use Permit (SUP) to allow for the development of a retail landscaping store with the storage of landscaping materials as an accessory use at 8162 Richmond Road. The sale of plant and garden supplies and the storage and distribution

of sand, gravel, and stone are specially permitted uses in the A-1, General Agriculture zoning district. The applicant will be using the existing structure as the retail store and business office. A 17-space parking lot, as depicted on the master plan and a privacy fence around the "Inventory and Equipment Storage Area" will be constructed.

On September 1, 2010, the Planning Commission recommended approval of this application by a vote of 7-0.

Ms. Propst explained that Condition Nos. 2 and 6 were changed, at the recommendation of the Planning Commission. Condition No. 2 reads "A privacy fence of at least 6 feet tall made of chain link with vertical slats to accommodate privacy or a comparable material, *such as Enviroscreen*, approved by the Planning Director shall be provided around the "Inventory and Equipment Storage Area." Condition No. 6 reads "A landscape plan *and a tree preservation plan*, subject to the review and approval of the Planning Director or their designee, shall be submitted for the Property (in accordance with the "Article II. Special Regulations Division 4. Landscaping" of the Zoning Ordinance) during the initial phase of development."

Staff found the proposal consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

Staff recommends approval of the application.

Mr. McGlennon asked about tree buffer on the property and which trees would remain.

Ms. Propst stated that a mature row of pine trees on the east side of the property per Condition No. 6 and staff would work with the applicant for tree preservation through a landscaping plan.

Mr. Icenhour asked if the trees would front on Richmond Road.

Ms. Propst stated that was correct.

Mr. Icenhour stated his concern with significant tree removal. He asked if there was discussion about tree preservation at the Planning Commission. He asked if these changes would be done at the site plan level.

Ms. Propst stated that the discussion was held at the Planning Commission, but no changes were suggested at that time.

Mr. Icenhour asked if the purpose of the landscaping would be enhancement of the property or for screening.

Ms. Propst stated that the landscaping would be for enhancement of the property for community character.

Mr. Kennedy recognized Mr. Jack Fraley in attendance on behalf of the Planning Commission.

Mr. Kennedy opened the Public Hearing.

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

Ms. Jones made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-0019-2010. HARMONIOUS HARDSCAPES

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, Mr. David Barglof has applied on behalf of Mid Atlantic Enterprises, Inc. for an SUP to allow for the construction of a retail landscaping store with storage of materials for landscaping as an accessory use; and

WHEREAS, the proposed development is shown on a plan prepared by Cornerstone Design Group, dated August 20, 2010 (the "Master Plan") and entitled "Harmonious Hardscapes Special Use Permit Application Exhibit"; and

WHEREAS, the property is located at 8162 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 1240100012; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, voted 7-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0019-2010 as described herein with the following conditions:

1. **Master Plan:** This SUP shall be valid for the construction of an approximately 1,440 square foot, one-story-high retail landscaping business, which also includes a two-story future expansion of approximately 1,500 square feet for retail and office space and an approximate 2,000-square-foot shop space. The property is located at 8162 Richmond Road and further identified as James City County Tax Map Parcel No. 1240100012. Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "Harmonious Hardscapes 8162 Richmond Road," prepared by Cornerstone Design Group, date stamped August 20, 2010 (the "Master Plan") with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. **Buffering:** A privacy fence of at least 6 feet tall made of chain link with vertical slats to accommodate privacy or a comparable material, such as Enviroscreen, approved by the Planning Director shall be provided around the "Inventory and Equipment Storage Area." The trees between the fencing and the residence at 123 Industrial Boulevard shall be preserved and maintained.

3. **Hours of Operation:** The hours of operation for the business, including the loading or unloading of, or maintenance of, vehicles or equipment, shall be limited from 6 a.m. to 8 p.m., Monday through Friday, 7 a.m. to 8 p.m. on Saturday, and 9 a.m. to 8 p.m. on Sunday.
4. **Water Conservation:** The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval for the initial phase. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. **Lighting:** Any parking lot lighting installed on the Property shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Accent lighting to showcase products is allowed but may not produce any glare or light spillage toward the roads or the residence at 123 Industrial Boulevard. Light spillage, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.
6. **Landscape Plan:** A landscape plan, subject to the review and approval of the Planning Director or his designee, shall be submitted for the Property (in accordance with "Article II. Special Regulations Division 4. Landscaping" of the Zoning Ordinance) during the initial phase of development. The owner shall provide enhanced landscaping such that the required size of shrubs and trees located in the 50-foot buffer along Richmond Road equals, at a minimum, 125 percent of the size requirements, and such that at least 60 percent of the shrubs and trees are evergreens.
7. **Equipment Storage:** All storage of equipment associated with the development shall be located inside the fenced area defined as "Inventory and Equipment Storage" or "Bulk Storage" on the Master Plan.
8. **Freestanding Sign:** Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed ten feet in height from grade. The sign shall be illuminated by ground mounted lights only.
9. **Severance Clause:** This SUP is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Reductions in the FY 2011 Capital Budget

Mr. John McDonald, Manager of Financial and Management Services, stated that Williamsburg-James City County Schools (WJCC) has ended the year with an unusually high fund balance of approximately \$4.26 million in unencumbered funds primarily due to the fact that the State suspended the fourth quarter Virginia Retirement System (VRS) payment in FY 2010. Under State law, these funds would be returned to the City

and the County but under the provisions of the City/County School contract, the schools can retain the funds, invest up to \$500,000 in any needed school project, and use the residual to fund approved capital projects. WJCC has set aside the \$500,000 allowed under the contract and is tentatively allocating approximately \$1 million to instructional technology and the James Blair renovation. The remaining funds of \$2.75 million are proposed to be used on capital projects that the City and County have already agreed to fund.

Mr. McDonald stated that the resolution reduces the County's Capital Budget by \$2,513,857 in school spending and reduces the approved financing by \$2.5 million. The \$13,857 difference is proposed to be added to Capital Contingency. He recommended approval of the resolution.

Mr. Goodson asked when the payment that was not made to VRS would need to be made up. He asked for more details on this issue.

Mr. McDonald stated that the General Assembly did commit to reestablish the contribution to VRS and the County would eventually have to catch-up the payments.

Mr. Goodson stated that the State would have to make that decision and the schools were unable to make that decision.

Mr. McDonald stated that was correct.

Mr. Icenhour asked if the County budgeted for the payment.

Mr. McDonald stated that it was budgeted and the County did not receive the funds to assist with the payment, but the contribution is larger than what the State would contribute.

Mr. Icenhour stated concern that when the payment is made or caught up, it would likely be paid from County funds rather than State funds.

Mr. McDonald stated that the contribution was a combination of State and County funds.

Mr. Icenhour stated the County would likely have to contribute more.

Mr. McDonald stated that was correct.

Mr. Kennedy asked if there was potential for the funding to be waived again.

Mr. McDonald stated that it was possible, but he was unsure. He stated that the rates for VRS have been set for FY 2011 and FY 2012.

Mr. Kennedy asked if there was a way to keep this money until the County needed to pay its obligation.

Mr. McDonald stated the agreement with the City had provisions for the leftover funds.

Mr. McGlennon stated that he understood why the Board would question why the County should not hold the money until the funds needed to be paid, but he understood that this money could offset some capital borrowing. He stated there was a possibility that the State could take many approaches to the repayment of the funds.

Mr. McDonald stated that the City-County contract agreed to a provision in this case, and that this was a one-time availability of spendable cash that needed to be spent, and he noted the differences of fiscal policy and political actions. He stated staff was unsure when the payment would need to be made.

Mr. Kennedy recommended cost-saving measures to provide for a future payment.

Mr. Goodson noted that there would be debt-service savings. He stated that he would like to discuss what the resulting savings would be during the budget process.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, commented that this was a deferred payment.

2. Mr. Jay Everson, 103 Branscome Boulevard, commented on the interest savings in comparison to the rate of return on the VRS funds, which was about seven percent. He commented that the VRS system is underfunded, and the repayment would need to be repaid with interest, which would double in ten years at seven percent. He stated that making a direct payment to VRS or placing the funds in escrow would be recommended so the payment could be made later.

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

Mr. Middaugh noted that the current contract with the City required the funds to be allocated as noted. He stated that the contract would need to be amended in order to make a change.

Mr. Goodson stated that he believed that if an adjustment needed to be made, it should be done through the County budget.

Mr. Kennedy stated the agreement could not be changed at this time.

Mr. Goodson stated that if the funds were sent, it would not change what would be due in the future.

Mr. Kennedy stated that this was a scenario that could not have been anticipated in the contract with the City. He noted his discomfort with trying to realize where the funding would come from in the future. He stated that in this case, the money was not left over at the end of the year since it was technically appropriated for a purpose.

Mr. McGlennon stated that he did not disagree that there were problems with VRS. He stated that the Board could not solve those issues at this time and under the current contract. He stated that in the short-term, there were benefits of spending the funds for capital projects. He stated the State would accept the money, but it would not credit the County for the contribution. He stated that the Board needed to plan to meet this obligation in the future.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Middaugh stated that the action could be deferred in order to future explore the options.

Mr. Kennedy stated the schools were setting aside funds for capital projects per the contract.

Mr. McDonald indicated that spending on the projects identified in the memorandum had not yet commenced but spending on both the school technology component and the James Blair Renovation had begun in June. He stated the \$500,000 residual allowed under the contract is treated as a contingency fund by the Schools, which was spent only if there is an unanticipated need. He said that hiring a new 2nd grade teacher at a school where enrollment exceeded projections is an example of such a contingency.

Mr. Kennedy asked if the budget reduction has resulted in an increase in spending.

Mr. McDonald indicated that the proposal was a change in how needed capital projects were funded, but it was not an increase in spending. He noted that on the County side, the proposal reduced debt service spending.

Mr. McGlennon stated the funding would reduce what was going to be spent in the coming year.

Mr. Kennedy stated that the funds would need to be replaced in the future.

Mr. McGlennon stated the planning budget that was adopted included the \$2.7 million allocation. He stated that those funds could be used to offset the VRS funding.

Mr. Goodson stated that the County would not borrow for those projects and would not have the additional cash.

Mr. McDonald noted that the bonds were typically issued for 20 years.

Mr. Goodson stated that the VRS payment would need to be paid before the 20 year bond was mature.

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

RESOLUTION

REDUCTIONS IN THE FY 2011 CAPITAL BUDGET

WHEREAS, the Board of Supervisors has been advised that FY 2010 ending balances accumulated by the Williamsburg-James City County School Board are sufficient to finance \$2,513,857 in certain specific capital projects that were originally dependent on County borrowings.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following amendments to appropriations in the FY 2011 capital budget be adopted and that the FY 2011 budget be amended, as follows:

Reduction in FY 2011 School Bond Financing	\$ 2,500,000
Increase in Capital Contingency	<u>13,857</u>
	<u>\$ 2,513,857</u>
Reduction in FY 2011 School Capital Projects	<u>\$ 2,513,857</u>

I. BOARD CONSIDERATIONS

1. Refunding of General Obligation Bonds

Mr. John McDonald, Manager of Financial and Management Services, stated that staff has been working with representatives of Davenport and Company, the County's financial advisors, and Mr. Stephen Johnson of Troutman Sanders, bond counsel, on a possible refunding (refinancing) of \$4,939,800 of the County's outstanding 2002 General Obligation debt. Savings in debt service spending from the refunding is estimated to be \$373,638 through the year 2016.

Mr. McDonald stated that staff was also working on a refunding of \$4,903,000 of the County's 2003 lease revenue financing, with a projected savings of \$235,461 through the year 2019. He stated that he hoped to be able to bring that proposal to the Board in October.

Staff recommended approval of the resolution.

Mr. Goodson asked if additional funds could be borrowed for VRS payment.

Mr. McDonald stated the payback on a bond issued in less than six years was less than two percent.

Mr. Icenhour asked if this was like refinancing a mortgage to get a better rate.

Mr. McDonald stated that was correct.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF

GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS,

SERIES 2010, OF THE COUNTY OF JAMES CITY, VIRGINIA,

AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the issuance of general obligation bonds by the County of James City, Virginia (the "County"), in the maximum principal amount of \$52,100,000 was approved by the qualified voters of the County in three referenda at a special election held on March 1, 1994, to finance a school construction program, library improvements and park and recreation improvements (together, the "Improvements"). On August 3, 1994, the County issued its \$9,500,000 General Obligation Public Improvement Bonds, Series of 1994 (the "1994 Bonds") to finance a portion of the costs of the Improvements. On December 5, 1995, the County issued its \$35,000,000 General Obligation Public Improvement Bonds, Series 1995 (the "1995 Bonds") to finance a portion of the costs of the Improvements; and

WHEREAS, on November 20, 2002, the County issued its \$4,280,000 General Obligation Public Improvement Refunding Bond, Series 2002 (the "2002A Bond") to refund a portion of the 1994 Bonds, and on December 17, 2002, the County issued its \$3,180,200 General Obligation Public

Improvement Refunding Bond, Series 2002B (the "2002B Bond") to refund a portion of the 1995 Bonds. The County's Board of Supervisors (the "Board") determines that it is in the best interests of the County to take advantage of lower interest rates now prevalent in the capital markets and to issue and sell general obligation public improvement refunding bonds to refund the 2002A Bond and the 2002B Bond (collectively, the "Prior Bonds"); and

WHEREAS, the Board determines that it would be advantageous to the County to sell such refunding bonds in a competitive sale.

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

Section 1. Authorization, Issuance and Sale. There is hereby authorized to be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), general obligation public improvement refunding bonds of the County in the principal amount not to exceed \$5,250,000 to refund the Prior Bonds and to pay the costs incurred in connection with issuing such refunding bonds. The Board hereby elects to issue such refunding bonds under the provisions of the Act.

Section 2. Bond Details. Such bonds shall be designated "General Obligation Public Improvement Refunding Bonds, Series 2010" (the "Bonds"), shall be dated the date of their issuance, shall be in registered form, shall be in denominations of \$5,000 and multiples thereof, and shall be numbered R-1 upward. Subject to Section 4 and Section 9, the Bonds shall mature in installments, or shall have mandatory sinking fund redemption installments, on each December 15 ending no later than the year 2016. Subject to Section 9, interest on the Bonds shall be payable on June 15, 2011, and semiannually thereafter on each June 15 and December 15 (each, an "Interest Payment Date") and shall be calculated on the basis of a year of 360 days with twelve 30-day months. The Board authorizes the issuance and sale of the Bonds on such terms as shall be satisfactory to the County Administrator or the Chairman of the Board; *provided*, that the Bonds (a) shall have a true or "Canadian" interest cost not to exceed 2.00% per year, taking into account any original issue discount or premium; (b) shall be sold to the successful bidder at a price not less than 98% of the original aggregate principal amount thereof; (c) shall have a weighted average maturity of no more than six (6) years; (d) shall be issued in an aggregate amount not to exceed \$5,250,000; (e) shall not be subject to optional redemption; and (f) shall result in a three percent (3.00%) or greater net present value debt service savings to the County.

Principal and premium, if any, on the Bonds shall be payable to the registered owners upon surrender of the Bonds as they become due at the designated corporate trust office of the Registrar, as defined in Section 8 below. Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar as of the close of business on the first day of the month in which each Interest Payment Date occurs. In case the date of maturity or redemption of the principal of any Bond or an Interest Payment Date shall be a date on which banking institutions are authorized or obligated by law to

close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or redemption or Interest Payment Date. Principal, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

Each Bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated, unless such Bond is (a) authenticated before June 15, 2011, in which case it will bear interest from its dated date, or (b) authenticated upon an Interest Payment Date or after the record date with respect thereto, in which case it will bear interest from such Interest Payment Date (unless payment of interest thereon is in default, in which case interest on such Bond shall be payable from the date to which interest has been paid).

Section 3.

Book-Entry System. Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The County has entered into or will enter into a Blanket Issuer Letter of Representations (the "Letter of Representations") relating to a book-entry system to be maintained by DTC with respect to certain securities issued by the County, including the Bonds. As used herein, the term "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 3.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar or the County, or (b) the County in its sole discretion determines (i) to select a new Securities Depository or (ii) that beneficial owners of Bonds shall be able to obtain certificated Bonds, then the County Administrator shall, at the direction of the County, attempt to locate another qualified securities depository to serve as Securities Depository or arrange for the authentication and delivery of certificated Bonds to the beneficial owners or to the Securities Depository's participants on behalf of beneficial owners, substantially in the form provided for in Exhibit A. In delivering certificated Bonds, the County Administrator shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository's participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 8.

So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the County shall not be

responsible or liable for maintaining, supervising, or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the Letter of Representations, such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

Section 4. Redemption Provisions.

- (a) Optional Redemption. The Bonds are not subject to optional redemption prior to their respective stated dates of maturity.
- (b) Mandatory Sinking Fund Redemption. Any term bonds may be subject to mandatory sinking fund redemption as determined by the County Administrator or the Chairman of the Board. If there are any term bonds, on or before the 70th day next preceding any mandatory sinking fund redemption date, the County may apply as a credit against the County's mandatory sinking fund redemption obligation for any Bonds maturing on such date, Bonds that previously have been purchased and canceled or surrendered for cancellation by the County and not previously applied as a credit against any mandatory sinking fund redemption obligation for such Bonds. Each such Bond so purchased and delivered shall be credited at 100% of the principal amount thereof against the principal amount of the Bonds required to be redeemed on such mandatory sinking fund redemption date. Any principal amount of Bonds so purchased and delivered in excess of the principal amount required to be redeemed on such mandatory sinking fund redemption date shall similarly reduce the principal amount of the Bonds to be redeemed on future mandatory sinking fund redemption dates, as selected by the County Administrator or the Chairman of the Board.
- (c) Bonds Selected for Redemption. If less than all the Bonds of any maturity are to be redeemed through a mandatory sinking fund redemption, the Bonds to be redeemed shall be selected by DTC or any successor Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner

upon the surrender thereof.

- (d) Determination of Final Redemption Provisions. The Board authorizes the County Administrator or the Chairman of the Board, in collaboration with Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor"), to determine whether the issuance of any term bonds would be beneficial to the County.

Section 5. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice Chairman of the Board and the Board's seal shall be affixed thereto or a facsimile thereof printed thereon and attested to by the manual or facsimile signature of the Clerk or Deputy Clerk of the Board; *provided*, that no Bond shall be valid until it has been authenticated by the manual signature of an authorized representative of the Registrar and the date of authentication noted thereon. Upon execution and authentication, the Bonds shall be delivered to or on behalf of the successful bidder upon payment for the Bonds.

Section 6. Bond Form. The Bonds shall be in substantially the form set forth in Exhibit A attached hereto, with such changes, insertions, completions or omissions to reflect the final terms of the Bonds.

Section 7. Pledge of Full Faith and Credit. The full faith and credit of the County are irrevocably pledged for the payment of principal of, premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the County shall levy and collect an annual *ad valorem* tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of, premium, if any, and interest on the Bonds, as the same become due.

Section 8. Registration, Transfer and Owners of Bonds. Regions Bank, Richmond, Virginia, is appointed paying agent and registrar for the Bonds (the "Registrar"). The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any Bonds at the designated corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest

payments shall be made to the person shown as owner on the registration books on the first day of the month in which each Interest Payment Date occurs.

Section 9.

Sale of Bonds. The Board approves the following terms of the sale of the Bonds. The Bonds will be sold by competitive bid. The County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest true or "Canadian" interest cost, all subject to the limitations set forth in Section 2. The Board further authorizes the County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, to (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 2, (b) determine the maturity schedule of the Bonds, subject to the weighted average maturity limitations and other limitations set forth in Section 2, (c) establish the sinking fund redemption provisions for any term Bonds, subject to the limitations set forth in Section 2 and Section 4(d) and (d) confirm that the debt service savings target set forth in Section 2 has been satisfied. In connection with the sale of the Bonds, the County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, may change the dated date of the Bonds and the payment dates provided therein (so long as the interest payment dates for any series are semi-annual) to facilitate the sale and delivery of the Bonds. The actions of the County Administrator or the Chairman of the Board in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board.

Section 10.

Official Statement. The form of the Preliminary Official Statement of the County, to be dated the date of its mailing (the "Preliminary Official Statement"), has been made available to the Board prior to the adoption of this Resolution. The use and distribution of the Preliminary Official Statement, in substantially the form made available to the Board, including the use and distribution of an Appendix to the Preliminary Official Statement describing the County, are hereby authorized and approved. The Preliminary Official Statement, including such Appendix, may be completed and "deemed final" by the County Administrator or the Chairman of the Board as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), except for the omission from the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule. The delivery of the Preliminary Official Statement to the Financial Advisor shall be conclusive evidence that it has been deemed final as of its date by the County Administrator or the Chairman of the Board, except for the omission of such pricing and other information.

The County Administrator or the Chairman of the Board shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement (the "Official Statement"). The use and distribution of the Official Statement are hereby authorized and approved. The County Administrator or the Chairman of the Board shall

arrange for the delivery to the successful bidder of a reasonable number of copies of the Official Statement, within seven (7) business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the successful bidder initially sells Bonds.

The County Administrator or the Chairman of the Board is authorized, on behalf of the County, to deem the Official Statement to be final as of its date within the meaning of the Rule. The County Administrator or the Chairman of the Board is authorized and directed to execute the Official Statement, which execution shall be conclusive evidence that the Official Statement has been deemed final.

Section 11. **Continuing Disclosure.** A substantially final form of the Continuing Disclosure Certificate to be given by the County (the "Continuing Disclosure Certificate"), evidencing conformity with certain provisions of the Rule, has been made available to the Board prior to the adoption of this Resolution. The Continuing Disclosure Certificate is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions or omissions to the form of the Continuing Disclosure Certificate to reflect the final terms of the Bonds, the completion of the Official Statement or other commercially reasonable provisions. All of such changes, insertions, completions or omissions will be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Continuing Disclosure Certificate. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Continuing Disclosure Certificate on behalf of the County.

The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the County to comply with the Continuing Disclosure Certificate shall not be considered a default under this Resolution or the Bonds; *provided*, that any holder of the Bonds, including owners of beneficial interests in the Bonds, may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the County to comply with its obligations under this Section 11 and the Continuing Disclosure Certificate.

Section 12. **Sale Documents.** The use and distribution of the Notice of Bond Sale pursuant to which the Bonds will be offered for sale are hereby authorized and approved.

Section 13. **Refunding; Escrow Agreement.** The Board hereby irrevocably calls for the optional redemption of the Prior Bonds on a date that is not less than thirty (30) days nor more than sixty (60) days after the issuance of the Bonds (the "Redemption Date") at a redemption price equal to 100% of the principal amount of the Prior Bonds plus accrued interest to the Redemption Date.

To facilitate the defeasance of the Prior Bonds and the payment of the principal of, premium and interest on the Prior Bonds from the issuance date

through the Redemption Date, the Board hereby authorizes the use of the Escrow Agreement, dated as of October 1, 2010 (the "Escrow Agreement"), between the County and Regions Bank, as escrow agent (the "Escrow Agent"). The Escrow Agreement shall be in substantially the form previously used by the County in connection with the issuance of general obligation refunding bonds, with such changes, insertions and omissions as may be approved by the Chairman or Vice Chairman of the Board or the County Administrator, whose approval shall be conclusively evidenced by the execution of the Escrow Agreement. The Board hereby authorizes the County Administrator or the Escrow Agent to submit a subscription for the purchase and issue of United States Treasury Securities - State and Local Government Series or, alternatively, the County Administrator or the Escrow Agent, with the advice of the Financial Advisor, to obtain competitively a portfolio of securities. If the County Administrator shall determine that the same shall improve the efficiency of the Escrow Fund created under the Escrow Agreement, he is further authorized to enter into agreements and give instructions for the purchase of securities for periods when the moneys credited to the Escrow Fund would otherwise be uninvested. The Board hereby authorizes the Chairman and the Vice Chairman of the Board and the County Administrator, any of whom may act, to execute and deliver the Escrow Agreement on behalf of the County.

Section 14. Arbitrage Covenants.

- (a) No Composite Issue. The County represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bonds within the meaning of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code").
- (b) No Arbitrage Bonds. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

Section 15. Non-Arbitrage Certificate and Elections. Such officers of the County as may be requested are authorized and directed to execute an appropriate

certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County. The County shall comply with any covenants set forth in such certificate regarding the use and investment of the proceeds of the Bonds.

Section 16.

Limitation on Private Use; No Federal Guaranty. The County covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being used in a trade or business carried on by any person other than a state or local governmental unit, as provided in Section 141(b) of the Code, (b) five percent (5%) or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) five percent (5%) or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a state or local governmental unit, as provided in Section 141(c) of the Code; *provided*, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

The County represents and agrees that the Bonds are not and will not be “federally guaranteed,” as such term is used in Section 149(b) of the Code. No portion of the payment of principal of or interest on the Bonds is or will be guaranteed, directly or indirectly, in whole or in part by the United States or an agency or instrumentality thereof.

Section 17.

Bank Qualification. The Bonds are hereby designated as qualified tax-exempt obligations under Section 265(b)(3)(B) of the Code. The County has not and will not designate more than \$30,000,000 of obligations, including the Bonds, as qualified tax-exempt obligations in calendar year 2010. The County has not issued, nor had issued for its benefit, more than \$30,000,000 of tax-exempt obligations in calendar year 2010, including the Bonds. Barring circumstances unforeseen as of the date of delivery of the Bonds, none of the County, its economic development authority or any other entity which issues obligations on behalf of the County (together, the “County Entities”) will issue tax-exempt obligations if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the County Entities in calendar year 2010, result in the County Entities having issued a total of more than \$30,000,000 of tax-exempt obligations in calendar year 2010, including the Bonds, for the benefit of the County. The County has no reason to believe that it will issue such tax-exempt obligations in 2010 in an aggregate amount that will exceed such \$30,000,000 limit; *provided*, that if the County receives an opinion of nationally recognized bond counsel that compliance with any covenant set forth above in this paragraph is not required for the Bonds to be qualified tax-exempt obligations, the County need not comply with such covenant.

- Section 18.** **Discharge upon Payment of Bonds.** The Bonds may be defeased, as permitted by the Act. Any defeasance of the Bonds, as permitted by the Act, shall not release the County or the Registrar from its obligations hereunder to register and transfer the Bonds or release the County from its obligations to pay the principal of, premium, if any, and interest on the Bonds as contemplated herein until the date the Bonds are paid in full, unless otherwise provided in the Act. In addition, such defeasance shall not terminate the obligations of the County under Sections 14 and 16 until the date the Bonds are paid in full.
- Section 19.** **Other Actions.** All other actions of the members of the Board, officers, staff, and agents of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds and the refunding of the Prior Bonds are approved and confirmed. The officers and staff of the County are authorized and directed to execute and deliver all certificates and instruments, including Internal Revenue Service Form 8038-G, and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.
- Section 20.** **Limitation of Liability of Officials of the County.** No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of a member of the Board, officer, employee or agent of the County in his or her individual capacity, and no officer of the County executing any Bond shall be liable personally on such Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No member of the Board, officer, employee or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.
- Section 21.** **Contract with Registered Owner.** The provisions of this Resolution shall constitute a contract between the County and the registered owner of the Bonds for so long as the Bonds are outstanding. Notwithstanding the foregoing, this Resolution may be amended by the County in any manner that does not, in the opinion of the County, materially adversely affect the registered owners of the Bonds.
- Section 22.** **Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are repealed.
- Section 23.** **Effective Date.** This Resolution shall take effect immediately upon its adoption. The Clerk and any Deputy Clerk of the Board are hereby authorized and directed to see to the immediate filing of a certified copy of this Resolution with the Circuit Court of the City of Williamsburg and County of James City.

Mr. John McDonald, Manager of Financial and Management Services, stated that the Board was being requested to update policies adopted in the mid-1990s relating to requested withdrawals of properties from agricultural and forestal districts (AFDs). This update would create the same withdrawal policy for all AFD properties, whether in the Primary Service Area (PSA) or not. As with any legislative policy, it provides guidance to future Boards but does not bind them. Individual property characteristics and circumstances will determine whether a future Board votes for a withdrawal.

Mr. McDonald stated that the purpose of the policy was to establish several items: that enabling legislation be requested from the General Assembly to allow James City County to join the current group of eight counties that have the ability to authorize new AFDs with as few as 20 acres, which staff recommended to be part of the 2011 Legislative Agenda; that the benefits of land use valuation for agricultural properties be limited to properties within an AFD and, as a component of that recommendation, that the minimum parcel size for inclusion in an AFD be reduced from 20 acres to five acres; that the policy governing withdrawals from AFDs outside of the PSA be used for every property in an AFD, whether within the PSA or not; that six-year terms with staggered commencement dates be established for citizen appointees to the AFD Advisory Committee, and a request that the Board attempt to appoint citizen committee members from each election district within the County.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

POLICY GOVERNING THE WITHDRAWALS OF PROPERTY FROM AGRICULTURAL AND FORESTAL DISTRICTS (AFDs)

WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFDs) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and

WHEREAS, premature withdrawals of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFDs during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.2-4311 or 15.2-4314D of the Code of Virginia.

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from AFDs during the terms of those districts.
2. The criteria for withdrawal during the terms of the districts are as follows:

In order to establish "good and reasonable cause," a landowner requesting to withdraw property from an AFD must submit written information to demonstrate compliance with the following criteria:

- A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.
- B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner that could not otherwise be realized upon expiration of the AFD.
- C. The request would not cause damage or disruption to the existing district.
- D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on leftover funds allocated at the Virginia Department of Transportation (VDOT). He commented that the funds were obligated but not spent. He commented that the deferral of the VRS payment was going to result in increased funding from the County in the long run.

2. Mr. Robert Richardson, 2786 Lake Powell Road, continued his comments on derogatory comments made against him by Mr. Kennedy. He commented on a previous altercation at a public meeting and implications that he instigated the incident.

3. Mr. Jack Fowler, 109 Wilderness Lane, commented on the upcoming stormwater referendum series. He noted that development has caused stormwater management problems, specifically citing Lake Powell. He commented that developers do not take responsibility for the environmental impacts of development and the Board should look at what impacts would result for areas downstream.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh announced that County residents are invited to attend any of the Community meetings held over five consecutive Thursdays beginning September 30, 2010. He noted that each discussion starts at 6:30 p.m. and will be hosted by the Board of Supervisors member in their respective District. He stated that the meetings were an opportunity for him to meet residents and start a dialog regarding the Comprehensive Plan survey results as well as other questions the citizens had. He also noted that the Board had a Closed Session item on its agenda which could be done in open session.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson made a motion to reappoint Ms. Peg Boarman, Mr. Charles Loundemon, and Mr. Will Barnes to three-year terms on the Clean County Commission with terms to expire on July 31, 2013.

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

Mr. Goodson commented on the extension of the Gospel Spreading Farm AFD. He asked if the AFD would be invalidated if someone other than the owner applied for the designation.

Mr. Rogers stated that was correct.

M. RECESS to 4:00 p.m. on October 12, 2010

Mr. McGlennon made a motion to recess.

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

At 8:18 p.m., Mr. Kennedy recessed the Board until 4 p.m. on October 12, 2010.



Robert C. Middaugh
Clerk to the Board

092810bos_min

SEP 28 2010

ORDINANCE NO. 164A-12BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 2-86CROAKER 2010 RENEWAL

WHEREAS, James City County has completed a review of the Croaker Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Croaker AFD; and

WHEREAS, the AFD Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below:

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

1. The Croaker AFD is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

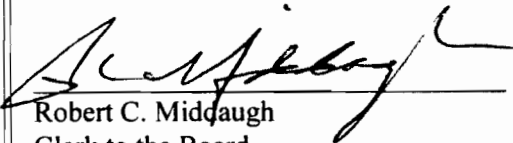
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044	119.00
William and Mary Margaret Apperson	1440100015	51.45
V. D. McManus Estate	1530100043	119.85
V. D. McManus Estate	1530100042	10.10
V. D. McManus Estate	1530100036	40.40
Hazel M. Richardson and L. A Richardson	1530100002	39.76
Clarence D. Richardson, Jr.	1530100034	39.78
Judith R. Pieper	1440100010	40.00
Linda Ann Winston	1440100009	49.07
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1440100014	143.50
Thomas B. Ballard	1530100035	53.17
Lasata, LLC	1530100018	16.05
Lasata, LLC	1530100019	16.39
Lasata, LLC	1530100029	30.93
Milly Wallis, c/o Doris Lockley	1540100004	40.00

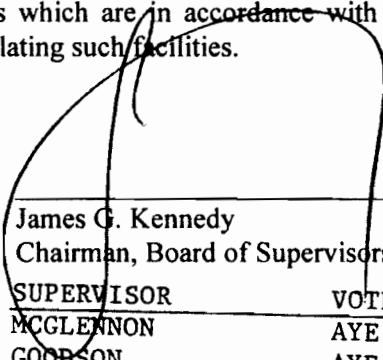
Thomas B. Ballard
Thomas B. Ballard

1530100035A.....4.91
153010003216.21
Total:1,075.9

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Croaker AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD2-86Croaker_res

SEP 28 2010

ORDINANCE NO. 165A-10BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT -3-86HILL PLEASANT FARM 2010 RENEWAL

WHEREAS, James City County has completed a review of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Hill Pleasant Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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


1. The Hill Pleasant Farm Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Margaret S. Stevens	2410100004	105.82
Hill Pleasant Farm, Inc.	2410100005	391.30
Wayne A. Moyer Revocable Trust	2410100015D	32.27
Williamsburg Pottery Factory, Inc.	2430100017	27.00
Williamsburg Pottery Factory, Inc.	2430100031B	<u>12.39</u>
	Total:	<u>568.80</u>

provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Hill Pleasant Farm Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided:
 - a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
 - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. McQuaugh
Clerk to the Board

James G. Kennedy	
Chairman, Board of Supervisors	
SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD3-86HPfarm_res

SEP 28 2010

ORDINANCE NO. 167A-11BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 5-86BARNES SWAMP 2010 RENEWAL

WHEREAS, James City County has completed a review of the Barnes Swamp Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Barnes Swamp AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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

1. The Barnes Swamp AFD is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

<u>Owners</u>	<u>Parcel No.</u>	<u>Acres</u>
SD and SKI, LLC	0310100001	108.47
Jane B. Farmer and Betty B. Rady	0310100002	64.00
Katherine L. Hockaday	0310100003	65.26
Alvin Beahm	0330100003	70.00
Alvin Beahm	0330100004	70.00
Arline H. Bowmer	0330100006	96.75
Arline H. Bowmer	0240100012	62.19
Martha W. McMurran and SWR-Misc, LLC	1010100001	61.61
Charles Douglas Harwood	0320100001	43.52
Estate of Mick Zuzma	0320100002	13.85
Estate of Mick Zuzma	0320100002A	17.20
Betty L. Johnson and Lynne J. Fischer	0320100003	19.07
Betty L. Johnson and Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07

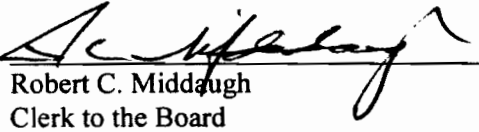
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
H.P. and Mary Hazelwood	0420100008	227.98
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Frances Isabell Woodard	0920100001	114.58
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
	Total	<u>1,616.1</u>

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Barnes Swamp AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs Outside the PSA, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
 - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:


Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD5-86BarnesSwamp_res

SEP 28 2010

ORDINANCE NO. 168A-10BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 6-86CRANSTON'S POND 2010 RENEWAL

WHEREAS, James City County has completed a review of the Cranston's Pond Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Cranston's Pond AFD; and

WHEREAS, the AFD Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below.

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

1. The Cranston's Pond AFD is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

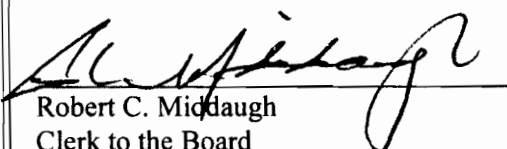
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hidden Acres Farm, Inc.	2330100001.....	416.50
Bertrand E. Geddy Jr., Trustee	2230100026.....	167.50
Edward K. English	2240100001A.....	101.67
Payton J. Harcum	2220100087.....	62.55
Otto C. and Thelma Ripley	3120100003B.....	21.01
	Total:	<u>769.2</u>

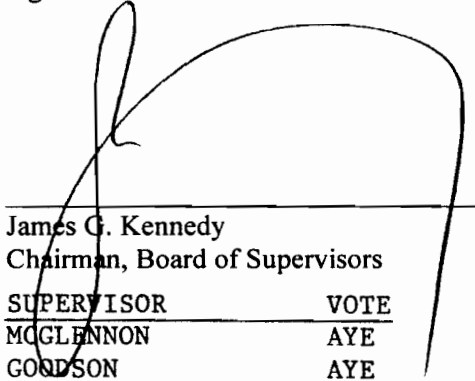
3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Cranston's Pond Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications

Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD6-86CransonPond_res

SEP 28 2010

ORDINANCE NO. 169A-13BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-7-86MILL CREEK 2010 RENEWAL

WHEREAS, James City County has completed a review of the Mill Creek Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Mill Creek Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 with one abstention to renew this district with the conditions listed below.

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

1. The Mill Creek Agricultural and Forestal District is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Carter C. Cowles, Sr. & Linda B. Cowles Estate	2020100006	352.96
Melinda Cowles Barbour & Ruth Dozier	2020100003	102.66
Melinda Cowles Barbour & Ruth Dozier	2020100001	8.75
Mayes & Cheryl Matthews	2110100005	46.01
Pamela C. Massie Trustee & Steve Massie	1130100028	99.45
Steve L. & Pamela C. Massie	1130100028A	32.61
Richard W. & Margaret Krapf	1140100006	4.73
Nancy Cottrell Kruse & M. Anderson Bradshaw	1140100002	297.28
Linda B. Cowles Estate	1040100005	249.88
Carter C. Cowles, Sr. & Linda B. Cowles Estate	1040100006	124.76
Cynthia Cowles Cragg & Robert Patrick	1040100003	103.26
Sarah H. Armistead	1010100038	50.00
Daniel R. Winall & Marion Virginia	1030100019	97.59
Pamaka LLC	1020100017	244.50

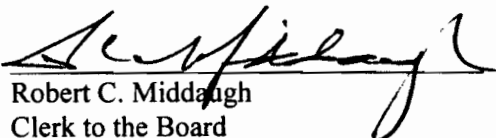
Albert T. & Joan Lloyd Slater	1010100028	69.69
McRae O. Selph	1010100007	50.00
Walter N. Marshall, III Trustee	1140100005	79.94
Martha Ware Trust	2020100002	57.41
John Lee Darst	0920100036	41.22
Pamaka LLC	1030100003	42.00
Caroline W. Dozier	2020100005	186.16
Caroline W. Dozier	2020100007	16.50
Caroline W. Dozier	2020100008	12.00
Dennis P. & Christine A. Weygand	1030100013	34.02
John M. L. Barnes Estate	1020100004	215.76
John M. L. Barnes Estate	1110100001	29.00
Linda B. Cowles Estate	2010100002	2.00
Randolph G. Gulden	1020100012	87.20
Eugene C. Andrews Living Trust	0940100008N	57.81
John G. & Marie Antoinette Findlay	0940100008H	<u>118.29</u>
Total:		<u>2,913.50</u>

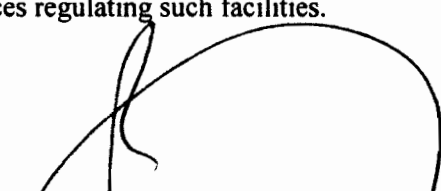
provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Mill Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
 - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of

Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD7-86MillCrk_res

SEP 28 2010

ORDINANCE NO. 170A-16BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-9-86GORDON CREEK 2010 RENEWAL

WHEREAS, James City County has completed a review of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Gordon Creek Agricultural and Forestal District; and

WHEREAS, Edward Warburton III and Regina Warburton have requested the withdrawal of three acres from their parcel which is identified as Tax Map ID 3520100001B; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below.

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

1. The Gordon Creek Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The district shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
R. T. Armistead & Letitia A. T. Hanson	3520100016	369.00
R. T. Armistead & Letitia A. T. Hanson	3630100001	124.17
R. T. Armistead & Letitia A. T. Hanson	3030100004	23.00
Martha W. McMurrin & SWR-Pinewood	3540100001	394.50
Edward Warburton III & Regina L.	3520100001B	29.00
Edward Warburton	2940100011	56.20
Allen, David H. & Stephanie M.	3420100002	132.98
Patrick, Matthew CH & Teresa L.	3420100002A	25.02
Martha W. McMurrin & SWR-Pinewood	3630100003	264.00
Thomas L. Hitchens	3610100006	35.00
W.A. Thompson & Charles Flemming	3620100040	136.96

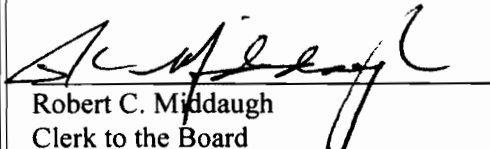
Claybank Landing, LLC	4320100001	124.10
Richardson Holdings Limited Partnership	3640100007	116.83
Richardson Holdings Limited Partnership	3030100003	33.00
Jane T. Carswell	3610100003	44.00
Martha W. McMurren & SWR-MISC LLC	3610100004	37.62
Powhatan Associates	4410100001	387.42
Powhatan Associates	3530100001	241.68
Mary Abbott	3620100018	43.55
Trust Company of Virginia, c/o Greg Davis	3540100009	57.60
Linda Henderson Gordon	3420100001	35.30
Williamsburg Pottery Inc.	4410100002	26.00
Naysey Bay Land Co.	3510100003	32.00
Naysey Bay Land Co.	3510100006	34.30
William Kane	2940100003	4.00
William Kane	3030100007	8.00
William Kane	3520100007	131.00
William Kane	3610100001	8.33
William Kane	3610100002	13.00
Baxter I. Bell Jr. Trustee	4320100003	207.95
Madeline Carswell Est	3520100010	<u>28.36</u>
Total:		<u>3,203.8</u>

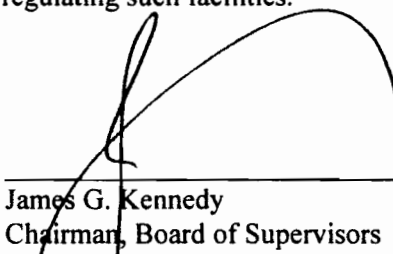
provided, however, that all land within 25 feet of road rights-of-way is excluded from the district.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gordon Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided:
 - a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.

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

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD9-86GordonCrk_res

SEP 28 2010

ORDINANCE NO. 171A-6BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 10-86CHRISTENSON'S CORNER 2010 RENEWAL

WHEREAS, James City County has completed a review of the Christenson's Corner Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Christenson's Corner AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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

1. The Christenson's Corner AFD is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

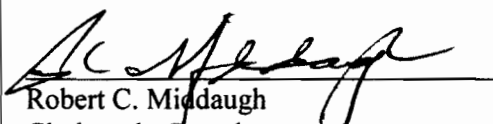
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
C.M. Chandler	1540100011	151.25
C.M. Chandler	1630100001	8.01
Stieffen Co, LLC and Stieffen, B. P.	1640100003	<u>402.89</u>
Total:		<u>562.2</u>


3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Christenson's Corner AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access

roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD10-86Christenson_res

SEP 28 2010

ORDINANCE NO. 172A-7BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-11-86YARMOUTH ISLAND 2010 RENEWAL

WHEREAS, James City County has completed a review of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Yarmouth Island Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below.

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

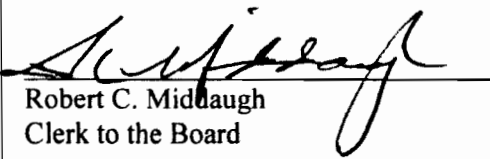
1. The Yarmouth Island Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

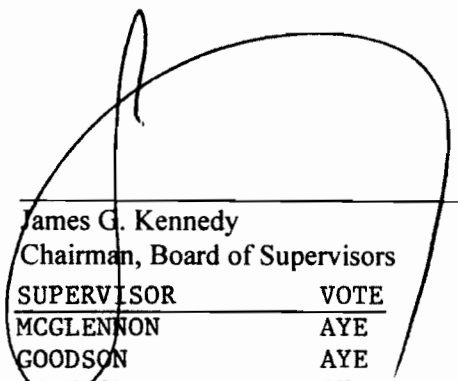
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Richardson Holdings Limited Partnership	2930100005	172.84
Richardson Holdings Limited Partnership	2930100002	68.50
Richardson Holdings Limited Partnership	2840100005	940.00
John C. Richardson	2910100001	28.50
Richardson Holdings Limited Partnership	2920100001	123.00
McMurran, Martha W. & SWR-MISC LLC	2940100001	38.70
Franciscan Brethren of St. Philip	2940100002	34.65
Shield's Point LLC	2840100008	<u>625.20</u>
Total:		<u>2031.40</u>

provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Yarmouth Island Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided:
 - a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
 - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ISENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

SEP 28 2010

ORDINANCE NO. 173A-18BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT -12-86GOSPEL SPREADING CHURCH FARM 2010 RENEWAL

WHEREAS, James City County has completed a review of the Gospel Spreading Church Farm Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Gospel Spreading Church Farm Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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

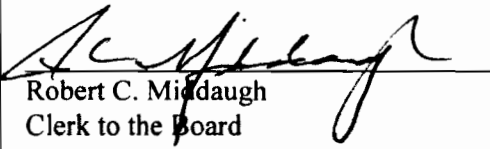
1. The Gospel Spreading Church Farm Agricultural and Forestal District is hereby continued for a period of four years, one month and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

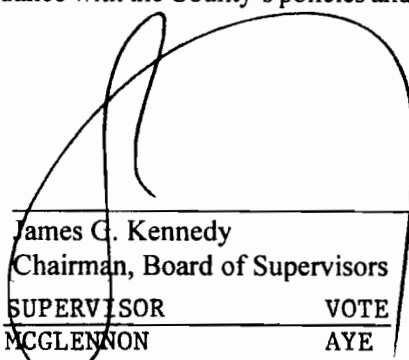
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible & Agricultural Training School	4830100035	403.55
JCC Bible & Agricultural Training School	5620100001	457.79
Floyd B. Carmines	4740100037	27.92
Robert E. Gilley, II & Meredith H. Gilley	4740100042C	2.89
REGJAG LLC	4740100042D	2.81
REGJAG LLC	4740100042E	16.29
REGJAG LLC	4740100040	42.84
REGJAG LLC	4740100041	108.27
REGJAG LLC	4830100042	<u>71.33</u>
Total:		<u>1,133.70</u>

provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided:
 - a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
 - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD12-86GospelCh_res

ADOPTED

SEP 28 2010

ORDINANCE NO. 182A-8

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT-1-89

ARMISTEAD 2010 RENEWAL

WHEREAS, James City County has completed a review of the Armistead Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Armistead AFD; and

WHEREAS, the AFD Advisory Committee at its meeting on August 23, 2010, voted 9-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend renewal of the district with the conditions listed below.

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

1. The Armistead AFD is hereby continued from its current date of expiration (January 10, 2006) for a period of four years, one month and three days to October 31, 2010, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The district shall include the following parcels provided, however, that all land within 25 feet of road rights-of-way is excluded from the district:

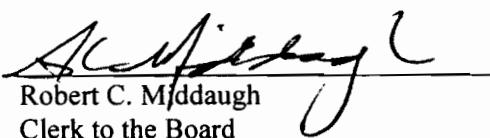
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Sarah H. Armistead	3120100017	84.50
Sarah H. Armistead	3120100014	53.78
Sarah H. Armistead	3130100029	132.08
Sarah H. Armistead	3140100001	<u>41.17</u>
	Total:	<u>311.5</u>

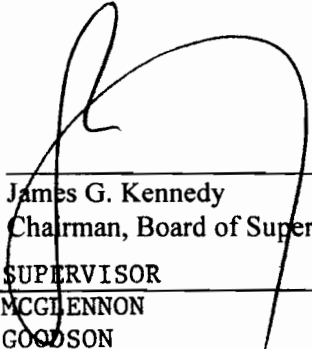
3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Armistead AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by

members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD1-89Armistead_res

SEP 28 2010

ORDINANCE NO. 190A-7BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT-1-93WILLIAMSBURG FARMS 2010 RENEWAL

WHEREAS, James City County has completed a review of the Williamsburg Farms Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Williamsburg Farms Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to renew this district with the conditions listed below.

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

1. The Williamsburg Farms Agricultural and Forestal District is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

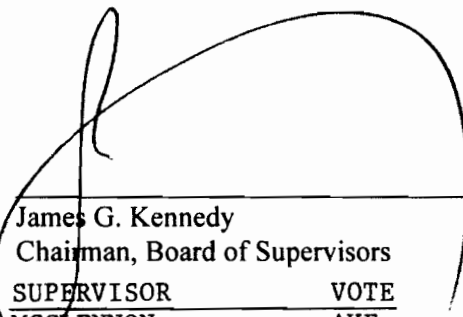
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Williamsburg Vineyards, LLC	4840100012	29.65
Williamsburg Vineyards, LLC	4840100010	157.71
Wedmore Place, LLC	4840100010D	67.26
Vineyard Partners, LLC	4840100010E	18.72
Williamsburg Winery	4840100010B	<u>6.63</u>
	Total:	<u>279.90</u>

provided, however, that all land within 25 feet of the road rights-of-way is excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Williamsburg Farms Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided:
 - a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
 - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
 - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middleaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

SEP 28 2010

ORDINANCE NO. 197A-2BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT 1-02CARTER'S GROVE 2010 RENEWAL

WHEREAS, James City County has completed a review of the Carter's Grove Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Carter's Grove Agricultural and Forestal District; and

WHEREAS, the AFD Advisory Committee, at its meeting on August 23, 2010, voted 9-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on September 1, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 with two abstentions to renew this district with the conditions listed below.

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

1. The Carter's Grove AFD is hereby continued for a period of four years, one month, and three days to October 31, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels provided, however, that all land within 25 feet of the road rights-of-way be excluded from the District to allow for possible road improvements:

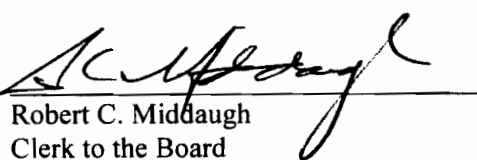
<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Carter's Grove, LLC	5820100002	76.10
Carter's Grove, LLC	5910100030	240.04
Colonial Williamsburg Foundation	5910100021	1.56
	Total:	<u>317.7</u>


3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Carter's Grove AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access

roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2010.

AFD1-02CartersGrve_res