

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

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District
 Jack D. Edwards, Vice-Chairman, Berkeley District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District
 Thomas D. Mahone, Jamestown District

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - February 27, 1984

Mr. Mahone made the motion to approve the Minutes as presented.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

C. PUBLIC HEARINGS

1. Case No. SUP-1-84. Bonita I. Viall

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board recommending approval of the application.

Mr. Taylor opened, then closed the public hearing as there was no one wishing to speak to the matter.

Mr. Mahone made the motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

RESOLUTION
SPECIAL USE PERMIT
CASE NO. SUP-1-84

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

| | |
|-------------------------|---|
| Applicant: | Ms. Bonita I. Viall |
| Real Estate Tax Map ID: | (9-2) |
| Parcel No. | (1-64A) |
| District: | Stonehouse |
| Zoning: | (A-1) |
| Permit Term: | This permit is valid only for the mobile home applied for. If the mobile home is removed, then this |

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permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

Further Conditions: The mobile home must be skirted, and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

2. Case No. SUP-2-84. James D. Green

Mr. Riutort presented this matter to the Board recommending denial because of insufficient soil conditions for a septic field based on the Health Department field report and soil analysis. He stated that Dr. Robert McKeogh was present to answer any questions regarding Health Department issues.

Mr. Brown asked if any of the health problems could be satisfied in the near future.

Mr. Riutort replied that the pit privy would have to be completely renovated because there is not enough good soil for a septic field.

Dr. McKeogh stated that the old privy is grandfathered but should be renovated and a small drain field should be constructed for the kitchen waste.

Mr. Taylor opened, then closed the public hearing as there was no one wishing to speak to the matter.

Mr. Edwards stated that he would not be willing to vote for this special use permit under the present conditions.

Mr. Mahone stated that he concurs with the staff's recommendation for denial.

Mr. Brown and Mr. Taylor suggested a 30-day delay on this matter to give the applicant time to clean up the property and get the necessary permits for special use permit approval.

Mr. Morton stated that the Board needs to decide now or 30 days later whether they want to issue special use permits to allow pit privies.

Mr. Taylor made the motion to defer this case for 30 days.

Mr. Brown asked under what conditions would the Health Department approve a situation like this one.

Dr. McKeogh stated that the Health Department will issue septic permits if the pit privy is grandfathered and if there is an unusual financial hardship.

Mr. Morton stated the Board is not bound by those guidelines.

Mr. DePue inquired as to how long the mobile home had been located on the property.

Mr. Riutort stated that the violation was cited in January and that the residents are renting and are not related to the property owner.

Mr. Taylor withdrew his motion to defer.

Mr. DePue made the motion to deny this application.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue (4). NAY: Taylor (1). The motion passed by a 4-1 vote.

3. Case No. S-1-84. Subdivision Ordinance Amendment, Section 17-17. Streetlights

Mr. Riutort presented this matter to the Board by reviewing the three elements of the amendment, which are as follows:

1. Limits the requirement for streetlights to any subdivision of more than 5 lots and any subdivisions which require new public streets or is an expansion to an existing subdivision which has streetlights.
2. Requires the developer to pay for streetlight rent after the first year if the roads in the subdivision have not yet been accepted into the State road system.
3. Requires streetlights in subdivisions with private streets to have streetlights paid for by the homeowners association or some other approved entity.

He stated that after long consideration the Planning Commission unanimously recommended approval of this amendment in accordance with the staff recommendation.

Mr. Taylor opened, then closed the public hearing as there was no one wishing to speak to the matter.

Mr. Taylor stated that he heard that the Highway Department takes a long time accepting the streets in their system.

Mr. Morton stated that often developers drag their feet in curing all defects so the roads meet State standards for acceptance.

Mr. Mahone stated his concerns about the timing of the Lake Toano streets being dedicated to the Highway Department and that the developer has to pay the rent while he awaits acceptance into the system.

Mr. Oliver stated that the County does not delay the developers in any way, but that the construction is controlled at the developer's pace.

Mr. Robert Hornsby, developer, stated that he would agree with Mr. Oliver's comments and finds no fault with the County nor the Highway Department.

Mr. Edwards made the motion to approve the ordinance amendment.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

ORDINANCE NO. 30A-9

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING ARTICLE I, IN GENERAL, SECTION 17-17, STREETLIGHTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, that Chapter 17, Article I, In General, Section 17-17, Streetlights, is hereby amended and reordained.

CHAPTER 17 SUBDIVISIONS Article I. In General

Section 17-17. Streetlights.

The subdivider shall have installed adequate streetlights at locations recommended by the servicing electric power company and approved by the subdivision agent in a subdivision which requires the construction of a new public street, expands an existing subdivision which has an existing streetlight system or contains more than five lots.

The subdivider shall deposit with James City County one year's rent for the streetlight system prior to recording the subdivision plat. In addition, should the streets within the subdivision not be accepted into the state road system prior to the end of the first year's streetlight billing period for which the annual charges were deposited, the subdivider shall reimburse the County for any additional rental charges incurred prior to dedication of the streets.

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In subdivisions in which streetlights are required, which are intended to be served by private streets, streetlights shall be installed by the subdivider at locations approved by the subdivision agent. Streetlight systems along private streets shall be maintained and all operating expenses paid by the homeowners' association or other entity representing the lot owners which has been approved by the subdivision agent. (Ord. No. 30A-9, 3-12-84)

Mr. Taylor stated that the Board should go into Executive Session to discuss Mr. Albert Slater's request.

Mr. Brown made the motion to convene into Executive Session to discuss a legal matter, pursuant to Section 2.1-344(a)(6) of the Code of Virginia, 1950 as amended.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

The Board convened into Executive Session at 8:30 P.M. and returned to Public Session at 8:40 P.M. at which time Mr. Morton recommended that the Board not change its position on the matter, and that Mr. Slater be required to meet the terms of the current ordinance if he desires to place eight mobile homes on the parcel.

Mr. Slater stated that he did everything as he was advised to do when filing for the permits and felt that the County has not treated him fairly.

D. CONSENT CALENDAR

Mr. Taylor asked the Board members if they wished to have any items removed from the Consent Calendar.

Mr. Brown requested that items 4 and 5 be removed.

Mr. DePue requested that item 1(c) be removed.

Mr. Taylor made the motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

1. Set Public Hearing Date of April 9, 1984 for:
 - a. Case No. Z-16-83. Horace E. Henderson
 - b. Case No. SUP-5-84. Albert & Mary Letchworth
2. Dedication of Streets in Lake Toano, Sections A & B and North Cove, Sections 1 & 2

RESOLUTION DEDICATION OF STREETS IN LAKE TOANO SECTIONS A AND B

WHEREAS, the developer of Lake Toano Subdivision, Sections A and B, has requested the Board of Supervisors to include certain streets into the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Lake Toano Subdivision, Sections A and B, to be included in the State Secondary Highway System provided these streets meet with the requirements of the Virginia Department of Highways and Transportation, and provided that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a 90-day period from the date that the Department of Highways and Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that the Department of Highways and Transportation be and it is hereby respectfully requested, contingent upon the above, to include the following streets in Lake Toano Subdivision, Powhatan Magisterial District, James City County, in the State Secondary Highway System:

1. State Route 1001 - 60 foot right-of-way (Church Lane extended)

From: State Route 1001

To: Warren's Pond Road

Distance: 1031 feet (0.20 miles)
2. Warren's Pond Road - 50 foot right-of-way

From: State Route 1001 (Church Lane extended)

To: End of cul-de-sac

Distance: 801 feet (0.15 miles)

A total of 1832 feet (0.35 miles)

The rights-of-way of 60 and 50 feet along with 20 foot drainage easements is guaranteed as evidence by the following plats of record: Lake Toano - Section A, recorded in Plat Book 34, page 96, dated November, 1974; and, Lake Toano - Section B, recorded in Plat Book 36, page 5, dated February 28, 1980.

BE IT FURTHER RESOLVED, that this resolution be forwarded to the Resident Engineer of the Department of Highways and Transportation.

RESOLUTION
DEDICATION OF STREETS IN NORTH COVE SUBDIVISION
SECTION 1 AND 2

WHEREAS, the developer of North Cove Subdivision, Section 1 and 2 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in North Cove Subdivision, Section 1 and 2 to be included in the State Secondary Highway System provided these streets meet with the requirements of the Virginia Department of Highways and Transportation, and provided that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a 90-day period from the date that the Department of Highways and Transportation makes its final inspection;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that the Department of Highways and Transportation be, and it is hereby respectfully requested, contingent upon the above, to include the following streets in North Cove Subdivision, Stonehouse Magisterial District, James City County, in the State Secondary Highway System:

1. North Cove Road - 50' Right-of-way

From: State Route 604

To: End of cul-de-sac (North Cove Road)

Distance: 1240' (0.24 miles)
2. Barlows Run - 50' Right-of-way

From: North Cove Road

To: End of cul-de-sac (Barlows Run)

Distance: 557' (0.11 miles)

A total of 1797' (0.35 miles)

The right-of-way of 50 feet along with 20 foot drainage easements is guaranteed as evidence by the following plats of record: North Cove, Section 1, recorded in Plat Book 34 Page 30, dated February 3, 1977; and, North Cove; Section 2, recorded in Plat Book 36 Page 85, dated May 29, 1981.

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BE IT FURTHER RESOLVED, that this resolution be forwarded to the Resident Engineer of the Department of Highways and Transportation.

3. Granting of a Utility Easement to James City Service Authority

R E S O L U T I O N
UTILITY EASEMENT AT MID-COUNTY
DISTRICT PARK TO JAMES CITY SERVICE AUTHORITY

WHEREAS, James City County owns 18.4 acres of land located on Ironbound Road (tax map parcel (38-3)(1-10)); and

WHEREAS, the Mid-County District Park will be located on said parcel; and

WHEREAS, James City County is the recipient of Federal Land and Water Conservation Funds for the development of the Mid-County Park; and

WHEREAS, land dedicated for park use can be used solely for park development when Land and Water Conservation Funds are involved; and

WHEREAS, the James City Service Authority requires land within the Mid-County Park boundary for the development of a County well site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby authorizes the execution of a Deed of Easement conveying a perpetual easement to the James City Service Authority on, across and over one acre of land for purposes of the location and operation by said Authority of a well and other related utility uses, at a value of sixty-six hundred dollars, the property described as follows:

One acre of property located on the proposed Mid County Park consisting of 18.4 acres, said acre situate at the southwesterly portion of the 18.4 acre tract.

D-1c Case No. CUP-1-84. Old Town Farms

Mr. DePue stated that he pulled the item to abstain on the vote.

Mr. Brown made the motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, Taylor (4). NAY: (0). Mr. DePue abstained.

R E S O L U T I O N
CONDITIONAL USE PERMIT
CASE NO. CUP-1-84

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a temporary mobile home on property owned and developed by the applicant as described below and on the attached site location map.

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|-------------------------|----------------|
| Applicant: | Old Town Farms |
| Real Estate Tax Map ID: | (33-3) |
| Parcel No. | (1-20) |
| District: | Berkeley |
| Zoning: | R-3 and R-5 |

Permit Term: The permit term shall expire at the end of two years from this date or the date of the certificate of occupancy of the residence to be constructed on the site, whichever is first.

Further Conditions: None

4. Preallocation Hearings, Suffolk District

Mr. Brown stated that the County might get the Route 199 extensions finished quicker if it approaches the Highway Department with a request for funding sections at a time.

Mr. Oliver stated that it will be made clear at the hearing by Mr. Taylor the County's desire on this matter.

Mr. Brown made the motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

RESOLUTION
HIGHEST PRIORITY HIGHWAY PROJECTS IN
JAMES CITY COUNTY

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

WHEREAS, there presently exists a pressing need within the community to implement the three projects below in order to relieve traffic congestion which at times threatens the health and safety of County residents and visitors by impeding the actions of emergency vehicles and personnel, which causes inconvenience and delay, and contributes the major source of air pollution to the area; and

WHEREAS, public hearings for the corridor selection of Route 199 were successfully completed early in 1979, and the access point for the Grove Interchange on Interstate 64 was approved in that same year; and

WHEREAS, commitments to primary road improvements are mandatory to maintain a healthy, viable tourism industry in the Williamsburg-James City County area which contributes substantially to state revenues; and

WHEREAS, the Six-Year Improvement Program through fiscal year 1987-1988 programmed \$150,000 for preliminary engineering on Route 199 for FY 1987-1988; and this commitment was deleted from last year's Six-Year Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the following highest priority primary highway projects in James City County should be included in the Six-Year Program:

1. The design, construction and completion of Route 199.
2. The design, construction and completion of the Grove Interchange.
3. The extension of Monticello Avenue from its intersection with Ironbound Road to the proposed extension of Route 199.

BE IT FURTHER RESOLVED that the construction of Route 199 be developed in phases, and \$1.5 million in preliminary engineering be committed in FY 84-85.

5. Mid-Year Budget Transfers

Mr. Mahone and Mr. Brown had some questions regarding the substitution of a clerical position in the Building Inspections Department.

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Mrs. Burcham explained that the position was substituted for a recreation specialist due to increased program demands in Recreation and that a transfer is needed to continue this position.

Mr. Mahone noted that this transfer will alter next year's budget.

Mr. Brown made the motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

RESOLUTION
YEAR END BUDGET TRANSFERS

WHEREAS, transfers of existing personnel positions and the need to operate County Parks creates a need to transfer appropriations;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the following appropriation transfers:

| | |
|-------------------------|----------|
| From: General Services | \$12,500 |
| Judicial Administration | 7,635 |
| Public Safety | 4,000 |
| To: Recreation | \$24,135 |

BE IT FURTHER RESOLVED that prior appropriations for the Humanities Grant program of \$12,200 and the 350th Anniversary of \$25,000 be designated to carry the unspent portion of funds beyond June 30, 1984 to allow for the completion of these programs.

Mr. DePue requested that he be provided with a memorandum regarding the unappropriated carryforward funds.

E. BOARD CONSIDERATION

1. Landfill Ordinance Amendment

Mr. Wayland N. Bass, Public Works Director, presented this matter to the Board recommending the emergency adoption of this amendment and that a public hearing be set for April 9, 1984. He stated that the changes are intended to accomplish two objectives—to strengthen our ability to control refuse entering the Landfill from outside the County and the ordinance will be made internally consistent regarding tipping fees charged.

Mr. Oliver stated that he has made it clear to other jurisdictions and haulers that there must be an agreement signed between the two jurisdictions in order to accept waste from other jurisdictions.

Mr. Edwards made the motion to approve the ordinance amendment.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

ORDINANCE NO. 116A-7

AN ORDINANCE TO AMEND CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE II, LANDFILL ORDINANCE.

BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Chapter 8, Health and Sanitation, of the Code of the County of James City be and the same is, hereby, amended by amending Article II, Landfill Ordinance to read as follows:

CHAPTER 8
HEALTH AND SANITATION
Article II Landfill Ordinance

Section 8-8, In General.

(a) Policy. The purpose of this Ordinance is to insure the proper disposal of solid wastes within James City County, including wastes from households, commercial establishments, manufacturing, industry, and institutions, and to implement the provisions of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) and the Solid Waste Regulations of the Commonwealth of Virginia. It shall be the official policy of the County to encourage the conservation (recycling/reuse) of recoverable resources from solid wastes by the industries, businesses and citizens of the County.

(b) Definitions. For purposes of this Ordinance, the following definitions shall apply:

- (1) "Administrator:" The County Administrator or his authorized designee.
- (2) "Bulky waste:" Large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.
- (3) "Building and Demolition Debris:" The waste building material, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures.
- (4) "Commercial/Business Refuse:" Refuse or wastes resulting from the operation of commercial or business establishments, including but not limited to stores, markets, offices, restaurants, shopping centers or theaters.
- (5) "Compacted Refuse:" Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at the landfill.
- (6) "Director:" The Director of Public Works or his authorized designee.
- (7) "Garbage:" All vegetable and animal waste generated by the handling, storage, sale, preparation, cooking and serving of foods.
- (8) "Hazardous Waste:" Refuse or waste or combinations of refuse or waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (9) "Household Refuse:" Refuse or waste resulting from residential operation.
- (10) "Industrial Refuse:" Refuse or waste resulting from industrial and/or manufacturing operations.
- (11) "Institutional/Governmental Refuse:" Refuse or waste resulting from operations or activities of the Commonwealth of Virginia, its political subdivisions or agencies, or the United States Government.

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- (12) "Person:" An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or the federal government.
- (13) "Trash:" Any and all rubbish, cans, bottles, containers, paper, cardboard or other discarded material of an inorganic nature.
- (14) "Uncompacted Refuse:" Refuse or waste which has not been reduced in volume by mechanical or hydraulic means, or if so, has not been maintained in this reduced volume state during transportation to the landfill.
- (15) "Waste Generator:" The person who actually produces the commercial, household, industrial or institutional/governmental refuse intended for disposal at the landfill.

(c) The Director shall be authorized to establish reasonable rules and regulations to determine the origin and type of refuse presented at the landfill for disposal.

(d) It shall be unlawful for any person to dispose of refuse originating outside the boundaries of James City County at the landfill unless an agreement exists between James City County and the jurisdiction in which the refuse originates.

(e) It shall be unlawful for any person to dispose of refuse at the County landfill before weighing the vehicle containing said refuse, except in certain cases as described below.

Sec. 8-9, Household Waste.

(a) Individuals using an automobile, station wagon, half-ton panel truck or half-ton pickup truck, with a valid county motor vehicle tag, decal or sticker, for the purpose of disposing of household refuse at the county landfill will not be required to pay for disposal of refuse, provided that the refuse being disposed of was neither collected nor hauled for a fee.

(b) Commercial, Industrial and Governmental Waste generators who bring their own refuse to the landfill, and commercial refuse operators/haulers regardless of the origin of the refuse shall pay the following fees:

- (1) Seven dollars (\$7.00) per ton, computed on the basis of seven cents per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be two dollars (\$2.00) per load; provided, however, commercial refuse operators hauling household refuse originating within the boundaries of James City County shall pay the following fees:
- (2) Three dollars and fifty cents (\$3.50) per ton, computed on the basis of three and a half cents (\$0.035) per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be two dollars (\$2.00) per load.

Any person exempted from payment of the charge for the disposal of refuse as provided in section 8-9(a) above will not be assessed any charges as provided in this paragraph.

(c) The Director may promulgate reasonable rules and regulations to permit certain materials (for example, soil or gravel) determined to be beneficial in the proper operation and maintenance of the landfill to be disposed of without charge to the hauler.

(d) Tires. Whenever more than two (2) passenger car tires are disposed of on any occasion at the county landfill by any person, firm or

corporation, a separate fee of thirty-five cents (\$0.35) shall be charged for each tire above two. The Director may at his discretion authorize the disposal of tires other than passenger car tires, at a charge per tire to be negotiated between the Director and hauler disposing of the tires.

Section 8-10, Industrial Refuse.

(a) Prior to the acceptance of industrial refuse at the landfill, the person desiring to dispose of same shall secure a permit from the Director. Prior to the issuance of such a permit, the Director shall determine the compatibility of the specific refuse with the landfill method of disposal. In determining such compatibility, the Director shall consider disposal volume, difficulty of handling, employee safety, likelihood of equipment damage, any unusual health and environmental problems and current State and Federal regulations.

(b) The disposal charge for industrial refuse that does not require disposal in a separate location (trench) from household or commercial waste shall be assessed on the basis of the charges defined in Section 8-9 (b) unless covered by Section 8-10 (d).

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of seven dollars (\$7.00) per ton but may be higher as determined by the Director. In establishing the fee for disposal of a specific waste requiring separate disposal, the Director shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, State and Federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) Separate Contracts. The Administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the County annually, and may be offered to generators that exceed eight thousand (8000) tons per year. No such contract will guarantee the County less than fifty-six thousand dollars (\$56,000) per year.

Section 8-10.1 Building, Demolition and Land Clearing Debris.

Building, demolition and land clearing debris wastes shall be accepted at the landfill provided all other provisions of this article have been satisfied. The charge shall be the same as in section 8-10(c).

Section 8-11, Institutional/Governmental Waste.

Institutional/governmental waste shall be accepted at the landfill, provided all other provisions of this Ordinance have been satisfied. The charge shall be the same as in Section 8-9 (b).

Section 8-12, Prohibited Waste.

(a) Refuse or wastes resulting from landfill operations, situate on other than County property and not under the supervision of the County, are declared to be incompatible with the method of landfill disposal in terms of volume, difficulty in handling and the potential for damage to equipment and as such shall not be accepted for disposal at the landfill.

(b) Materials, whether solid, liquid or gaseous, which are classified as either hazardous or toxic in accordance with State and Federal rules and regulations are prohibited.

Section 8-13, User Charge by Volume.

(a) Should the landfill scales be inoperative, the Director shall base the charges applied upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of no fewer than fifteen previous weighings by the vehicle carrying such waste and shall be modified by visual inspection of the vehicle if such is feasible.

(b) For vehicles for which no history of previous weight data exists as described in (a) above, the following rates shall apply:

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- (1) Uncompacted refuse seventy cents (\$0.70) per cubic yard of truck capacity.
- (2) Compacted refuse - one dollar and seventy-five cents (\$1.75) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be two dollars (\$2.00) per load.

Section 8-14, County Refuse Containers.

Refuse containers shall be provided by the County at various locations to supplement existing private collection services as needed. The usage of said containers shall be governed by the following provisions and any other regulations as the Board of Supervisors or the Director may establish:

(A) Permitted and Prohibited Use.

- (1) Permitted Uses. County refuse containers or dumpsters are to be used for the deposit and storage of household trash and garbage only.
- (2) Prohibited Materials. It shall be unlawful to deposit any of the following materials into County refuse containers or dumpsters:
 - (a) Bulky waste.
 - (b) Building and demolition debris.
 - (c) Hazardous waste.
 - (d) Commercial and industrial refuse.
 - (e) Dead animals.
 - (f) Waste brought in from outside James City County.
- (3) Abuse of containers and container sites. It shall be unlawful to tamper with, overturn or otherwise damage refuse containers. Additionally it shall be unlawful to litter container sites, create any health problems thereon or to place any refuse outside of, on top of or adjacent to any refuse container.

If a container is filled, the trash must be placed in another refuse container which is not filled or taken to the County Landfill site.
- (4) Scavengers and Loitering Prohibited. It shall be unlawful for any person to engage in salvage work or to loiter on any container site owned, leased or used by the County.
- (5) Refuse Collectors. No person engaged in the business of collecting, transporting or disposing of garbage or trash shall dispose such refuse in any County container. Private refuse collectors shall transport collected refuse to the County landfill site or to another approved location.

(B) Administration and Enforcement.

The Director shall have the authority to implement and enforce the provisions herein contained and to promulgate any procedures, rules and regulations as may be deemed necessary.

Section 8-15, Billing Procedure.

- (a) The Department of Finance shall render bills monthly for service charges under this ordinance. The Director of Finance shall promulgate procedures for the handling of billings under this ordinance.
- (b) Payment of bills, delinquent charges, discontinuance of services:

- (1) Notices. Bills rendered under this ordinance are due and payable at the Office of the Treasurer upon presentment and shall be considered delinquent if not paid within thirty days of the date issued. If any bill is not paid within such thirty day period, an additional charge of one percent per billing period on the unpaid charges shall be added thereto and collected therewith to cover cost collection. The Director or his designee shall refuse to dispose of any refuse brought to the Landfill by any delinquent person, after giving five (5) days written notice thereof.

Section 8-16, Violation.

Any person, who shall violate a provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or thirty (30) days imprisonment, or both, for each violation.

An emergency exists and this Ordinance shall be in effect from the date of adoption.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Barry Fratkin, Chairman of the Parks & Recreation Commission, urged the Board of Supervisors to move forward on the first phase of the community center and stated their support and interest in the community center and confidence that two governing bodies could reach agreement.

Mr. Brown stated that the community center process has been quite frustrating to him.

Mr. DePue stated that the solution is not as simple as most people think and that he also has become frustrated with the process.

Mr. Edwards stated that this matter is complicated but that he is optimistic concerning the City of Williamsburg's decisions and that if we wait a little while things will work out.

Mr. Douglas Johnson, on behalf of the American Legion Baseball Team, requested that the Board consider a baseball field with lights.

Mrs. Burcham stated that the plans for the Mid-County Park include a baseball field with lights.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver suggested that the Board set a work session for March 26th at 1:00 to hear a report from Mr. Roger Scott on the County Pay and Classification Plan.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor stated that he has received requests that the channel at Croaker Landing be deepened.

Mr. Brown had several requests.

He suggested that the Board hold a work session to discuss what to do with the Richardson-Meadows property.

He requested a report on the current and remaining items needed concerning the HRSD report.

He suggested that the budget work session scheduled for the 27th be changed to the 28th at 7:00 because of a conflict with a Planning Commission meeting.

It was the consensus of the Board to reschedule the work session set for the 27th of March to the 28th of March at 7:00 P.M.

Mr. Brown requested that the Board convene into Executive Session to discuss reclassifications located in the Board reading material. He made the

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motion to convene into Executive Session to discuss personnel issues, pursuant to Section 2.1-344(a)(1) of the Code of Virginia, 1950 as amended.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

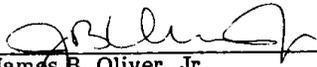
The Board convened into Executive Session at 9:40 P.M. and returned to Public Session at 10:20 P.M. at which time Mr. Mahone nominated Mr. Ronald T. Curtis to serve another five-year term on the Board of Adjustments and Appeals.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

Mr. Brown made the motion to recess until 1:00 P.M. March 26, 1984.

On a roll call, the vote was AYE: Brown, Edwards, Mahone, DePue, Taylor (5). NAY: (0).

The Board of Supervisors meeting **RECESSED** at 10:23 P.M.


James B. Oliver, Jr.
Clerk to the Board

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