

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF DECEMBER 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 – Olivia Garrett, a second-grade student at Norge Elementary School, led the Board and citizens in the Pledge of Allegiance. Fire Station One Honor Guard posted the colors.

E. RECOGNITION – Chairman’s Award

Mr. Kennedy presented the Chairman’s Award to the family of the late Richard Garrett in honor of his dedication and bravery to the James City County Fire Department and the James City-Bruton Volunteer Fire Department.

F. PRESENTATIONS

1. FEMA - National Flood Insurance Program’s Community Rating System

Mr. Richard J. Sobota, Insurance Specialist, Federal Emergency Management Agency (FEMA), presented a plaque recognizing the County’s upgraded Community Rating System rating level as a result of the County’s outstanding performance in the program, resulting in savings on flood insurance for homeowners. Mr. Sobota recognized the County for its leadership and implementation of this program.

2. Annual Financial Report – Goodman and Company, LLP

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, introduced Ms. Leslie Roberts of Goodman and Company, LLP, to present the findings of the County’s Annual Financial Report.

Ms. Roberts presented the results of the 2010 audit for James City County and the James City Service Authority (JCSA). She recognized the Financial and Management Services staff for its input and effort during the audit process. She commented on the Report of the Independent Auditor, which indicated that the County has been rendered a clean, unqualified opinion. She recommended that the Board review the Management's Discussion and Analysis. She reviewed the government-wide financial statements and noted adjustments for the Williamsburg Area Transit Authority. She highlighted a positive change in government operational net assets of about \$2.3 million.

Mr. Middaugh noted that the audit was a reflection of the financial leadership of the Board and Financial and Management Services staff, including Mr. John McDonald, Ms. Sue Mellen, and Ms. Tara Woodruff.

G. PUBLIC COMMENT

1. Ms. Nancy Bradshaw-Sheppard, 10135 Fire Tower Road, Toano, commented on the County's firearms discharge ordinance which prohibits hunting on her property. She stated her opposition to the statute and that it was unclear under current development standards. She showed how various lots in her area allowed hunting, but hunting on her property was not permitted.

2. Mr. Tom Hardin, 207 Crescent Drive, stated that he supported the firearms discharge ordinance as it stands. He stated that as a former police officer, the County has outstanding public safety and the laws in place have served the County well. He stated there was hunting all over the County and asked for due time and diligence in future consideration of this matter.

3. Mr. Ed Oyer, 139 Indian Circle, commented on the outstanding work of Financial and Management Services, as reflected in the Annual Financial Report.

4. Mr. Jack Fraley, 104 Thorpe's Parish, thanked and commended the Board for its service in 2010, including the recruitment of County Administrator Robert Middaugh; balancing the budget without raising taxes; promoting economic development and job creation; adoption of the Comprehensive Plan; promoting green initiatives; and stormwater management.

5. Mr. Russell Carlton, 2866 Sandy Bay Road, stated his support for the current firearms discharge laws as vice president of his hunt club. He stated that the County should seriously investigate this matter and consult with area hunt clubs to address the deer population.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy commented on the firearms discharge ordinance. He stated that he had spoken with Ms. Bradshaw-Sheppard about uniformly enforcing the ordinance and asked that the Board look at this matter. He asked Mr. Rogers to report back to the Board.

Ms. Jones noted that on November 30, 2010, she attended the Virginia Department of Transportation (VDOT) informational meeting on widening Ironbound Road. She stated there was good public turnout and noted that she had asked the County Administrator to provide a point of contact for citizens on Ironbound Road that may experience disruption. She stated that she attended the James City County Service Awards on December 3 and the Christmas Parade on December 4. She stated that on December 10 she attended the Business Leaders Breakfast with Governor McDonnell and the Groundbreaking Ceremony for the Williamsburg Pottery.

Mr. Icenhour stated that he attended a recent public meeting for the Forest Heights development and that there was good participation and discussion.

I. CONSENT CALENDAR

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

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

- 1. Minutes –
 - a. November 23, 2010, Work Session
 - b. November 23, 2010, Regular Meeting
- 2. Grant Appropriation – Clerk of the Circuit Court – \$119,515

RESOLUTION

GRANT APPROPRIATION – CLERK OF THE CIRCUIT COURT – \$119,515

WHEREAS, the State Compensation Board has awarded the Clerk of the Circuit Court grant totaling \$119,515; and

WHEREAS, no local match is required for this grant.

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

Revenue:

Revenue from the Commonwealth	<u>\$119,515</u>
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Expenditure:

Clerk of the Circuit Court	<u>\$119,515</u>
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J. PUBLIC HEARINGS

Mr. Kennedy recognized Planning Commissioner Jack Fraley in attendance.

- 1. Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower (Deferred from November 9, 2010, Deferral Requested)

Mr. Kennedy noted that a deferral was requested for this item until February 8, 2011. Mr. Kenney stated that the Public Hearing was open and would remain open.

2. Withdrawal of Lease for a Boat Storage Facility at Chickahominy Riverfront Park (Continued from November 23, 2010)

Mr. Kennedy opened the Public Hearing.

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

No action was taken on this item.

3. Case No. AFD-9-86-3-2010. Gordon Creek AFD – 3603 News Road Addition

Ms. Sarah Propst, Planner, stated that Mr. and Mrs. Jerry Nixon have applied to enroll a 30.74-acre property located at 3603 News Road into the Gordon Creek Agricultural and Forestal District (AFD). The entire parcel will be entered into the AFD; however, some portions of the property, not wooded or in agricultural use, may not qualify for land use taxation. Approximately three acres of the parcel are presently being farmed. A residence and several other accessory structures are located on less than an acre of the property. The remainder of the parcel is wooded.

At its meeting on October 19, 2010, the AFD Advisory Committee recommended approval of the application by a vote of 6-0.

At its meeting on November 3, 2010, the Planning Commission recommended approval of the AFD addition by a vote of 7-0.

Staff recommended approval of the addition to the Gordon Creek AFD.

Mr. Kennedy stated that this property was removed previously from the AFD.

Ms. Propst stated that was correct.

Mr. Kennedy asked if that was intended for workforce housing developed by RealTec.

Ms. Propst stated that was correct.

Mr. Kennedy stated that the zoning was not changed on that property.

Ms. Propst stated that was correct.

Mr. Kennedy asked if this was being combined with another AFD.

Ms. Propst stated that this one property was being independently added by its owners.

Mr. Kennedy asked if the owners had another parcel adjacent to this property.

Ms. Propst stated that she was not aware of another property.

Mr. Rogers stated that there was not and this was an individual parcel that was being added to the Gordon Creek AFD.

Mr. Kennedy opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the ordinance.

Mr. Kennedy stated that he supported this item, but had concerns about property that was removed and then returned to AFDs. He stated that the system should be improved to keep the property in the AFD.

Mr. Icenhour stated that he believed the new AFD withdrawal policy indicated that the property could only be withdrawn when the district was being renewed.

Mr. McGlennon asked for clarification that when this property was withdrawn, there was a recoup of the tax abatement.

Mr. Rogers stated that when the property was taken out of the AFD, there was a rollback tax assessment of five years and a new taxation cycle would occur when the property was returned to the AFD.

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

4. Sale of Property – 107 Louise Lane – \$29,200

Mr. Larry Foster, Manager of James City Service Authority, recommended approval of the resolution for the sale of property at 107 Louise Lane following a public hearing. He stated that the property was purchased by the County with JCSA funds as part of the Ware Creek Reservoir Project. He stated that since that program was disbanded, the property was surplus and a local contractor that deals in affordable housing has expressed an interest in the property.

Mr. Icenhour stated that the property has presented challenges in development, but the contractor who was interested would be able to develop the property despite the constraints.

Mr. Foster stated that was correct and the prospective contractor has examined the property and feels that it is a buildable lot.

Mr. Kennedy opened the Public Hearing.

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

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

SALE OF PROPERTY – 107 LOUISE LANE – \$29,200

WHEREAS 107 Louise Lane was purchased by the James City Service Authority (JCSA) in the mid-1980s for the Ware Creek Reservoir project, deeded to James City County, and has been determined to be surplus; and

WHEREAS a public hearing was conducted on December 14, 2010, by the Board of Supervisors to receive public comment on the sale of the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the sale of 107 Louise Lane for the assessed value of \$29,200 and agreed that the proceeds of the property sale be returned to the JCSA.

5. Ordinance to Extend the Cox Cable Franchise to March 31, 2011

Mr. Rogers stated that the ordinance would extend the Cox Cable Franchise and Fiber agreement due to personnel changes. He stated that all the agreements are anticipated to be completed in January 2011 and recommended adoption of the ordinance.

Mr. Icenhour asked about the fourth amendment to the franchise certificate.

Mr. Rogers explained that staff would need to execute the fourth amendment as part of the agreement, but the Board was only being asked to adopt the ordinance extending the franchise.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the ordinance.

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

K. BOARD CONSIDERATIONS

1. 2011 Legislative Program (Deferred from November 23, 2010)

Mr. Rogers stated this resolution would adopt the amended Legislative Program. He recommended approval of the resolution. He stated that once the Legislative Program was approved, he would send a clean copy out to the Board and other interested parties.

Mr. Goodson made a motion to adopt the resolution.

Mr. Icenhour stated that he would like to take a different approach for the 2012 Legislative Program which would allow more time for discussion prior to the Legislative Agenda work session. He asked for a brief work session prior to meeting with the legislators to reach a consensus. He stated that he opposed an item in the Legislative Program which has been sponsored by a legislator which differentiates public safety employees from other employees. He stated his support for the Legislative Agenda.

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

RESOLUTION

2011 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2011 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interest of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2011 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2011 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

2. **Acquisition of Real Property – 112 Allyson Drive – \$47,250**

Mr. Rogers stated that the resolution would authorize the acquisition of the property at 112 Allyson Drive. He stated that the property has a house on it that is subject to flooding and that the house would be demolished after the previous owner pulls usable materials from the dwelling. He stated that the property is being acquired below assessed value and that the remaining structure would be used for public safety training exercises and demolished by General Services.

Mr. McGlennon stated that he was happy that the County was able to address this problem.

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

ACQUISITION OF REAL PROPERTY - 112 ALLYSON DRIVE - \$47,250

WHEREAS, Paul A. White is the owner of certain real property located at 112 Allyson Drive in the Powhatan District and designated as Parcel No. 3310400007 on the James City County Tax Map; and

WHEREAS, Paul A. White has offered to sell the above-referenced Property, containing 0.405 acres, to James City County for \$47,250; and

WHEREAS, the County desires to use the Property located in the Old Stage Manor subdivision for stormwater management; and

WHEREAS, the Board of Supervisors is of the opinion that the County should acquire the Property for \$47,250.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the 0.405 acres of Property and to execute any and all documents as may be necessary to purchase the Property from Paul A. White for \$47,250.

3. Forest Heights Community Development Block Grant (CDBG)
 - a. Forest Heights Community Development Block Grant (CDBG) Agreement and Appropriation of Funds
 - b. Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan
 - c. Community Development Block Grant Local Business and Employment Plan
 - d. Section 504 Grievance Procedure for Disability Nondiscrimination

Mr. Rick Hanson, Director of the Office of Housing and Community Development, reviewed the Forest Heights Community Development Block Grant (CDBG). He reviewed the Forest Heights Neighborhood Improvement Project Budget and the area of the project improvements. He illustrated the features of the new public street which would replace the gravel driveways in the neighborhood. He stated the CDBG funds would be provided in two contracts from CDBG funds and matching funds. He explained that the first resolution allows the County Administrator to execute the documents required to enter into the agreement and appropriate the funds for the CDBG.

Mr. Keith Denny, Housing Project Coordinator, noted the housing rehabilitation projects and relocation of property lines and houses. He reviewed the energy efficiency improvements that would be applied to eligible households along Neighbors Drive and Richmond Road and other beautification work that would be done. He stated that a condition of project approval by the State is adoption of a Local Business and Employment Plan, which is included in these materials. He stated this would allow for the use of local businesses and resources for the project.

Ms. Marion Paine, Housing Planner, commented on the purchase of properties and boundary line adjustments needed. She stated that public meetings have been held and meetings have been held with the owners. She stated that one owner dissented and accommodations have been made, and that owner has since agreed to the revised plan. She also noted that as a condition of approval of the project, the County must adopt the Section 504 Grievance Procedure and a Residential Anti-Displacement and Relocation Plan.

Mr. McGlennon stated that he attended the community meeting to learn about the process and that it was very informative. He commended staff and the citizens in the area for their work on this project.

Ms. Jones stated that she understood that there were still negotiations going on for the property purchases and property line adjustments. She stated her concern that these may result in eminent domain action. She asked for the confidence that the property owners would ultimately agree.

Ms. Paine stated that the overwhelming response has been positive.

Ms. Jones noted that she wanted residents to understand the timeframe and implications of this process.

Mr. Icenhour noted that Phase I must be completed within three years and is currently stated to occur in approximately two years. He stated the timeline was discussed at the neighborhood meeting and believed that the citizens were aware.

Mr. Hanson stated that there was discussion about the inconveniences when the road was being built, but believed that the need was overwhelming and residents were prepared to assume these issues. He stated that at the beginning of the process, the project was going to replace Forest Heights Drive and Neighbors Drive, which are both narrow. He stated that the CDBG funds were not sufficient to do the entire project, but subsequent funds could be sought to complete the project. He stated a rezoning process would have to occur, but believed the project was progressing.

Mr. McGlennon stated that many residents, property owners, and homeowners were present and recognized them.

Mr. Kennedy stated that he would allow a public comment speaker on this matter as he had inadvertently missed the speaker card.

1. Mr. Jacob Hostetter, 6323 Glenwilton Lane, stated that he was very encouraged that the County and residents were working to improve this area. He commented on the locations of the road and additional work on the streets.

Mr. Middaugh asked Mr. Hanson to follow up with this citizen on his questions about the project.

Mr. McGlennon made a motion to adopt the four resolutions with a single vote.

Ms. Jones stated that she supported these resolutions, and her concerns for the disparity between what the County paid and the assessed value of the property. She stated that she hoped this project moved quickly and was completed in a timely manner. She stated her apprehension for these types of projects that were not managed by a private contractor.

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

RESOLUTION

FOREST HEIGHTS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT

AND APPROPRIATION OF FUNDS

WHEREAS, the James City County Board of Supervisors authorized by resolution on March 23, 2010, the submission to the Virginia Department of Housing and Community Development (VDHCD) an application for a Community Development Block Grant (CDBG) for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, James City County has been notified of the award of \$1,400,000 of CDBG funds to be disbursed under two contracts and is undertaking all actions required by VDHCD prior to entering into an agreement to receive the CDBG funds; and

WHEREAS, sufficient funds are available in the County’s Community Development Fund to provide local funds, not previously appropriated, which are required to complete the activities under the Forest Heights CDBG Phase One contract; and

WHEREAS, acquisition of real property is a specified activity in the Forest Heights CDBG application and is required to enable the road and other improvements specified in the CDBG application and in the Forest Heights Road and Neighbors Drive Concept Plan to be completed.

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

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2011, as follows:

Revenues:

Forest Heights Neighborhood Improvement Project	
Community Development Block Grant Phase One	\$800,000
Community Development Fund Balance	<u>100,000</u>
	<u>\$900,000</u>

Expenditures:

Forest Heights Project CDBG	\$800,000
Forest Heights Project Local Share	<u>100,000</u>
	<u>\$900,000</u>

BE IT FURTHER RESOLVED that the appropriation of funds for the Forest Heights CDBG Project be designated a continuing appropriation to carry beyond FY 2010 until the Forest Heights Project is completed.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the expenditure of CDBG and other appropriated funds from the County’s Community Development Fund to be used to purchase real property required to enable roads and other improvements specified in the CDBG application and the Forest Heights Road and Neighbors Drive Concept Plan to be completed.

RESOLUTION

FOREST HEIGHTS HOUSING REHABILITATION PROGRAM DESIGN AND RESIDENTIAL

ANTI-DISPLACEMENT AND RELOCATION PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality that utilizes Community Development Block Grant Funds for housing rehabilitation, replacement housing, and relocation assistance have adopted program policies and procedures by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopt the attached Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance for the Forest Heights Neighborhood Improvement Project.

RESOLUTION

COMMUNITY DEVELOPMENT BLOCK GRANT LOCAL BUSINESS

AND EMPLOYMENT PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible and further requires that recipients of the Community Development Block Grant funds must adopt and act in accordance with written Local Business and Employment Plan Funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopt the attached Local Business and Employment Plan.

RESOLUTION

SECTION 504 GRIEVANCE PROCEDURE FOR DISABILITY NONDISCRIMINATION

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, Section 504 provides for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794) and states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Section 504 Grievance Procedure for Disability Nondiscrimination.

L. PUBLIC COMMENT

1. Ms. Nancy Bradshaw-Sheppard, I0135 Fire Tower Road, continued her comments on the firearms discharge ordinance. She stated there were issues with enforcement under the current ordinance and believed that the Police were not using the County ordinance under the State laws for discharging firearms close to dwellings. She stated that other localities had repealed their firearms discharge ordinances and have ordinances related to acreage rather than subdivision status. She stated that the current rules do not make sense as they limit hunting in rural areas of the County.

M. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that the County network would be down for maintenance this evening. He stated that the County offices would be closed on December 23 and 24 for the Christmas holiday.

N. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that on December 15, 2010, the Hampton Roads Planning District Commission and Hampton Roads Transportation Planning Organization would be considering transportation project priorities. He stated that during the Mayors and Chairs meeting this month, the peninsula localities indicated they would attempt to make the widening of I-64 the number one priority in Hampton Roads and would support that effort.

Mr. McGlennon asked that Mr. Goodson make an effort to protect the median and community character in the I-64 widening. He stated that he has asked for information on how the Mooretown Road project was noted as a priority without the input of the Board.

Mr. Icenhour asked for additional information on the prioritization of the Mooretown Road project in light of other more pressing needs in the County.

Ms. Jones wished the Board and citizens a happy holiday.

Mr. Kennedy noted that this was his last meeting as Chairman and thanked the Board and staff for their work over the last two years during his chairmanship. He stated that he felt the Board has accomplished a great deal this year and looks forward to continuing this in the future.

Mr. Goodson expressed his appreciation for Mr. Kennedy's communication and leadership during his chairmanship.

At 8:24 p.m., the Board took a break for a meeting of the JCSA Board of Directors.

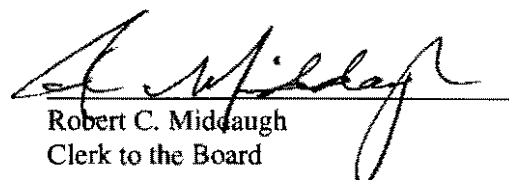
At 8:27 p.m., Mr. Kennedy reconvened the Board.

O. ADJOURNMENT to 4 p.m. on January 3, 2011.

Mr. McGlennon made a motion to adjourn.

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

At 8:28 p.m., Mr. Kennedy adjourned the Board until 4 p.m. on January 3, 2011.


Robert C. Middaugh
Clerk to the Board

ADOPTED

DEC 14 2010

ORDINANCE NO. 170A-17

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AFD-9-86-3-2010. GORDON CREEK - 3603 NEWS ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add 30.74 acres of land owned by Jerry and Martha Nixon located at 3603 News Road and identified as James City County Real Estate Tax Map No. 3730100003 to AFD 9-86, which is generally known as the 3,203.8-acre "Gordon Creek Agricultural and Forestal District (AFD)"; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the addition of land to the Gordon Creek AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on October 19, 2010, voted 6-0 to recommend approval of this application; and

WHEREAS, the Planning Commission, following its public hearing on November 3, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds 30.74 acres owned by Jerry and Martha Nixon as referenced herein to the 3,203.8 acres of the Gordon Creek AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. 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 within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue 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
MCENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

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ADOPTED

DEC 14 2010

ORDINANCE NO. 141A-14

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO EXTEND THE TERM OF THE COX COMMUNICATIONS FOR

HAMPTON ROADS, LLC'S FRANCHISE CERTIFICATE TO MARCH 31, 2011

WHEREAS, by Resolution dated January 26, 1996, the Board of Supervisors consented to the transfer and assignment of the Franchise Certificate issued to Continental Cablevision of Virginia, Inc. ("Initial Grantee") to Cox Communications of Hampton Roads, LLC ("Cox"); and

WHEREAS, by Ordinance No. 141A-7, adopted on December 4, 1995, the Board of Supervisors extended the Franchise Certificate to the Initial Grantee for 15 years from the date of the Ordinance; and

WHEREAS, the Second Amendment to Franchise Certificate, dated December 4, 1995, extended the Franchise Certificate to the Initial Grantee for a term of 29 years from the effective date of the original Franchise Certificate, June 8, 1981; and

WHEREAS, the County and Cox are parties to an agreement to provide an institutional network until December 31, 2010; and

WHEREAS, on May 25, 2010, the County and Cox clarified, confirmed, and extended the expiration date of the Franchise Certificate to December 31, 2010; and

WHEREAS, Cox has requested that the County extend the cable television franchise and the co-extensive fiber optic use agreement to March 31, 2011.

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

1. The term of the County's Franchise Certificate, as amended, with Cox Communications of Hampton Roads, LLC shall run through March 31, 2011, along with the County/Cox agreement for use of the fiber network.
2. The County Administrator is hereby authorized and directed to execute the Fourth Amendment to Franchise Certificate with Cox Communications of Hampton Roads, LLC.

This Ordinance shall be in full force and effect from the date of its adoption.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENBOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

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