

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,  
 VIRGINIA, HELD ON THE ELEVENTH DAY OF JANUARY, NINETEEN HUNDRED EIGHTY-TWO  
 AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD,  
 JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Abram Frink, Jr., Chairman, Roberts District  
 Perry M. DePue, Vice Chairman, Powhatan District  
 Jack D. Edwards, Berkeley District  
 Thomas D. Mahone, Jamestown District  
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator  
 Frank M. Morton, III, County Attorney  
 John E. McDonald, Assistant to the County Administrator

B. PUBLIC HEARING

1. Proposed Amendment to Article III, James City County Code,  
 Secondhand Articles.

Mr. Morton presented this matter to the Board. He commented that some months ago, he had presented a Secondhand Article Ordinance to them for adoption. At that time the State had not passed enabling legislation which it now has done. This amendment, he said, was an attempt to combine the most appropriate sections of both our existing ordinance and the enabling legislation.

Mr. Morton said that he wanted to highlight a couple of items in the amendment. One is that the permit is now obtained from the Chief of Police rather than the County Administrator. The other is that the amendment requires a substantial assurance bond of \$10,000. He said that he is pleased that the State is recognizing these types of performance assurances because oftentimes a business dealing in secondhand articles comes in and out of a community before a determination can be made about its desirability.

Mr. Taylor asked if the term "secondhand articles" applies only to gold, silver, and jewels or does the ordinance refer to any other kinds of secondhand articles. Mr. Morton replied that the ordinance only refers to the sale of precious metals, coins, and jewels.

Mr. Mahone questioned if the word "permit" in the ordinance is the same thing as a license. Mr. Morton replied that it is.

Mr. Mahone then asked if the \$200 fee for a permit is renewable as an annual fee.

Mr. Morton noted that it was renewable. He pointed out that in order to enforce this ordinance a good bit of work is involved, such as visiting the shop, paperwork and correspondence, and he felt that the renewable permit of \$200 was not inordinate for the amount of work to be done.

Mr. Frink opened the Public Hearing by requesting remarks from those citizens present. No one wished to speak so Mr. Frink closed the Public Hearing.

Mr. Edwards made a motion to approve the amendment to Article III of the James City Code, Secondhand Articles. Motion passed. YEA: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY (0).

ORDINANCE

ADOPTED

JAN 11, 1982

ORDINANCE NO.16A-8

BOARD OF SUPERVISORS  
JAMES CITY COUNTY

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING ARTICLE VI SECOND HAND ARTICLES, DIVISION, I, BUYERS OF GOLD, SILVER, DIAMONDS AND JEWELRY.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 9, Licenses, of the Code of the County of James City be and the same is hereby, amended and reordained by amending a section of Article VI, Second Hand Articles, Division I, Buyers of Gold, Silver, Diamonds and Jewelry as follows:

Chapter 9, Licenses

Article VI, Second Hand Articles

Division I. Buyers of Gold, Silver, Diamonds and Jewelry

Section 9-13-. Definitions.

For the purposes of this chapter, the following definitions shall apply:

1. "Coin" means any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

2. "Dealer" means any person, firm, partnership, or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by such person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from such manufactured articles. "Dealer" shall mean all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any such purchase for or on behalf of his employer or principal.

This definition shall not be construed so as to include persons engaged in the following:

a. Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories, provided the selling dealer has complied with the the provisions of this chapter.

b. Purchases of precious metals or gems from a duly qualified fiduciary who is disposing of the assets of the estate being administered by such fiduciary in the administration of an estate.

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c. Acceptance by a retail merchant of trade-in merchandise previously sold by such merchant to the person presenting that merchandise for trade-in.

d. Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.

e. Purchases of previous metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers, or by mail originating outside the Commonwealth of Virginia.

f. Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.

3. "Gems" means any item containing precious or semiprecious stones customarily used in jewelry.

4. "Precious Metals" means any item except coins composed in whole or in part of gold, silver, platinum, or platinum alloys.

Section 9-131. Permit Required; Method of Obtainment; Renewal.

No person shall engage in the activities of dealer as defined in Section 9-130 without first obtaining a permit from the Chief of Police.

B. To obtain a permit, the dealer shall file with the Sheriff an application form which shall include the dealer's full name, any aliases, address, age, sex, photograph and fingerprints; the name, address and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. Upon filing this application and the payment of a two-hundred dollar (\$200.00) fee, the Chief of Police shall within thirty days, conduct an investigation of the applicant and his proposed operation. If the applicant is found to be of good moral character and not to have been convicted of a felony or crime of moral turpitude within seven years prior to the date of application, a permit shall be granted. A permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this chapter.

C. Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or State weights and measures official and present written evidence of such approval to the Chief of Police.

D. The permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual fee of two-hundred dollars (\$200.00). No permit shall be transferable.

E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the Chief of Police of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

**Section 9-132. Bond or Letter of Credit Required.**

Every dealer securing a permit pursuant to Section 9-131 shall, at the time of obtaining such permit, enter into a recognizance to the County secured by a corporate surety authorized to do business in the Commonwealth, in the penal sum of ten thousand dollars (\$10,000.00), conditioned upon due observance of the terms of this chapter. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth of Virginia a letter of Credit in favor of the County in the sum of ten thousand dollars (\$10,000.00).

**Section 9-133. Records to be Kept; Inspection Thereof.**

A. Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The record of each purchase shall be retained by the dealer for not less than twenty-four months. These records shall set forth the following:

1. A complete description of all precious metals or gems purchased from each seller. The description shall include all names, serial numbers or other identifying marks or monograms on each item purchased, the true weight or carot of any gem, and the price paid for each item;
2. The date and time of receiving the items purchased; and
3. The name, address, age, sex, race, driver's license number or social security number, and signature of the seller.

B. The information required by paragraph A of Section 9-133 shall appear on each bill of sale for all precious metals and gems purchased by a dealer, and a copy shall be mailed or delivered within twenty-four hours of the time of purchase to the Sheriff.

C. Every dealer shall admit to his premises during regular business hours the Chief of Police, or his sworn designee, or any law enforcement official of the State or Federal governments, and shall permit such law enforcement officer to examine all records required by this chapter, and to examine any article listed in a record which is believed by the officer or official to be missing or stolen.

**Section 9-134. Credentials Required from Seller.**

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No dealer shall purchase precious metals or gems without first ascertaining the identity of the seller by requiring an identification issued by a governmental agency with a photograph of the seller thereon, and at least one other corroborating means of identification.

**Section 9-135. Prohibited Purchases.**

A. No dealer shall purchase precious metals or gems from any seller who is under the age of eighteen.

B. No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale. Additionally, no dealer shall purchase any such items from any seller who the dealer believes or has reason to believe is intoxicated at the time of the proposed sale.

**Section 9-136. Dealer to Retain Purchases.**

A. A dealer shall retain all precious metals or gems purchased for a minimum of ten calendar days from the date on which a copy of the bill of sale is received by the Chief of Police. Until the expiration of this period, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the County.

B. If a dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of ten calendar days after receiving such article and precious metals or gems.

**Section 9-137. Record of Disposition.**

Each dealer shall keep and maintain for at least twenty-four months an accurate and legible record of the name and address of the person, firm, or corporation to which he sells any precious metal or gem in its original form after the waiting period required by Section 9-136. This record shall also show the name and address of the seller from whom the dealer purchased such item.

**Section 9-138. Private Action on Bond or Letter of Credit.**

If any person shall be aggrieved by the misconduct of any dealer who has violated the provisions of this chapter, he may maintain an action for recovery in any Court of proper jurisdiction against such dealer and his surety; provided that recovery against the surety shall be only for that amount of the judgment, if any, which is unsatisfied by the dealer.

**Section 9-139. Exemptions from Chapter.**

The Chief of Police or his designee, may waive by written notice implementation of any one or more of the provisions of this chapter, except Section 9-135, for particular numismatic gems or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibitions is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions. Additionally, the provisions of this chapter shall not apply to the sale or purchase of coins.

**Section 9-140. Penalties, First and Subsequent Offenses.**

A. Any person convicted of violating any of the provisions of this chapter shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, he shall be guilty of a Class 1 misdemeanor.

B. Upon the first conviction by any Court of a dealer for violation of any provision of this chapter, the Chief of Police may revoke his permit to engage in business as a dealer under this chapter for a period of one full year from the date the conviction becomes final. Such revocation shall be mandatory upon a second conviction.

C. PRESENTATION

1. James C. Hankla, Executive Director, Virginia Peninsula Economic Development Council

Mr. Hankla opened his talk by mentioning that approximately two weeks ago, the VPEDC had mailed to the Board a copy of their year-end report. However, he did want the opportunity to appear before the Board in order to answer any questions they might have concerning that document.

Mr. Frink thanked him and said that he had read the report and appreciated what VPEDC is doing for James City County.

Mr. Edwards found the report very impressive and felt that VPEDC was making a lot of progress and doing good work. He added that James City County wants to maintain and enhance its industrial base, but it is concerned about what kind of industries come into the County. He said that the Board wants to encourage what is good and discourage what is unsatisfactory.

Mr. Hankla replied that there are many industries that VPEDC would not suggest for a James City County location. However, their aim is to expose significant industries to the quality of life in James City County.

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D. BOARD CONSIDERATIONS

1. James Terrace Water Improvements - Pre-application for FHA Loan

Mr. Oliver asked Wayland Bass, Director of Public Works, and Daniel R. Lynn, Assistant to the County Administrator, to make this presentation. Mr. Bass explained that the purpose of the resolution was to authorize the County Administrator to submit a pre-application for a FHA loan for extension of a water line into James Terrace. York County had made an application but was turned down. However, since then the staff of James City County and York County have met with the FHA, and the approach they recommended is for each County to apply for its respective share of the loan.

Mr. Bass displayed a map to demonstrate where and how the water will be transmitted to James and York Terraces. He also had another display which described the financing involved in this project. He said that the main will cost over \$1 million, and we cannot expect to borrow more than \$800,000 so that there will be a need for local funding.

Mr. Taylor asked if there would be any storage tanks in the area and Mr. Bass replied that there would be none.

Mr. Taylor questioned if there would be enough water pressure. Mr. Bass told him that the pressure would be satisfactory for the short run, but as development occurs, there will be a need for additional wells and storage.

Mr. DePue asked how the proportionate breakdown between James City County and York County would be worked out, and Mr. Bass told him that preliminary allocations were based on the number of customers.

Mr. Edwards asked if the County gets the loan, will it do the whole project at one time. Mr. Bass replied that the wells and storage tanks would be put off for a number of years. Also, upgrading of the James Terrace existing distribution system would be required.

Mr. DePue asked what would be the approximate cost per household for this improvement, and Mr. Bass told him that current estimates were \$400.

The Board had no other questions so Mr. Edwards made a motion to adopt the resolution.

R E S O L U T I O N

James Terrace Water Improvements

WHEREAS, James Terrace and York Terrace are experiencing serious water quality problems; and

WHEREAS, FHA loan funds may be available to help finance the transmission main necessary to improve water quality;

THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to execute and submit a pre-application for FHA loan funds. The pre-application shall be for the James City County share of this proposed project. Submission of the pre-application shall be conditioned upon similar action by York County.

VOTE:	<u>Supervisor</u>	<u>Vote</u>
5-0	DePue	Aye
	Frink	Aye
	Edwards	Aye
	Mahone	Aye
	Taylor	Aye

2. Bank Resolutions

Mr. Oliver explained that this resolution is the annual resolution that designates the Chairman and Vice Chairman with their various banking responsibilities.

Mr. McDonald explained to the Board that the General Fund, the Sanitary Districts, and Revenue Sharing accounts and some others go to United Virginia Bank. He added that certain other smaller ones that were inactive or subject to trust instructions were left with Old Colony Bank now Virginia National Bank.

Mr. Edwards moved for approval of these bank resolutions.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards, Mahone, and Taylor. NAY: (0).

RESOLUTION

AGENDA ITEM # 4-3

VIRGINIA NATIONAL BANK

BE IT RESOLVED, that the Virginia National Bank of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for the accounts herein named;

Checking	202-0197-7	James City County Subdivision Escrow
Checking	202-0196-9	James City County Quarterly Revenue
Savings	001-C000000481	James City County Bicentennial Fund

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

Abram Frink, Jr.            Chairman

OR

Perry M. DePue            Vice-Chairman

James B. Oliver, Jr.      County Administrator

OR

John E. McDonald        Assistant to the County Administrator

Frances B. Whitaker      Treasurer

OR

Betty S. Pettengill      Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

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RESOLUTIONAGENDA ITEM # D-2UNITED VIRGINIA BANK OF WILLIAMSBURG

BE IT RESOLVED, that the United Virginia Bank of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts designated below:

08-0246-8  
96-9058-1  
94-9514-2  
97-010019-08

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

Abram Frink, Jr.            Chairman

OR

Perry M. DePue            Vice-Chairman

James B. Oliver, Jr.      County Administrator

OR

John E. McDonald        Assistant to the County Administrator

Frances B. Whitaker      Treasurer

OR

Betty S. Pettengill      Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

VOTE:	<u>Supervisor</u>	<u>Vote</u>
5-0	DePue	Aye
	Frink	Aye
	Edwards	Aye
	Taylor	Aye
	Mahone	Aye

E. MATTERS OF SPECIAL PRIVILEGE

None.

F. REPORTS OF THE COUNTY ADMINISTRATOR

At the request of Mr. Oliver, Mr. Lynn acquainted the Board with some of the facts about an Open House at the Government Center planned for February 6th from 10 A.M. until 3 P.M.

Citizens will be invited to see our facilities, visit with the staff and see firsthand some exhibits and displays depicting the activities at the Government Center.

Presentations are scheduled for the morning and will be repeated in the afternoon.

Programs are planned for youngsters from 11 A.M. until 2 P.M. to encourage families to come out and visit the Government Center.

We will advertise this event in the local newspapers, through civic organizations and in the James City County Annual Report.

1. EOC Duplicating Machine

Mr. Oliver then introduced an item not on the agenda which he said Mr. McDonald would explain.

Mr. McDonald said that a leaking pipe at the EOC Building had damaged their 20-year-old copying machine. The cost of repair would be equal to the present value of the machine.

Mr. McDonald said that the staff is requesting the Board to transfer \$3,200 to purchase a Sharp 700 Series copying machine. He added that VPI has offered to pay for supplies for the machine. Mr. McDonald further noted that there has been a need for a copying machine in a public building in this part of the County. Public and outside user agencies would pay for maintenance.

Mr. DePue asked if the machine would be available 24 hours a day, to which Mr. McDonald replied that it would be available only during working hours.

Mr. Mahone wondered if the public would be allowed to operate the machine and Mr. McDonald replied that he assumed that a qualified person would be available when necessary. Mr. Mahone asked that consideration be given to use of a plastic cover to protect the machine from water damage. It was suggested that the new machine be relocated away from a potential leaking roof or pipes.

Mr. DePue moved for approval of this resolution.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

R E S O L U T I O NCONTINGENCY TRANSFER - EQUIPMENT REPLACEMENT

WHEREAS, the Board of Supervisors of James City County has established a Contingency Fund to accommodate items of an unanticipated nature; and

WHEREAS, the duplicating equipment at the EOC Building has failed and should be replaced immediately;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the transfer of \$3,200 from Contingency to the Equipment Replacement account in the Extension Service budget for purposes of replacing the current duplicating equipment.

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At this time Mr. Oliver requested the Board go into Executive Session to discuss a personnel matter.

G. BOARD REQUESTS AND DIRECTIVES

Mr. DePue recalled that when he first became a member of the Board, he asked for a list of County jobs with accompanying pay rates. He said that he is again requesting that such a list be supplied to members of the Board.

Mr. Mahone noted that one of his constituents, Mr. Kozel, had forwarded to him a copy of letter asking for a waiver for a street in his subdivision. Mr. Mahone asked if there is any action the Board can take on this matter.

Mr. Oliver replied that Messrs. Lynn, Bass, and Porter were working on this particular matter which is to be considered by the Planning Commission very shortly. After that the staff will make a recommendation.

Mr. DePue said that it was his understanding that the definition of a "family" as it applies to the County Code would be available to the Board. Mr. Oliver noted that Mr. Porter, Director of Planning, was prepared to present this matter to the Planning Commission and after that bring a definition to the Board.

Mr. Frink made a motion to go into Executive Session to discuss personnel matters pursuant to Section 2.1-344 (a)(1) of the Code of Virginia 1950 as amended.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

The Board convened into Executive Session at 8:15 P.M.

The Board reconvened into Public Session at 8:45 P.M.

At this time Mr. Frink made a motion for the following appointments to Boards and Commissions:

Planning Commission - Perry M. DePue  
 Social Services Board - Jack D. Edwards  
 Community Action Agency - Thomas D. Mahone  
 Chamber of Commerce - Jack D. Edwards  
 Highway Safety - Thomas D. Mahone  
 Sanitary District #1 - Thomas D. Mahone  
 Peninsula Planning District - Jack D. Edwards, Thomas D. Mahone  
 Courthouse Committee - Perry M. DePue.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

Mr. Mahone made a motion to reappoint Martin Garrett to the Planning Commission as the representative from the Jamestown District.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

Mr. Mahone made a motion to appoint Mr. Sandy Loving to the Clean County Commission.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

Mr. Taylor nominated Charles Branch to the Clean County Commission.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

Mr. DePue made a motion to nominate Kathy Hawkins to the Clean County Commission.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards,  
Mahone, Taylor. NAY: (0).

Mr. Frink then made a motion to adjourn the Board of Supervisors  
until Wednesday, January 13, 1982 at 1 P.M.

On roll call, the vote was YEA: (5) Frink, DePue, Edwards,  
Mahone, Taylor. NAY: (0).

Meeting ADJOURNED at 9:00 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

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