

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, HELD ON THE THIRD DAY OF DECEMBER 1984 AT 5:00 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

Mr. Oliver reported that the architect for the Grove Fire Station addition was present to provide design information and cost figures on the proposed addition.

Mr. Bill Monroe of Caro, Monroe and Liang displayed revised drawings for the addition and proposed that the exterior of the addition be completed with Dryvit. He noted two alternates to the bid package for HVAC improvements to the existing structure. It was the consensus of the Board that the HVAC improvements be included as a part of the base bid package. The Board also asked for an estimate of the cost of covering the original building with Dryvit and a revision to the site plan to accommodate additional parking in the event the Fire Station is used as a polling place. Mr. Monroe agreed to supply this information at the next Board of Supervisors meeting.

Mr. Oliver then introduced the subject of development issues. Mrs. Victoria Gussman, Planning Director, gave a brief slide presentation of several development issues illustrated by specific projects in the County.

Wayland Bass, Public Works Director, summarized his department's resources and efforts in the control of soil erosion.

Garland Woody, Fire Chief, explained his department's involvement in the review stage as well as after development when units and businesses are occupied.

The Board reviewed a list of Boards and Commissions and requested work sessions with the Planning Commission and Parks and Recreation Commission prior to budget deliberations.

The Board of Supervisors recessed at 6:30 p.m.

  
 James B. Oliver, Jr.  
 Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 3RD DAY OF DECEMBER NINETEEN HUNDRED EIGHTY-FOUR AT 7:46 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

B. MINUTES November 19, 1984 - Work Session  
November 19, 1984 - Regular Meeting

Mr. Mahone made a motion to approve the minutes with corrections.

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

C. PUBLIC HEARINGS

1. Pre-Budget Public Hearing

Mr. John McDonald presented this matter to the Board. Mr. McDonald stated the purpose of this public hearing was to give County citizens an opportunity to provide comments for consideration prior to the time detailed staff work begins on the FY 1986 Budget. Mr. McDonald referred to the Budget Environment sheet, indicating the growth of the County in the areas of school enrollment, new water customers, building permits and the like.

Mr. Taylor opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, Virginia, stated his concerns about whether the County was getting its money's worth in its various programs. He asked if James City County really felt that a new location for the Crossroads Community Youth Home was cost effective and if the County did contribute, would that mean the budget would increase and the residents would be asked to pay more.

2. Mrs. Helene Ward, Clerk of the Circuit Court, asked the Board to appropriate funds to begin planning for a new Courthouse. She suggested an independent group, such as the National Center for State Courts, be engaged to do the study and select a site. Mrs. Ward summarized conditions in the present Courthouse as an eyesore and a disgrace to the community. Mrs. Ward also stated that it was only a matter of time until the Courthouse fell to the interest of Colonial Williamsburg and that the Board should start thinking about what we want and where to locate the new Courthouse.

Mr. Taylor closed the public hearing.

Mr. Mahone stated that this was the time for goal setting. Last year taxes were reduced by the amount of the increase in assessments and he wants to see them reduced even further this year.

Mr. DePue stated that at the next Board of Supervisors meeting they would be discussing the financial course of the County, such as capital needs and taxes, and invited the audience to attend.

2. Case No. Z-15-84. Reservoir Protection Overlay District Zoning Ordinance Amendment

Mr. Taylor opened the public hearing and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the Ordinance.

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

3. Case No. Z-16-84. Setback Definition Zoning Ordinance Amendment

Mr. Taylor opened the public hearing and as no one wished to speak, he closed the public hearing.

Mr. Mahone asked Mrs. Victoria Gussman what the definition of a flag lot was.

Mrs. Gussman responded that it was a lot shaped like a flag which has a long narrow stem which goes out to the road and the back part is wide.

Mr. Mahone made a motion to approve the Ordinance.

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

4. Case No. Z-13-84. Larry R. Cooke

Mr. Taylor opened the public hearing and as no one wished to speak, he closed the public hearing.

Mr. DePue questioned if the proffers go with the land regardless of ownership.

Mr. Morton said yes and that it was recorded on the Zoning Map in the Planning Department.

Mr. Mahone said he understood the intent of the zoning in this case but the property across the street and to the north of this property was all single family residences. He stated Sandy Bay Road is definitely a single family residential area and that this would be the only lot parcel, other than corner lots, that would have business usage and he does not agree with this. He stated he understood the proffers indicated all equipment would be enclosed but he felt it was not in keeping with the residences around the property. He felt that this was an awkward situation because the owner could have his business on one half of his property but the other half had to be rezoned before he could use it for business.

Mr. Brown commented that the first zoning map had been drawn without precise knowledge of property lines and he felt the Commission was right in view of this unique situation.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION OF APPROVAL

CASE NO. Z-13-84. LARRY R. COOKE

WHEREAS, in accord with Section 15.1-431 of the code of Virginia and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled and conducted on December 3, 1984 for zoning Case No. Z-13-84 for rezoning of approximately 9300 square feet from R-1, Limited Residential, to B-1, General Business, and

WHEREAS, the Planning Commission following its public hearing on September 25, 1984, recommended approval of zoning Case No. Z-13-84 with proffers on October 23, 1984;

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the rezoning of approximately 9300 square feet identified as a portion of parcel (2-8B) on James City County Real Estate Tax Map No. (47-3) from R-1, Limited Residential, to B-1, General Business, and accepts the voluntary proffer of conditions signed by Mr. Larry R. Cooke, property owner.

5. Case No. SUP-38-84. James H. Hood

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Mr. Taylor opened the public hearing and as no one wished to speak, he closed the public hearing.

Mr. Mahone asked if there would be a requirement for an all-weather road to get to the rear mobile home property in case of an emergency.

Mrs. Gussman said that there would not be a requirement.

Mr. DePue asked if that was not also the case of a single family home.

Mrs. Gussman responded yes.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

SPECIAL USE PERMIT

CASE NO. SUP-38-84

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 two mobile homes on property to be owned and developed by the applicant as described below .

Applicant: James H. Hood

Real Estate Tax Map ID:

Parcel No. (1-11A)

District: Powhatan

Zoning: A-1, General Agricultural

Permit Term: This permit is valid only for the mobile homes applied for. If the mobile homes are removed, then this 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:

meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

The number of bedrooms on each septic system shall not exceed two.

Existing vegetation on the lot shall be maintained along the northern, western and southern property lines for a depth of at least 20 feet. Existing vegetation on the lot shall be maintained for a depth of at least 50 feet along the eastern property line fronting on Centerville Road.

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

Mr. Mahone requested that item 3 be removed from the Consent Calendar.

Mr. Edwards moved the approval of the remaining items on the Consent Calendar.

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

1. Postal Service - Norge

RESOLUTION

POSTAL SERVICE - NORGE

WHEREAS, the Board of Supervisors of James City County has previously endorsed the need for expanded postal service to the community; and

WHEREAS, the Norge Post Office has been an integral part of the existing service to residents; and

WHEREAS, the postal service is seeking new quarters for this facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County urges the retention of a facility in the Norge area with expanded capabilities for serving the population.

BE IT FURTHER RESOLVED that this support and interest be communicated to the appropriate Postal Officials.

2. Inoculation of Cats

RESOLUTION

INOCULATION OF CATS

WHEREAS, the Board of Supervisors of James City County is concerned for the health and safety of its citizens; and

WHEREAS, the incidence of rabies in animals is increasing in Virginia; and

WHEREAS, the inoculation of domestic animals creates a barrier between humans and wild animals; and

WHEREAS, the inoculation of dogs is required in Virginia but the inoculation of cats is optional.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County encourages residents who own cats to voluntarily inoculate these animals against rabies and thereby reduce the risk of humans contracting this disease.

BE IT FURTHER RESOLVED that this Resolution be transmitted to local veterinarians and otherwise disseminated for citizen awareness.

4. Dedication of Streets in Shellbank Woods, Phase I

RESOLUTION

DEDICATION OF STREETS IN SHELLBANK WOODS, PHASE I

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WHEREAS, the developer of Shellbank Woods Subdivision, Phase I, 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 Shellbank Woods Subdivision, Phase I, 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 Shellbank Woods Subdivision, Berkeley Magisterial District, James City County, in the State Secondary Highway System:

1. The Maine West - 50 foot right-of-way

From: State Route 1101

To: End of cul-de-sac

Distance: 1,581 feet (0.30 miles)

2. Cardinal Court - 50 foot right-of-way

From: The Maine West

To: End of cul-de-sac

Distance: 532 feet (0.10 miles)

The rights-of-way of 50 feet along with drainage easements are guaranteed as evidence by the following plats of record:

Shellbank Woods, Phase I, recorded in Plat Book 36 - Page 92, dated July 1, 1981; and, Deed Book 214, Page 760, dated July 1, 1981.

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

5. Combined Personal Property and Decal Form

RESOLUTION

COMBINED PERSONEL PROPERTY RETURN  
AND VEHICLE REGISTRATION FORM

WHEREAS, the Board of Supervisors of James City County has been requested by the Treasurer and the Commissioner of Revenue to endorse the elimination of separate filings of personal property returns to the Commissioner and vehicle decal forms to the Treasurer by combining these filings into one for the joint use of both offices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby endorses the proposed "James City County Vehicle Registration and Personal Property Return" as recommended by the County Treasurer and the Commissioner of Revenue.

6. Telephone System Lease Purchase Financing

RESOLUTIONAUTHORIZATION FOR LEASE PURCHASE FINANCING FOR  
NEW TELEPHONE SYSTEM

WHEREAS, the Board of Supervisors of James City County authorized the County Administrator to enter into two contracts with Contel Service Corporation for telephone systems for the Government Center and the Human Services Facility contingent upon securing an acceptable lease-purchase financing agreement; and

WHEREAS, the County has solicited proposals for lease-purchase financing agreements for the two telephone systems; and

WHEREAS, a thorough review of all proposals received resulted in the proposal by Dominion Leasing Corporation being determined the most attractive;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby authorize the County Administrator to enter into two contracts with Dominion Leasing Corporation for lease-purchase financing for telephone systems for the Government Center and the Human Services Facility, as described in the proposals submitted by Dominion Leasing Corporation.

3. Name Change for the Welfare Board

Mr. Mahone stated there was a lot of expense involved in this matter and he felt the current name expressed what the agency did so, therefore he saw no need to change it.

Mr. Edwards said the Board does more than administer welfare programs and the name should be changed to be consistent with the State Board.

Mr. Edwards moved the approval of the resolution.

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

RESOLUTIONWELFARE BOARD NAME CHANGE

WHEREAS, a 1984 change in the Code of Virginia permits the local governing body to designate its local board of public welfare as the "Board of Social Services;" and

WHEREAS, the James City County Welfare Board requests that its name be changed,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby designates the local board of public welfare as the "James City County Social Services Board."

Mr. DePue stated the residents of Norge wanted to express their thanks for the Board's resolution on the Post Office in Norge.

Mr. DePue requested copies of the Inoculation of Cats Resolution be sent to area Veterinarians.

Mr. Mahone suggested that in reference to item D-5 (Combined Return), it would be better to have one full page personal property return for owners with several pieces of personal property rather than individual forms for each property.

E. BOARD CONSIDERATIONS

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1. Proposed Taxi Ordinance

Mr. Frank Morton presented this matter. He stated that the only reference to rates require the driver to provide them if requested by a passenger as stated in 18A-7 of the Ordinance. He also stated that he has included a requirement that the County be notified of any rate change.

Mr. DePue asked about posting of rates.

Mr. Morton said that it had been investigated by Mr. Elliott and it was not feasible to do this due to the size of the map required to depict the zone rate structure.

Mr. Brown moved approval of the resolution.

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

2. Sanitary District No. 2 Water and Sewer Extensions

Mr. John McDonald presented this matter to the Board. He stated that in the early seventies a sanitary sewer system and water distribution lines were designed and constructed in Sanitary District No. 2 using a combination of federal loan and grant funds. He stated that due to limitations placed on these funds and the limited amount of funds, it was not possible to extend utilities to serve all property within the Sanitary District. He stated that the purpose of this request is to provide utility service to the redevelopment area as new streets are added and that only District funds are proposed to be used.

Mr. Mahone asked what Sanitary District Lake Powell Road was in.

Mr. McDonald stated that Lake Powell Road was a James City Service Authority system not a Sanitary District system.

Mr. DePue questioned if the appropriation was to cover all of the extensions listed on page 1 of the memorandum.

Mr. McDonald replied in the negative and that all of Sanitary District No. 2 property has been prioritized and placed on the list.

Mr. Brown asked specifically which lines would be done at this time.

Mr. McDonald stated that funds would permit extensions on the new roads identified in the Community Development Redevelopment Plan.

Mr. DePue asked if the extension passed an existing septic system, would mandatory connection occur.

Mr. McDonald said the State does not allow mandatory connections in Service Authority systems but the Sanitary District was not affected by the State legislation and can require mandatory connection.

Mr. DePue asked if the District had elected not to make connection mandatory.

Mr. McDonald stated that was correct.

Mr. DePue asked if the extension involved a new development, would connection be mandatory then.

Mr. McDonald said in this instance, mandatory connection is required.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTIONSANITARY DISTRICT NO. 2 WATER AND SEWER EXTENSIONS

WHEREAS, the Board of Supervisors of James City County, as Director of Sanitary District No. 2, has been requested to use funds already identified for utility extensions within the District for two new streets established under the Community Development program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the following budgetary adjustment, committing funds to water and sanitary sewer lines within the Grove Redevelopment area, as follows:

## Source of Funds:

## Utility Extension Funds - Sanitary District No. 2

Fiscal Year 1984 appropriation,	\$100,000
Carry forward to Fiscal Year 1985	22,490
Fiscal Year 1985 Appropriation	<u>\$122,490</u>

## Capital Projects, Utility Extensions:

Main through street from Route 60 to Church Road - water and sewer	\$112,320
Whiting Connector Road sewer line	10,170
	<u>\$122,490</u>

3. Library Board Requests

Mr. John McDonald presented this matter to the Board. He stated at a recent worksession, the Library Board requested the Board of Supervisors to review the possibility of establishing one local appropriation for the combined Library/Arts Center effective July 1, 1984, to increase the match for State Aid. He stated other issues they wanted reviewed were the use of a \$1,874 surplus in Library funds to fund an Arts Center deficit of \$1,722 in the Arts Center, the institution of an adjusted accrual budget system and a computerized library system.

Mr McDonald stated the Library Board agreed to a request to the Board of Supervisors to obtain the services of an expert Data Processing Consultant to evaluate the potential of a combined Library/County system for a fee of \$1,800. Mr. McDonald stated the Library Board, at the completion of the evaluation and planning process, would recommend an automated system for the Library under a "challenge grant" concept. He stated the City, County and Library (through solicitation of private funds) would share the cost one-third each. He stated that would come out to \$33,333 each with a total of \$100,000 at present cost estimates. He stated that efforts relating to this automated system are timed for possible inclusion in the FY 1986 budget.

Mr. Oliver asked Mr. McDonald if the Library Board could try to hold its costs down by prioritizing its needs and not seek solicitation unless needed.

Mr. McDonald said the Library Board was looking at this more as a "challenge grant" and that even by cutting the Library Board costs, \$33,333 was too much to fund in this manner and they would need to supplement such an approach with outside donations.

Mr. Brown moved approval of the first resolution.

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

RESOLUTIONAPPROPRIATION TO LIBRARY AND ARTS CENTER

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WHEREAS, the Williamsburg Regional Library Board has requested that the Board of Supervisors of James City County make one combined local appropriation for the operation of the Library and Arts Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County shall amend the appropriation of funds for the Williamsburg Regional Library to indicate one combined James City County appropriation of \$210,614 for the year ending June 30, 1985 and to include fund balances in existence as of July 1, 1984.

Mr. DePue stated he had talked with Mr. Trainum about the second resolution and Mr. Trainum's concern was that a decision was needed for next year's budget and Mr. Depue said he endorsed that goal because he felt we owed it to the Library. Mr. DePue felt that the Library Board worked hard in evaluating computerization and feels that they did a creditable job; however, a second opinion is needed and he said that Mr. Trainum was confused because he thought it was the Library's job to get the second opinion and not the County's. Mr. Depue stated that if we do hire a consultant we should consult with the Library in a cooperative manner.

Mr. McDonald stated that the County really does not know anything about computerization of Library needs and it will be a joint effort.

Mr. Depue said he supported the concept but he stated the County had to be careful in lending assistance to the Library Board.

Mr. Edwards asked if the Library might work out something with the City.

Mr. McDonald stated the City computer system will not accomodate the Library's needs.

Mr. Taylor asked if the \$1,800 was the total cost and if the City would reimburse the County.

Mr. McDonald said the City had not been approached on this matter.

Mr. Taylor said this should be paid for on a 50/50 basis. He stated the County has paid its share of the Library and we should not have to pay for all of this item and the City should pay. He stated that if a better solution was not presented, he would vote no on the resolution.

Mr. Brown stated he would vote no on the resolution.

Mr. Edwards said we should look into this matter further and feels that we should hire a consultant to examine the Library needs. He stated he was not opposed to the consultant.

Mr. DePue stated that he and Mr. Trainum agree on the system and he fully supports the appropriation for the study. He stated we don't have enough time to continue discussions, but should work hand-in-hand.

Mr. Brown asked who would hire the Consultant.

Mr. Oliver said the County would hire the Consultant.

Mr. Mahone asked Mr. McDonald about our computer's availability after normal hours.

Mr. McDonald said the system stays up overnight now and if there was a need to extend the hours, they could make arrangements to fit the Library's schedule.

Mr. Brown stated that he felt Mr. Trainum should be present at the meeting so he could make his comments known to the Board.

Mr. Brown made a motion to defer the resolution.

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

4. Crossroads Community Youth Home New Facility

Mr. Anthony Conyers presented this matter to the Board. He stated the function of the Crossroads was to provide a residential treatment alternative to State commitment for delinquent male juveniles. He stated that the facility was certified as a nine bed facility and 30-35 youths were served on an annual basis, with 21 youths from James City County in 5 years. Mr. Conyers stated the cost of keeping a youth at Crossroads was less than one-third the cost of confinement in a state institution.

Mr. Conyers informed the Board the home serves communities of Williamsburg/James City County, York County and Gloucester County and non-participating communities may utilize the facility on a space available basis. He stated the facility was managed by the Colonial Court Services Management Board. Mr. Conyers stated the facility was a rental facility and listed the badly needed repairs for which Crossroads is responsible. He explained the cost of a new facility would be \$300,000 and the cost would be divided among the participating jurisdictions with James City County's cost \$55,900. He explained that in accordance with the Code of Virginia 50% of the cost would be returned to the jurisdictions provided funds were designated in the state budget, which would mean James City County would be reimbursed \$39,000.

Mr. Taylor asked if the maximum capacity would be 12 in the new facility.

Mr. Conyers responded that the maximum capacity would have to be approved by the State and that at present the capacity would be limited to nine but could be changed to 12.

Mr. Taylor asked if the facility was at maximum capacity at all times and if there was a waiting list and what condition the facility was in.

Mr. Conyers responded that the facility was a rental facility in very poor condition. They had problems with rodents and the threat of possible eviction every six months.

Mr. Brown stated that he was surprised the cost was not shared on a usage basis and felt a citizen review board should be appointed to look at the operation of the facility.

Mr. Brown asked if the youths were placed in the facility by the Court on other than criminal charges and noted that the facility was not a substitute for foster care.

Mr. Don Willis said that it was used for both purposes. Mr. Willis stated there was a review board of admissions and discharges.

Mr. Brown asked who monitors the youths.

Mr. Willis said the Probation Officer is involved.

Mr. Brown made a motion to defer this item for two weeks to allow time for staff to meet with Mr. Oyer regarding his concerns. He requested a copy of the questions raised by Mr. Oyer and the answers supplied him by staff and the Crossroads Director.

Mr. Conyers and Mr. Oliver encouraged Board members to tour the facility.

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

F. **MATTERS OF SPECIAL PRIVILEGE - None**

G. **REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Oliver suggested the Board convene into Executive Session at the appropriate time to discuss a real estate and legal issue.

Mr. Oliver requested a decision on the 1985 meeting schedule. After a lengthy discussion, Mr. Brown suggested the Board of Supervisors 1985 meeting schedule remain the same, the 2nd and 4th Mondays, except Work Sessions would be held at 1:00 p.m. on the afternoon meeting dates.

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**H. BOARD REQUESTS AND DIRECTIVES**

Mr. DePue made a motion to go into Executive Session to discuss two personnel issues, acquisition of real estate and a legal matter pursuant to Sections 2.1-344(a)(1), (2), (6) of the Code of Virginia, 1950, as amended.

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

The meeting convened into Executive Session at 10:15 p.m.

The Board reconvened into public session at 11:17 p.m.

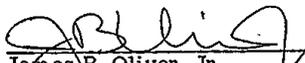
Mr. DePue moved the approval of Anne Peet to the board vacancy on the Colonial Services Board.

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

Mr. DePue made a motion to recess until 1:00 p.m., December 17, 1984.

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

The meeting recessed at 11:19 p.m.

  
James B. Oliver, Jr.  
Clerk to the Board

/jnh  
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ORDINANCE NO. 31A - 85

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, BE AMENDING ARTICLE I, IN GENERAL, SECTION 20-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 20, ZONING, of the Code of the County of James City, Article I, In General, Section 20-2, Definitions, is hereby amended and reordained.

CHAPTER 20

ZONING

Article I, In General

Dec. 3, 84

Section 20-2. Definitions

**SETBACK.** The distance by which any building or structure must be separated from the front lot line.

ORDINANCE NO. 31A - 86

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING ARTICLE XI, OVERLAY DISTRICTS, DIVISION 1, RESERVOIR PROTECTION OVERLAY DISTRICT, RP.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 20, Article XI, Overlay Districts, Division 1, Reservoir Protection Overlay District, RP, is amended by adding Section 20-179.

CHAPTER 20

ZONING

Article XI, Overlay Districts

DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP

Section 20-179. Drainage Exception

If the engineer performing or reviewing the topographic analysis required by the guidelines, Design Manual for Runoff Analysis, certifies that the natural drainage of any portion of the site is not toward Ware Creek or its tributaries, such land shall be exempt from the provisions of the Reservoir Protection Overlay District.

ORDINANCE NO. 155

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF JAMES CITY BY ADDING A NEW CHAPTER, CHAPTER 18A, TAXICABS AND OTHER FOR-HIRE VEHICLES, INCLUDING THE FOLLOWING SECTIONS:

- Section 18A-1     Definitions
- Section 18A-2     Certificate of public convenience and necessity

Section 18A-3	<i>Application for certificate; filing deadlines</i>
Section 18A-4	<i>Issuance of certificate</i>
Section 18A-5	<i>Indemnity bond or liability insurance required</i>
Section 18A-6	<i>Inspection of vehicles.</i>
Section 18A-7	<i>Rates - Generally</i>
Section 18A-8	<i>Marking vehicles</i>
Section 18A-9	<i>Duty of for-hire car driver to keep vehicle clean</i>
Section 18A-10	<i>For-hire car service - generally</i>
Section 18A-11	<i>Solicitation, acceptance and discharge of passengers</i>
Section 18A-12	<i>Transportation of passengers by most direct route</i>
Section 18A-13	<i>Refusal of drivers to make trips</i>
Section 18A-14	<i>Receipts</i>
Section 18A-15	<i>Refusal of passenger to pay legal fare</i>
Section 18A-16	<i>Driving and operating vehicle while under influence of intoxicating substances prohibited</i>
Section 18A-17	<i>Possession of weapons prohibited</i>
Section 18A-18	<i>Hindering, retarding, etc. transportation</i>
Section 18A-19	<i>Lost and found property</i>
Section 18A-20	<i>Application of traffic laws</i>
Section 18A-21	<i>Record of calls to be kept</i>
Section 18A-22	<i>Certificate holder's records</i>
Section 18A-23	<i>For-hire permit - Required</i>
Section 18A-24	<i>Same - Application</i>
Section 18A-25	<i>Same- Investigation of applicant; issuance of permit; contents and display</i>
Section 18A-26	<i>Same - Suspension or revocation</i>
Section 18A-27	<i>Compliance with chapter required</i>
Section 18A-28	<i>Enforcement</i>
Section 18A-29	<i>Exceptions</i>
Section 18A-30	<i>Penalties</i>
Section 18A-31	<i>Severability</i>

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, THAT THE CODE OF THE COUNTY OF JAMES CITY BE AND THE SAME IS, HEREBY, AMENDED BY ADDING A NEW CHAPTER, CHAPTER 18A, TAXICABS AND OTHER FOR-HIRE VEHICLES, AS FOLLOWS.

#### CHAPTER 18A

##### TAXICABS AND OTHER FOR-HIRE VEHICLES

Section 18A-1	<i>Definitions</i>
Section 18A-2	<i>Certificate of public convenience and necessity</i>
Section 18A-3	<i>Application for certificate; filing deadlines</i>
Section 18A-4	<i>Issuance of certificate</i>
Section 18A-5	<i>Indemnity bond or liability insurance required</i>
Section 18A-6	<i>Inspection of vehicles.</i>
Section 18A-7	<i>Rates - Generally</i>
Section 18A-8	<i>Marking vehicles</i>
Section 18A-9	<i>Duty of for-hire car driver to keep vehicle clean</i>
Section 18A-10	<i>For-hire car service - generally</i>
Section 18A-11	<i>Solicitation, acceptance and discharge of passengers</i>
Section 18A-12	<i>Transportation of passengers by most direct route</i>
Section 18A-13	<i>Refusal of drivers to make trips</i>
Section 18A-14	<i>Receipts</i>
Section 18A-15	<i>Refusal of passenger to pay legal fare</i>
Section 18A-16	<i>Driving and operating vehicle while under influence of intoxicating substances prohibited</i>
Section 18A-17	<i>Possession of weapons prohibited</i>
Section 18A-18	<i>Hindering, retarding, etc. transportation</i>
Section 18A-19	<i>Lost and found property</i>
Section 18A-20	<i>Application of traffic laws</i>
Section 18A-21	<i>Record of calls to be kept</i>
Section 18A-22	<i>Certificate holder's records</i>
Section 18A-23	<i>For-hire permit - Required</i>
Section 18A-24	<i>Same - Application</i>

Section 18A-25 Same- investigation of applicant; issuance of permit; contents and display  
 Section 18A-26 Same - Suspension or revocation  
 Section 18A-27 Compliance with chapter required  
 Section 18A-28 Enforcement  
 Section 18A-29 Exceptions  
 Section 18A-30 Penalties  
 Section 18A-31 Severability

ARTICLE I. TAXICABS AND OTHER FOR-HIRE VEHICLES

Section 18.A-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Certificate. The certificate of public convenience and necessity granted by the County to persons in the business of operating for-hire cars as provided in this chapter.

Chief of Police. Shall mean the Chief of Police for James City County, Virginia.

County Administrator. Shall mean the County Administrator of James City County or his designee.

Driver. Any person operating a for-hire car while such car is available for public hire or is being used by the public.

For-hire car. A motor vehicle regularly engaged in the business of transporting passengers for hire, but excluding common carriers of persons or property operating as public carriers under a certificate of convenience and necessity issued by the State Corporation Commission.

Manifest. A daily record prepared by a for-hire car driver of all trips made by the driver showing the driver's name, time, date, place of origin, destination, number of passengers and the fare amount of each trip.

Motor vehicle. Any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power and used upon the public roads of the County and the roads open to the public on the property of public bodies in transportation of passengers or property, but excluding any vehicle, locomotive or car operated exclusively on a rail or rails.

Taxicab. A for-hire car not operating on a regular route or between fixed destinations.

Section 18A-2. Certificate.

- (a) Required. The operation of for-hire cars within the County shall be subject to the conditions, regulations and restrictions set forth in this chapter. It shall be unlawful for any owner or driver of a for-hire car to take on passengers within the limits of the County unless such owner or driver has been issued a certificate under the terms of this chapter, and unless the conditions, regulations and restrictions set forth in this chapter have been and will be complied with by such owner.
- (b) Expiration; renewal. The initial certificate issued hereunder shall last until December 31 following its issuance and may be renewed annually thereafter. The County Administrator shall prescribe a form to be used in initially applying for the certificate and a form to be used for the renewal application.

- (c) Interruption of use; lapse. A certificate shall lapse if not used for forty-five consecutive days.
- (d) Nontransferable. A certificate shall not be transferable without the County Administrator's consent.
- (e) Suspension and Revocation.
  - (1) A certificate issued under the provisions of this ordinance may be suspended or revoked by the County Administrator if the holder thereof has violated any of the provisions of this ordinance or has violated any laws of the United States.
  - (2) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall be given an opportunity to be heard by the Board of Supervisors. A request for hearing shall be filed with the County Administrator within seven days of the holder's receipt of notice.
- (f) Fees. No certificate shall be issued or continued in operation unless the holder thereof has paid an annual fee of seventy-five dollars for the right to engage in the for-hire car business and sixty dollars each year for each vehicle operated under a certificate issued hereunder. The fee(s) shall be for the calendar year commencing January 1 and shall be in addition to any other fee(s) or charge(s) established by proper authority and applicable to said holder or the vehicles(s) under his operation and control. The fees authorized herein shall be reduced and computed on a pro-rata basis for individuals licensing a for-hire car businesses after August 1. A partial month shall be counted as a whole month.

Section 18A-3. Application for Certificate; Filing Deadline

An application for a certificate shall be filed with the County Administrator upon forms provided by the County; said application shall be verified under oath and shall furnish the following information:

- (a) The name and address of the applicant.
- (b) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transactions or acts that gave rise to said judgments.
- (c) The applicant's previous experience in passenger transportation.
- (d) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- (e) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
- (f) The color scheme and insignia to be used to designate the applicant's vehicle(s).
- (g) Evidence that all vehicles to be used are owned by or under written lease to the applicant and are under the applicant's control.
- (h) Such further information as the County Administrator and/or the applicant may deem appropriate.

- (i) The bonds shall cover each authorized vehicle, and,
- (ii) The applicant shall provide to the County Administrator copies of the bonds certified by the clerk of the Virginia State Corporation Commission together with the Commission's certification that such bonds meet all Commission regulatory requirements regarding surety bonds given in lieu of liability insurance.

**Section 18A-6. Inspection of vehicles.**

Every for-hire car operating within the County shall be thoroughly inspected by the Chief of Police, his designee or such other reputable agency as the Chief of Police may prescribe, prior to its use and operation, at regular intervals of approximately six months, and at any other time as the Chief of Police may determine. If such vehicle is found to be in an unsafe, unfit or unclean condition, the owner thereof shall be notified by the Chief of Police at once and such vehicle shall not be permitted to operate as a for-hire car thereafter until such defective or unclean condition has been remedied.

**Section 18A-7. Rates - Generally**

Rates to be charged passengers engaging for-hire cars shall be available from the driver of any such vehicle upon request of a passenger. It shall be the responsibility of each certificate holder to provide the County Administrator with a current list of rates. If such rates change, the County Administrator shall be notified in writing within 10 days of such change.

**Section 18A-8. Marking vehicles.**

There shall be painted or printed on every for-hire car lettering clearly showing the owner's name and indicating that such vehicle is a for-hire car. For-hire cars shall use only the words "taxi," "cab" or "taxicab" to so identify such vehicles.

**Section 18A-9. Duty of for-hire car driver to keep vehicle clean.**

No driver shall fail, refuse or neglect to keep any for-hire vehicle under his control or operation clean. Any such failure, refusal or negligent act shall be a violation of this chapter.

**Section 18A-10. For-hire car service - generally.**

All persons engaged in the for-hire car business in the County operating under the provisions of this chapter shall render an overall service to the public desiring the use of such vehicles. Holders of certificates shall maintain a central place of business within 5 miles of the nearest County line as measured by traversing public roads. Such offices shall be open twenty-four hours a day for the purpose of receiving calls and dispatching for-hire cars. Such offices shall answer all calls received by them for services inside the County as soon as possible and if such services cannot be rendered within a reasonable time, shall notify the prospective passengers of the anticipated length of delay. Every owner holding a certificate shall at all times maintain a listed telephone in the name of the certificate holder's business, by which calls may be made for service. Any certificate holder who shall unreasonably refuse to accept a call anywhere within the county at any time when such holder has available for-hire cars or who shall fail or refuse to give overall service shall be in violation of this chapter. Upon the finding of such a violation, the certificate granted to the holder may be revoked at the discretion of the County Administrator.

**Section 18A-11. Solicitation, acceptance and discharge of passengers.**

Applications for renewal certificates shall be filed with the County Administrator on or before November 1 of each year. Applications for new certificates or to amend existing certificates to increase the total number of vehicles allowed to a certificate holder shall be filed with the County Administrator before the tenth day of any calendar month.

Section 18A-4. Issuance of Certificate

- (a) Upon the County Administrator's finding that the applicant has proved the applicant is fit, willing and able to perform such public transportation in accordance with the provisions set forth in this chapter, a certificate shall be issued. Absent such a finding, the application shall be denied.
- (b) In making the above findings, the County Administrator shall consider the character, experience and responsibility of the applicant and other factors deemed appropriate by the County Administrator.
- (c) Upon determination of the County Administrator to grant a certificate(s), the same shall be transmitted to the applicant giving the name and address of the holder, the number, kind and description of vehicle(s) and date of issuance and expiration of the certificate(s). Unless revoked or suspended, such certificate(s) shall expire at the end of the thirty-first day of December annually.
- (d) In the event that the County Administrator shall refuse to issue a certificate to an applicant, the applicant may, within ten days from the date of such refusal, file with the Board of Supervisors a petition in writing to review the findings of the County Administrator.
- (e) Upon the filing of such a petition, the Board of Supervisors shall fix a time and place for a hearing and shall notify the applicant thereof. The hearing shall be held within thirty days after the request is filed. Any interested person shall be permitted to participate in the hearing and present evidence.
- (f) Within ten days after the conclusion of the hearing provided for in subsection (e), the Board of Supervisors shall approve or disapprove the application for a certificate. If the application is denied, the reason for such denial shall be in writing and shall be transmitted to the applicant.

Section 18A-5. Indemnity Bond or Liability Insurance Required.

- (a) No certificate shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the Commonwealth. Said policy shall cover each authorized vehicle and shall provide for coverage in amounts at least equal to the minimum liability limits then required by the Virginia State Corporation Commission. Such policy shall require fifteen days notice to the County Administrator by the issuing insurer prior to cancellation. The applicant shall deliver to the County Administrator a certificate of insurance demonstrating the existence of such insurance coverage together with a written certification from the Virginia State Corporation Commission showing that such insurance meets all current regulatory requirements of the Commission regarding liability insurance.
- (b) In no event shall a certificate be issued hereunder to a self-insured applicant. If, however, the applicant has filed with the Virginia State Corporation Commission surety bonds in lieu of liability insurance coverage as permitted by applicable Virginia law, the County Administrator shall accept the bonds in lieu of the insurance required hereunder upon the following conditions; provided, however, such bonds shall be approved as to form by the County Attorney.

- (a) Solicitation of passengers by driver. No driver shall solicit passengers for a for-hire car except when sitting in the driver's compartment of such vehicle or while standing immediately adjacent to the curbside thereof. The driver of any for-hire vehicle shall remain in the driver's compartment or immediately adjacent to such vehicle at all times when such vehicle is in operation within the county, except, when necessary a driver may be absent from a for-hire vehicle for not more than ten consecutive minutes. Provided, nothing herein contained shall prohibit a driver from assisting passengers into or out of a for-hire car. All passengers shall be received and discharged within thirty inches of the right hand curb of the street and only when the for-hire vehicle is at a full stop.
- (b) Restriction of number of passengers. No driver shall permit more persons to be carried in a for-hire car as passengers than the rated seating capacity as prescribed by the auto manufacturer of said vehicle; provided, a child in arms shall not be counted as a passenger.
- (c) Refusal to carry passengers prohibited. No driver shall refuse or neglect to transport person(s) upon request, unless previously engaged or unable or forbidden to so transport by the provisions of this ordinance.
- (d) Prohibited acts. No driver of a for-hire car shall solicit business for any motel or place of lodging or attempt to divert patronage from one motel or place of lodging to another. No driver shall engage in selling intoxicating liquors, solicit business for any house of ill repute or use his vehicle for any purpose other than the simple transporting of passengers. A commission of any of the aforementioned proscribed acts shall be a violation of this chapter.

Section 18A-12. Transportation of passengers by most direct route.

Every driver of a for-hire car shall transport each passenger to the desired destination by the most direct route, unless otherwise directed by the passenger.

Section 18A-13. Refusal of drivers to make trips.

No driver of any for-hire car shall refuse to transport any passenger to any part of the County; provided, no driver shall be required to drive his vehicle to any place which may be physically detrimental to such vehicle or which would endanger any occupants.

Section 18A-14. Receipts.

The driver of any for-hire car shall, upon demand of the passenger, render to such passenger a receipt for the amount charged either by a mechanically printed receipt or by a specially prepared receipt on which shall appear the name of the owner, license number, amount of charges and date of transaction.

Section 18A-15. Refusal of passenger to pay legal fare.

No person shall, after utilizing the services of a for-hire car, refuse to pay the legal fare due, nor shall any person hire any for-hire car with intent to defraud its operator of the value of services rendered.

Section 18A-16. Consumption of alcoholic beverages, sedatives or barbiturates; prohibited.

No driver shall consume while on duty as a for-hire car operator any alcoholic beverage, sedatives or barbiturates.

Section 18A-17. Possession of weapons prohibited.

No driver shall operate or drive a for-hire car at any time with firearms, metal knuckles, knives with blades longer than three inches in length or any other deadly weapon on his person or in the for-hire car.

Section 18A-18. Hindering, retarding, etc., transportation.

No person shall intentionally hinder, retard or interfere with or cause intentional hindrance, retardation or interference with the furthering of transportation by any for-hire car. Commission of such an act shall be a violation of this ordinance. Improper, misleading, false or unauthorized calls requesting for-hire car service shall be prima facie evidence of an intention to hinder, retard or interfere with the proper operation of a for-hire car.

Section 18A-19. Lost and found property.

Any property left or found in a for-hire car shall be turned over to the Chief of Police and, if unclaimed, returned to the owner of such for-hire car at the expiration of ninety days.

Section 18A-20. Application of traffic laws.

Every for-hire car operating within the county shall be subject to all laws generally regulating traffic of vehicles.

Section 18A-21. Record of calls to be kept.

- (a) The owner and driver of a for-hire car shall keep a manifest which shall be a permanent record of the transportation of each passenger. Each manifest shall include:
- (i) The name of the driver of the for-hire car.
  - (ii) The number or designation of the for-hire car.
  - (iii) The address where the transportation of each passenger originated, the date and time thereof.
  - (iv) The place, date and time the transportation of each passenger terminated, which entry shall be recorded immediately upon the termination of each transportation and before the transportation of any other passenger is begun.
- (b) The driver shall carry the manifest in his vehicle at all times during its operation and a separate manifest shall be kept for each day of operation; provided, a driver operating a for-hire car at midnight may continue to use the manifest bearing the date his work period commenced through the end of such work period. Each manifest shall be delivered to the main office of the for-hire business owner within twenty-four hours after completion.
- (c) Every owner of a for-hire car business shall retain and preserve all drivers' manifests in a safe place for at least the calendar-year next preceding the current calendar year, provided any manifests involved in any official investigation shall be retained and preserved for such period as the County Administrator may require. All manifests shall be at all times subject to examination by the County Administrator or any member of the County Police department.

Section 18A-22. Certificate holder's records.

- (a) Every certificate holder shall keep accurate records of operation receipts, operation expenses, capital expenditures, all additional expenses and any such other information as the County Administrator may require. Such records shall be maintained at a place readily accessible for examination by the County Administrator or his designee.

- (b) Every certificate holder shall submit annual reports of receipts, expenses and operational statistics to the County Administrator in accordance with a uniform system prescribed by the County Administrator. Such reports shall be due on or before the thirty-first day of January of the year following the calendar year for which such reports are prepared.
- (c) All accidents arising from or in connection with the operation of for-hire cars, which are required to be reported to the Virginia Division of Motor Vehicles pursuant to state law, shall be reported immediately to the Chief of Police's office on a form furnished by said office.

Section 18A-23. For-hire permit - Required.

No person shall drive a for-hire car which is required to obtain a certificate under the terms of this chapter unless such person first obtains a for-hire permit from the County Administrator. Conviction of, within five years preceding the date of the application, a felony or a misdemeanor involving moral turpitude or driving under the influence of alcohol or drugs while operating a taxicab or for-hire car shall be grounds for denial of any such permit.

Each applicant for a driver's permit shall pay an initial application fee of ten dollars and upon each annual request for renewal of such permit shall pay a fee of ten dollars.

Section 18A-24. Same - Application.

Application for a driver's permit shall show the following:

- (a) Full name of applicant.
- (b) Present address.
- (c) Age and place of birth.
- (d) Places of previous address and employment for the past five years.
- (e) Height, weight, color of eyes, color of hair, and sex.
- (f) A certificate from a physician stating that the applicant has no physical conditions that would interfere with his ability to operate a for-hire car.
- (g) Whether or not applicant has good hearing and good eyesight.
- (h) Whether or not the applicant is, or has been, within the period of the last two years, addicted to the use of intoxicating liquors, drugs or other forms of narcotics and, if so, to what extent.
- (i) The applicant's record of all criminal offenses of which the applicant has been convicted.
- (j) The applicant's record of all traffic offenses connected with the operation of motor vehicles.
- (k) Whether or not applicant has previously been employed or licensed as a chauffeur and, if so, whether or not his license or permit has ever been revoked or suspended for any reason.
- (l) What experience, if any, applicant has had in the operation of cars.

Each applicant shall apply for his permit in person and have his fingerprints taken, such fingerprints shall constitute a part of his application, and each applicant shall file with his application two recent photographs of himself, of a size designated by the Chief of Police. One of the photographs shall be attached to and shall become a part of the application, the other shall be attached to the permit, if issued, in such a manner that no other photograph may be substituted therefor without probability of detection.

Section 18A-25. Investigation of applicant; issuance of permit; contents and display.

The County Administrator, upon the filing of an application as set forth in the preceding section and after notice to the applicant and opportunity afforded the applicant to be heard, shall promptly make an investigation of the matters stated therein, and if he shall find, upon conclusion of such investigation, that the applicant possesses the necessary qualifications on the basis of the information furnished in the application and his investigation thereof, he shall issue to him a for-hire permit card, which shall bear a number and contain the name, home address, business address, photograph of the applicant, and the name of his employer. The driver shall post his for-hire permit card in full view of the passenger in any for-hire car which is being operated by or is in the charge of the applicant. If the County Administrator is not satisfied that the applicant possesses the necessary qualifications as required by the Chapter on the basis of the information furnished in the application and his investigation thereof, he shall refuse to issue such permit. The reasons for such refusal shall be in writing and shall be transmitted to the applicant. In the event the County Administrator shall refuse to issue any such permit to the applicant therefor, the applicant may, within ten days from the date of such refusal, file with the Board of Supervisors a petition in writing to review the findings of the County Administrator. Upon the filing of such a petition, the Board of Supervisors shall fix a time and place for a hearing and shall notify the applicant thereof. The hearing shall be held within thirty days after the request is filed. At the hearing the applicant may present evidence in support of the application. Any interested person shall be permitted to participate in the hearing and present evidence. Within ten days after the conclusion of the hearing, the Board of Supervisors shall approve or disapprove the application for a permit.

The possession by a person of a valid, current chauffeur's license issued to him by the Division of Motor Vehicles of the Commonwealth of Virginia shall create a presumption that such person is physically and mentally capable of driving a taxicab.

Section 18A-26. Same - Suspension or revocation.

The permit of any driver of a for-hire car shall immediately become void and immediately shall be surrendered by him upon his conviction of a misdemeanor involving moral turpitude, a felony or two convictions in any calendar year of reckless driving or driving under the influence.

The County Administrator, upon ten days' notice to any driver permitted hereunder, shall have the power to revoke or suspend the permit of such driver for any of the following causes:

- (a) Repeated violations of traffic and safety laws and ordinances.
- (b) Violation of any provisions of this chapter, including knowingly making a false statement on an application for a driver's permit required under this chapter.

Upon such a revocation or suspension, the aggrieved driver shall be entitled to a review of the County Administrator's decision by the Board of Supervisors in accordance with Section 18A-26.

Section 18A-27. Compliance with chapter required.

No person shall use the term "public vehicle", "taxi", "taxicab", "cab", "limousine", "for-hire car" or any term of similar meaning in advertising, nor shall any person, by any means, hold himself out as the operator, driver or chauffeur of a for-hire car unless he shall have complied with the provisions of this chapter insofar as the same shall be applicable.

Section 18A-28. Enforcement.

The provisions of this chapter shall be enforceable by all sworn law enforcement personnel to the extent of their authority including special police officers whose jurisdiction is limited geographically to certain areas of the county.

Section 18A-29. Exceptions.

The foregoing provisions notwithstanding, this chapter shall not apply to vehicles listed in section 56-274 of the Code of Virginia with the exception of those vehicles listed insubsection (2) of such section, nor to funeral vehicles, nor to common carriers of persons or property operating as public carriers by authority of the State Corporation Commission or under a franchise granted by the County.

Section 18A-30. Penalties.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars and up to 12 months in jail, either or both in the discretion of the judge or jury.

Section 18A-31. Severability.

Each of the provisions of this ordinance are severable, and if any provision shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

PROFFER OF CONDITIONS FOR  
APPLICATION OF REZONING

Whereas, Larry R. Cooke is the owner of approximately one-half (0.5) acre of land located in the County of James City and has made application for a change in zoning of 0.25 acre from R-1 to B-1 as part of his application, voluntarily proffers the following reasonable conditions which shall be in addition to the regulations provided for in the zoning district B-1. These conditions are proffered as part of the requested rezoning and it is proffered and agreed that the following limitations:

1. Are required or give rise to the need for these additional restrictions because of the nature of the property and the rezoning sought.
2. That the proffers have a reasonable relation to the rezoning requested.

The proffers are as follows:

1. That in the event that subject property is rezoned to B-1 the permitted uses for the rezoned property shall be doctors, dentists and other medical clinics or offices; corporate, business, governmental and professional offices, banks and other financial institutions; artists studios and shops, florist shops, picture and framing shops, stamp and coin shops, travel agencies. It is expressly understood that professional offices is to include a contractor's office with all storage of materials and equipment to be fully enclosed.
2. That the height of the buildings constructed upon the rezoned property shall not exceed 35 feet. The height of the building shall be defined as set forth in the 20-2 definitions of the James City County Code.

**H. BOARD REQUESTS AND DIRECTIVES**

Mr. DePue made a motion to go into Executive Session to discuss two personnel issues, acquisition of real estate and a legal matter pursuant to Sections 2.1-344(a)(1), (2), (6) of the Code of Virginia, 1950, as amended.

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

The meeting convened into Executive Session at 10:15 p.m.

The Board reconvened into public session at 11:17 p.m.

Mr. DePue moved the approval of Anne Peet to the board vacancy on the Colonial Services Board.

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

Mr. DePue made a motion to recess until 1:00 p.m., December 17, 1984.

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

The meeting recessed at 11:19 p.m.

  
James B. Oliver, Jr.  
Clerk to the Board

/jnh  
BOS6