

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SIXTH DAY OF APRIL, NINETEEN HUNDRED EIGHTY-SEVEN, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

David B. Norman, County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - March 16, 1987

Mr. Edwards introduced the Board of Supervisors and welcomed the new County Administrator, David B. Norman.

Mr. Edwards asked if there were comments or corrections to the minutes.

Mr. DePue said that his statement on page 4 "...he continues to have concerns about roads..." should read "...the plans mitigated his concerns about roads in the Ford's Colony area."

Mr. Mahone made a motion to approve the minutes as presented.

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

Mr. Brown introduced Police Chief Robert Key, Supervisor of Investigation Kenneth Middlebrook, Investigator Jeff Vellines, Police Analyst Beth Barden, and Crime Prevention Officer Tommy Hardin, and commended them, on behalf of the Board and the Community, for the fine work done in connection with the recent arrests for office burglaries in James City County.

C. PUBLIC HEARINGS

1. FY 1988 Budget
2. Ordinance Amendment - Landfill Charges

1. Water Rates (Service Authority)

Mr. Edwards told the audience that the Board function in the budget public hearing process was to listen, and he asked that each person speak briefly. Mr. Edwards further stated that the public hearing would be a joint meeting with the Board of Supervisors and the James City Service Authority Board of Directors.

Mr. Mahone, Chairman, convened the James City Service Authority Board of Directors by a roll call: Brown, Taylor, DePue, Edwards, Mahone - All Present.

Mr. John McDonald, Director of Financial Management Services, presented the proposed budget for FY 88, indicating four major areas of consideration: 1) Maintain services, 2) Improve services, 3) Respond to Growth, and 4) Prepare for the Future.

1. Maintaining of services includes employee compensation, replacement of equipment, dirt streets, and local funding of contributions.

2. Improvement of services includes air conditioning for schools, a branch library, land acquisition, and funding of the Bright Beginnings program.

3. Response to growth includes new school positions, creating the Office of Development, and additional fire and police positions.

4. Preparing for the future identifies revenues from general property taxes for capital project needs and school operating expenses.

Mr. McDonald concluded that the proposed budget is a futuristic and responsible document. At Mr. Mahone's request, Mr. McDonald clarified that the water rate increase would be from \$1.80 to \$2.00.

1. Kristi VanAudenhove, Executive Director of the Williamsburg Task Force for Battered Women/Sexual Assault, thanked the County for being the first locality to support the Task Force. Ms. VanAudenhove requested a capital contribution of \$5,000 for the coming year and stated that James City County residents represent 20-30% of the 250-300 women seeking assistance from the shelter.

2. Maureen Orton, 107 Wake Robin Road, Treasurer of the Task Force, stated her support for the request of the Shelter for Battered Women.

3. Heidi Hickman, 104 Smokehouse Lane, representative for Citizens Action for a Safe Environment (CASE), asked the Board to support funding for the maintenance of the Mosquito Control program.

4. C.Y. Talbott, 107 Cove Road, spoke in opposition to the real property tax increase and personnel pay raises.

5. Fran Cheatham, 108 Viking Road, presented a petition in support of the branch library for the upper County.

6. Dave Cunningham, 139 Jordans Journey, spoke in opposition to the school salary increases, stating the increase should be consistent with the current economy.

7. Catherine Maynard Pierce, 4 Bray Wood Road, requested the Board consider alternative taxes for revenue, so that residents who have lived in their homes for many years are not penalized.

8. A.G. Bradshaw, Post Office Box 8, Norge, spoke in opposition to the real estate tax, but asked for the Board's support of the 300-foot sidewalk leading to the Post Office in Norge.

9. Virginia Hartmann, 205 Plains View Road, spoke on behalf of her father, Jack Barnett, who is offering to provide the easement and fill dirt in support of the sidewalk needed from Cape Craftsman to Poplar Creek Business Center.

10. Carlyle Ford, 319 Farmville Lane, spoke as a member of the council of Our Savior's Lutheran Church, which has given permission for the sidewalk to cross the church property. Mr. Ford requested the Board consider the funding the sidewalk in the Norge area.

11. B. Stephen Bowmer, III, Colonial Tire, 532 Second Street, spoke against the proposed increase in landfill fees for tires, saying the firm would not be able to dispose of tires as a service to their customers.

12. Betsy Thomas, 112 Dogwood Drive, athletic director at Lafayette High School, spoke in favor of lighting the ball fields at Mid-County Park so that the public could enjoy the facility during the evening hours.

13. Warren Signer requested the Board to support technical trades in the schools. Mr. Mahone responded that the school system currently provides technical trades.

14. Emily Hancock, 127 Woodland Road, spoke in opposition to the assessment increase because the Woodland Farms and Elmwood areas have no County services.

15. Carolyn Montiaro stated that some residents will not be able to afford private haulers if the landfill charge is increased.

16. Ed Oyer, 139 Indian Circle, asked several questions relating to the budget regarding the need to over-authorize two additional policemen; the supervisor of radio maintenance; the overlays between citizen assistance, planning and development activities and the non-departmental funds shown on Page C-4 of the budget.

17. Wesley Seekamp, 102 Evergreen Way, spoke in opposition to the tax assessment stating that home ownership for retired persons on a fixed income is threatened by the increase.

Mr. Edwards closed the public hearing, and mentioned that work sessions are scheduled at 7:00 p.m. on April 7, 9, 14, and 16 (if needed) with the public invited to attend.

The Board recessed at 8:40 p.m. and reconvened at 8:57 p.m.

Mr. Mahone recessed the James City Service Authority Board of Directors at 8:57 p.m.

3. Case No. Z-1-87. Zoning Ordinance Amendments

Mr. Taylor asked for clarification of Section 20-24.

Mr. Morton stated a maximum fine of \$1,000 would give the judge authority to impose a higher fine in serious zoning violation cases. The amendment would keep the County Code current with the State Code.

Mr. Edwards opened and closed the public hearing.

Mr. DePue made a motion to approve the Zoning Ordinance amendments.

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

4. Case No. SUP-1-87. Berkeley's Hundred

Mr. Edwards opened the public hearing.

1. Alvin Anderson, attorney representing David Murray, owner of First Colony Estates, Inc., said the proposed cluster development would have 267 lots on 144.83 acres with resulting density of 1.84 per acre, which is consistent with zoning.

Mr. Anderson further stated that the amended plan will provide a comprehensive drainage study, buffers along John Tyler Highway would be increased to 175 feet from center line of road, and a through street will be provided connecting John Rolfe Lane and Greensprings Road.

2. Claude Feigley, Chairman of the First Colony Civic Association Ways and Means Committee, commented that the proposed modification, with the benefits of the recreational facilities, green spaces, and buffer area, was better than the original plan.

Mr. Edwards closed the public hearing.

Mr. Edwards made a motion to approve the special use permit.

Mr. Mahone noted that he was pleased to support the permit because the developer is putting forth a substantial effort to provide quality housing.

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

R E S O L U T I O N

CASE NO. SUP-1-87. BERKELEY'S HUNDRED

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, at its meeting on February 24, 1987 recommended approval of Case No. SUP-1-87.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-1-87 as described herein with the following conditions.

1. The special use permit shall be limited to the 144.83 acre tract under consideration and to no more than 267 units.
2. All roads shall be dedicated to the Virginia Department of Transportation and shall meet construction standards of the Virginia Department of Transportation.
3. A scenic buffer shall be maintained across the property 175 feet deep adjacent to and parallel with the centerline of Greensprings Road and 175 feet adjacent to and parallel with the centerline of John Tyler Highway. One entrance road shall be permitted across and through the scenic buffer on John Tyler Highway and Greensprings Road; provided, however, utilities, drainage structures, stormwater management facilities, and entrance signs if determined to be necessary and approved by the Planning Commission may be allowed within or upon the scenic buffer. Existing trees, shrubbery and vegetation shall remain undisturbed within the scenic buffer. Additionally, no structures, including fences, or other objects designed for recreation, storage, or any other purpose except as provided for above shall be permitted.
4. Archaeological studies as determined necessary by the County Historical Commission shall be conducted by the developer prior to preliminary approval for each sectional plan.
5. Covenants assuring the adequate protection and maintenance of all buffer and common open space areas and facilities shall be recorded with each subdivision plat and shall be submitted to and approved by the County Attorney's Office prior to recordation.
6. The developer shall provide a recreation area substantially in accordance with that shown on the conceptual plan submitted with this application identified as Berkeley's Hundred Master Plan dated October 10, 1986. The Planning Commission shall determine what constitutes substantial conformance. The following facilities shall be provided within the recreation area as a minimum:
 - A. One swimming pool and bathhouse
 - B. Two regulation tennis courts
 - C. Picnic areas

Alternate facilities may be substituted upon the approval of the Planning Commission. A phasing plan for the development of these facilities shall be submitted and approved by the Planning Commission prior to the final approval of the first sectional plan of development.
7. A site plan shall be submitted and approved by the Planning Commission prior to the construction of any recreational facilities or cutting any trees in the recreation areas except for construction of utility lines determined necessary and approved by the Planning Commission.
8. A through street shall be provided connecting John Rolfe Lane and Greensprings Road.
9. The developer at his expense shall prepare a comprehensive drainage study of the entire property for review and approval by the County prior to preliminary approval of the first sectional plan. The recommendations of the study shall be implemented as a condition of preliminary approval for each sectional plan.

- 10. A minimum of 20.3 acres of open space (excluding streets) shall be provided substantially in conformance with the conceptual plan submitted with this application titled Berkeley's Hundred Master Plan dated October 10, 1986. The Planning Commission shall determine what constitutes substantial conformance. Open space (excluding streets and scenic buffers described above) shall remain in its natural state; provided, however, the developer shall have the right to install and construct over, under, across, and through the open space such drainage structures, stormwater management facilities, and utilities if determined to be necessary and approved by the Planning Commission.
- 11. The developer shall dedicate ten feet along the entire length of the west side of Greensprings Road to the Virginia Department of Transportation for future widening. This dedication shall be shown on the final subdivision plat at the time of recordation.

5. Case No. CP-1-87. Primary Service Area Adjustment

Mrs. Gussman reported the Planning Commission's recommendation for approval, but indicated that recent information from the engineers indicates that the larger line considered by the Planning Commission will not be practical at this time. Therefore, the staff recommends sending the case back to the Planning Commission for its review of the new information.

Mr. Edwards opened and closed the public hearing.

Mr. Brown stated that the issue is whether to extend the Primary Service Area.

Mrs. Burcham replied that the developer indicated an interest in developing a commercially zoned piece of property in the Reservoir Overlay District. There is currently no requirement that the development be connected to the County sewer, and a private septic system could be put in unless the property is included in the Primary Service Area.

Mr. Edwards said the request was a relatively small increase to the Primary Service Area.

Mr. Alex Kuras, speaking as a member of the Planning Commission, said that he felt that the Planning Commission would have no objections, and the issue need not be returned for reconsideration.

Mr. Morton asked for a two-week deferral so that the issue could be addressed and a recommendation given.

Mr. Brown made a motion for the staff to prepare a report for the April 20, 1987 Board meeting.

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

6. Ordinance to Readopt Amendments to Parks and Recreation Ordinance (Previously Adopted by Emergency Ordinance)

Mr. Edwards opened and closed the public hearing.

Mr. Edwards made a motion to approve the previously adopted amendments.

Mr. Brown commented that the Recreation Center had been receiving praise and complaints, which shows the activity and interest of the residents.

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

D. CONSENT CALENDAR

Mr. Edwards asked if any Board member wanted to remove items from the Consent Calendar.

Mr. Mahone requested that Items 3, 4, and 5 be removed.

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

R E S O L U T I O N

CENTRAL FIDELITY BANK

BE IT RESOLVED, that Central Fidelity Bank, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts effective November 1, 1984, and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

ACCOUNT NUMBER: 0900223293

JAMES CITY COUNTY GENERAL FUND

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

| | |
|---------------------|--------------------------------|
| Jack D. Edwards | Chairman |
| | OR |
| Stewart U. Taylor | Vice-Chairman |
| David B. Norman | County Administrator |
| | OR |
| Darlene L. Burcham | Assistant County Administrator |
| Frances B. Whitaker | Treasurer |
| | OR |
| Betty S. Pettengill | Deputy Treasurer |

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

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to

purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

R E S O L U T I O N

SOVRAN BANK, N.A.

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

Account 202-0197-7 James City County Subdivision Escrow
Account 202-0955-7 Housing Rehabilitation Escrow

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

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

| | |
|---------------------|--------------------------------|
| Jack D. Edwards | Chairman |
| | OR |
| Stewart U. Taylor | Vice-Chairman |
| David B. Norman | County Administrator |
| | OR |
| Darlene L. Burcham | Assistant County Administrator |
| Frances B. Whitaker | Treasurer |
| | OR |
| Betty S. Pettengill | Deputy Treasurer |

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

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

R E S O L U T I O N

UNITED VIRGINIA BANK OF WILLIAMSBURG

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

ACCOUNT NUMBER: 95-00499

JAMES CITY COUNTY PETTY CASH

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

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

David B. Norman County Administrator

OR

Darlene L. Burcham Assistant County Administrator

OR

John E. McDonald Director of Financial and Management Services

OR

Marsha Hahn Accounting Supervisor

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

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or the individual credit of any of the other officers or not. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

3. Community Diversion Incentive Program

Mr. Mahone requested information about the community diversion incentive program.

Mrs. Burcham responded that the County has been participating in the program for some time. The resolution has been requested to comply with new language requirements. The program gives the courts an opportunity to have offenders perform work in lieu of confinement. Mrs. Burcham noted the use of court referrals in a number of County departments.

Mr. Mahone made a motion to approve the resolution.

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

RESOLUTIONESTABLISHMENT OF THE MIDDLE PENINSULA-WILLIAMSBURG AREA
COMMUNITY DIVERSION PROGRAM AND CREATION OF THE COMMUNITY CORRECTIONS
RESOURCES BOARD

WHEREAS, James City County desires to participate in a community diversion program to provide the judicial system with sentencing alternatives for certain nonviolent offenders who may require less than institutional custody, but more than probation; and

WHEREAS, the Board of Supervisors of James City County considers the program provided for by Title 53.1, Chapter 5, of the Code of Virginia to be such a program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby agree to participate with other governing bodies in the Middle Peninsula-Williamsburg Area in a Community Diversion Program, to be administered by a Community Corrections Resources Board, one member of which shall be a representative of James City County appointed by and responsible to the Board of Supervisors of James City County.

4. Unnamed Dirt Road - Stonehouse District

Mr. Mahone questioned why the newly added dirt street off Chickahominy Road was ranked near the top of the Dirt Street Inventory.

Mrs. Burcham explained that roads are ranked according to their condition but that in reality those for which right-of-way is secured first have top priority for funding and that Rural Addition funds have to be spent in two years.

Mr. Taylor made a motion to adopt the Dirt Street resolution.

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

RESOLUTIONDIRT STREETS

WHEREAS, the number and severity of unimproved streets in James City County requires a Dirt Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED that the following documents are hereby adopted to establish construction and funding priorities for the Dirt Street Improvement Program.

The dirt street inventory Annex A attached is hereby included in this resolution. The proposed funding schedule Annex B attached is also hereby included in this resolution.

5. Virginia Supplemental Retirement System

Mr. Mahone expressed concerns about the cost of employees retiring at age 55 with 30 years service, and asked what was the basis for which retirement benefits were computed.

Mr. McDonald said it was 70% of the average salary during the last five years of service.

Mrs. Burcham stated the full retirement benefit is currently available at age 60 with 30 years service.

Mr. Morton noted that the enabling legislation automatically provided this retirement benefit for school teachers and State employees.

Mr. Taylor mentioned that younger employees would have to pay for the earlier retirement of others.

Mr. Edwards deferred the item until the April 20, 1987 Board meeting, and requested the staff to provide the Board with additional information.

E. BOARD CONSIDERATIONS

1. Route 199 Design

Mrs. Gussman stated the staff recommendation was to engage a traffic engineering and design firm at a cost of \$12,000 so that the County could more fully participate in the design of Route 199 and have the highway support for our land use plan in the process.

Mr. DePue made a motion to approve the resolution.

Mr. Edwards asked if the Board would have a chance to review the project results before they are sent to the Highway Department. He further commented that the County needs an expert with credentials who understands the work of the Highway Department.

Mrs. Gussman noted that work sessions would be held with the consultant and the Board on recommendations before approaching the Highway Department.

Mr. Mahone noted the engineer would have credentials the Highway Department would respect, and he asked what the time schedule was for the design work.

Mrs. Gussman replied that the design work should be finished by spring or summer of 1988.

Mr. Brown said it was very important to keep the costs of Route 199 down by making as few changes as possible on the project.

On a roll call, the vote was AYE: Brown, DePue, Edwards (3). NAY: Taylor, Mahone (2).

R E S O L U T I O N

EVALUATION OF THE DESIGN OF ROUTE 199

WHEREAS, the Virginia Department of Transportation has begun to design future sections of Route 199; and

WHEREAS, the configuration of Route 199, its intersections and feeder roads will be of paramount importance in facilitating the smooth flow of traffic in James City County; and

WHEREAS, it is reasonable and appropriate for James City County to examine independently the design issues concerning the extension of Route 199.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the transfer of \$12,000 from Operating Contingency to Board Professional Services for the purpose of engaging a professional traffic engineer or engineering firm to review and make recommendations regarding design issues pertaining to the extension of Route 199 in James City County.

2. Case No. Z-27-86. Henry Armistead Estate

Mrs. Gussman said the staff recommends denial of the rezoning because 1) townhouses are not suggested as an activity within areas designated low density residential; 2) the density proposed is not consistent with the density suggested in the Comprehensive Plan for low density residential; and 3) the heavily wooded nature of the site would allow low density residential construction to be adequately buffered from the commercial area.

Mr. Mahone made a motion to deny the rezoning request upon the recommendation from the staff and the Planning Commission.

Mr. Edwards stated that he agreed with Mr. Mahone.

Mr. DePue said the density was too high and he would support the motion.

Mr. Brown said it was a good project, but problems exist with location and the fact that the density is inconsistent with the Comprehensive Plan.

Mr. Taylor noted the developer had reduced the density, and he felt that citizens need to live near their work.

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

F. PUBLIC COMMENT

J.E. Vaiden expressed appreciation for the Board's denial of the rezoning of the Henry Armistead Estate case.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mrs. Burcham reported that the VPSA bonds were issued at 6.34%, which is a good rate, given the economy and recent changes in interest rates.

Mrs. Burcham also reported that the first residents of the new Grove Subdivision have moved in.

Mrs. Burcham asked for authorization to negotiate up to \$11.00 a square foot for rental space for the Court Services Unit which is presently housed in very cramped quarters in the basement of the Williamsburg-James City County Courthouse. She further stated that the cost of space for the Court Services Unit is the responsibility of both jurisdictions, and the final lease, with no impact on the FY 88 budget, would be presented for the Board's review at a subsequent meeting.

Mr. Mahone asked how long the Court Services Unit had been located in the Courthouse, and if there was an increase in staff.

Mrs. Burcham replied the Court Services Unit had been in the Courthouse basement for 7-1/2 to 8 years, with the problems of steep steps, no rest room facilities, no handicapped accessibility, and the office floods when it rains. A three-year lease is anticipated.

Mr. Edwards stated the Board's willingness for staff to proceed with negotiating a lease.

H. BOARD REQUESTS AND DIRECTIVES

Mr. DePue requested that staff prepare a list of proposed budget deletions to support a \$.61 tax rate, as opposed to \$.68, for the budget work session on Tuesday, April 7, 1987.

Mr. Brown said it would be helpful to have a dollar figure in mind when making budget reductions at the work sessions. He further stated that the staff should not be asked to spend time doing a list when the Board has to set the priorities.

Mr. Taylor said he would like to see such a list if the staff could complete it without spending an excessive amount of time on its preparation.

Mr. DePue made a motion to ask the staff to prepare a report showing \$.61 per \$100 assessed value for the budget work session on Tuesday, April 7, 1987.

On a roll call, the vote was AYE: Taylor, Mahone, DePue (3). NAY: Edwards (1). ABSTAIN: Brown (1).

Mr. Brown made a motion to approve the resolution to disallow the claim for damages by Mark R. Huff.

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

R E S O L U T I O N

TO DISALLOW CLAIM FOR DAMAGES MADE BY MARK R. HUFF

WHEREAS, Mark R. Huff has given notice of a claim against the County of James City made in the attached letter dated March 17, 1987; and

WHEREAS, after due consideration the Board has determined it shall disallow the claim.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby disallows the claim against the County of James City County made by Mark R. Huff for any alleged injuries sustained by him on September 28, 1986.

BE IT FURTHER RESOLVED that the County does not consent and does not agree to any action by Mark R. Huff against James City County.

Mr. Edwards stated that, unless there were objections, the order of review for the budget work sessions would be 1) Capital Outlays, 2) Expenditures, and 3) Revenues.

Mr. Taylor requested work sessions end not later than 11:00 p.m.

Mr. Edwards said he and Mr. DePue had met with Williamsburg representatives, who agreed to issue a request for proposals to study the Courthouse facility.

Mr. Mahone asked about the draft of the State Water Plan mentioned in the Quarterly Report memo from Mr. Bass in the Reading File.

Mrs. Burcham said a staff report would be available for the first Board meeting in May. Staff is now reviewing the lengthy document. After completion of the review, staff will call Mr. Mahone with the highlights.

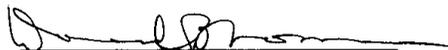
Mr. Mahone reported that the Transportation Safety Commission had been meeting and that seat belt usage is one of its major concerns.

Mr. Mahone also reported that the Growth Commission has also been meeting. He stated that Mr. Norman had indicated a desire to attend the next meeting on Monday, April 13, 1987, at 7:30 p.m., and Mr. Mahone would let him know where the meeting would be held.

Mr. Taylor made a motion to adjourn the meeting.

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

The Board adjourned at 10:53 p.m.


David B. Norman
Clerk to the Board

mls
0167w

ADOPTED

APR 6 1987

ORDINANCE NO. 31A-100

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 20-7, CERTIFICATE OF OCCUPANCY; SECTION 20-9, PUBLIC HEARING REQUIRED; SECTION 20-18, PROFFER OF CONDITIONS; SECTION 20-24, PENALTIES; SECTION 20-25, EXCLUSIVE NATURE OF THE CHAPTER; ARTICLE II, SITE PLAN, SECTION 20-46, SAME--SUBMITTAL CONTENTS; ARTICLE IV, DISTRICTS, DIVISION 8, MULTI-FAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-251, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; DIVISION 12, GENERAL BUSINESS DISTRICT, B-1, SECTION 20-333, YARD REGULATIONS; DIVISION 13, LIMITED INDUSTRIAL DISTRICT, M-1; SECTION 20-351, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-355, SIDE AND REAR YARDS; DIVISION 14, GENERAL INDUSTRIAL DISTRICT, M-2; SECTION 20-380, SIDE OR REAR YARDS; AND ARTICLE VIII, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-484, PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-7, Certificate of occupancy; Section 20-9, Public hearing required; Section 20-18, Proffer of conditions; Section 20-24, Penalties; Section 20-46, Same--Submittal contents; Section 20-251, Requirements for improvements and design; Section 20-333, Yard regulations; Section 20-351, Uses permitted by special use permit only; Section 20-355, Side and rear yards; Section 20-380, Side or rear yards; Section 20-484, Permitted uses; and by adding Section 20-25, Exclusive nature of the chapter.

Chapter 20. Zoning
Article I. In General

Section 20-7. Certificate of occupancy.

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a Certificate of Occupancy has been issued by the administrator. Such a certificate shall state that the building or the proposed use, or the use of the land, complies with the provisions of this Chapter. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. The certificate shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this Chapter and all applicable codes and ordinances. Upon the request of the holder of a permit the Zoning Administrator may issue a temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

The zoning administrator shall not issue a temporary certificate of occupancy until the applicant has guaranteed the completion of public improvements, including, but not limited to, public roads, public water and public sewer facilities, shown on the approved site plan or other approved plan by providing either a letter of credit, certified check, cash escrow, or cash payment, approved by the county attorney. (Ord. No. 31A-88, Section 20-9, 4-8-85)

Section 20-9. Public hearing required.

Prior to issuance of a special use permit a public hearing shall be held by the Planning Commission and by the Board of Supervisors; provided however, that a special use permit for a mobile home or as required by Sections 20-531 or 20-533 of this chapter may be issued after a public hearing is held by the Board of Supervisors only. The fee for a special use permit shall be in accordance with Section 20-6 of this Chapter. (Ord. No. 31A-88, Section 20-10.1, 4-8-85)

Section 20-18. Proffer of conditions.

The owner or owners of property making application for a change in zoning or amendment to a zoning map, as part of their application, may voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning petition. The conditions shall be proffered as a part of the requested rezoning or amendment to the County's zoning map. It is expressly provided, however, that the conditions so proffered are subject to the following limitations:

1. The rezoning itself must give rise to the need for the conditions;
2. Such conditions shall have a reasonable relation to the rezoning;
3. Such conditions shall not include a cash contribution to the County;
4. Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in subdivision A(f) of Code of Virginia, Section 15.1-466.
5. Such conditions shall not include payment for or construction of off-site improvements except those provided for in subdivision A(j) of Code of Virginia, Section 15.1-466.
6. No condition shall be proffered that is not related to the physical development or physical operation of the property; and
7. All such conditions shall be in conformity with the comprehensive plan of the County.
(Ord. No. 31A-88, Section 20-14.3, 4-8-85)

Section 20-24. Penalties

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, may be fined up to one thousand dollars (\$1,000.00). Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. No. 31A-88, Section 20-15, 4-8-85)

Section 20-25. Exclusive nature of the chapter.

This chapter shall be deemed exclusive in nature, and only those uses specified shall be permitted in the various zoning districts. If a use is not specified in a zoning district, it shall be prohibited in that district. In the event that a use is not permitted in any zoning district, it may only be permitted after appropriate amendment to the text of this chapter.

Article II. Site Plan

Section 20-46. Same—Submittal contents.

The revised site plan shall be submitted in separate sheets or overlays as appropriate for accurate representation of the project.

Insufficient submittals may be returned to the applicant with written notification of deficiencies from the Planning Director or his designee. The revised site plan shall as a minimum contain those items set forth in Subsection 20-39(a) through (q).

(Ord. No. 31A-88, Section 20-21.3, 4-8-85)

Article IV. Districts
Division 8. Multi-family Residential District, R-5

Section 20-251. Requirements for improvements and design.

- (a) Sewer and water. All dwelling units within the Multi-Family Residential District, R-5, shall be served by publicly-owned and operated sewer and water systems.
- (b) Open Space. At least 35% of the gross area of the site shall be retained in open space as defined in Section 20-2.
- (c) Recreation. A playground area or areas with playground equipment shall be provided by the developer. Such areas shall be centrally located and total at least one-half acre for every 50 dwelling units; provided, that the total shall not exceed 10% of the gross area of the site. For multi-family projects with less than 50 dwelling units, the recreation areas shall total 10% of the gross acreage of the site. The developer shall provide and install playground equipment specified on the site plan prior to the issuance of any Certificates of Occupancy. Recreation areas and facilities may be deeded to a residents' association.
- (d) Sidewalks. Sidewalks of a minimum width of four feet shall be constructed between buildings, parking areas and public areas. If paralleling a street, sidewalks shall be separated from the edge of the pavement by a utility strip which shall be at least two feet wide and landscaped. If not constructed of concrete, the material and design shall be specified on the site plan and subject to commission approval.
- (e) Utility lines. All utility lines, including electrical, telephone, and cable television, shall be placed below ground.
- (f) Parking. Off-street parking facilities shall be provided in accordance with Section 20-12 of this Chapter.
- (g) Bicycle storage racks. Bicycle storage and parking racks shall be provided with a capacity of 0.5 space for each dwelling unit in townhouse, apartment, and condominium developments.

- (h) Streets. All streets shall meet the design and construction requirements of the State Department of Highways and Transportation, or the requirements of the County Subdivision Regulations, whichever is greater. All streets shall be consistent with the major thoroughfare plan of the County Comprehensive Plan. The traffic generated by a Multi-Family Residential District, R-5, shall not exceed the capacity of adjoining thoroughfares. The daily traffic shall be determined by multiplying the number of proposed dwelling units by seven (7) vehicle trips per day and compared to the existing traffic and road capacity as determined by the Highway Engineer. The construction of private streets shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the County Attorney and Department of Public Works.
- (i) Fire hydrants. Fire hydrants shall be at locations and of types approved by the County Director of Public Works and County Fire Chief. No structure within the project shall be further than 400 feet from a hydrant.
- (j) Trash collection. If containers are provided, they shall be conveniently located to serve all dwelling units. The sites for such containers shall be attractively screened by natural vegetation, landscaping or fences.
- (k) Street lights. Street lights shall be provided, as required by Section 20-12(B)(5) of this Chapter and the County Subdivision Ordinance. All streetlights shall be specified on the site plan, generally at intersections and in parking lots and other public areas. The lighting shall be directed so as not to produce objectionable glare on adjacent property or into residences within the development. No lighting fixture on pedestrian or bicycle paths, or parking lots shall exceed a height of 15 feet.
- (l) Site plan. A site plan for the project must be approved in accordance with Article II of this Chapter.
- (m) Building height. A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the Board of Supervisors. Upon application, the Board of Supervisors may grant a height limitation exception upon finding that:
 - (1) Such building will not obstruct light from adjacent property;
 - (2) Such building will not impair the enjoyment of historic attractions and areas of significant historic interest;
 - (3) Such building will not impair property values in the surrounding area;

- (4) Such building is adequately designed and served from the standpoint of safety, and the County Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- (5) Such building would not be contrary to the public health, safety and general welfare.
- (n) Maximum number of units and facade variety. A maximum of ten townhouse units shall be included in one structure. The facade of townhouses within a group shall be changed by variation in the depth of front yards, building materials and-or design, so that no more than two abutting units shall be of like appearance.
- (o) Private yards. Each two-family dwelling unit and each townhouse unit shall open directly into a private yard of a minimum of 200 square feet.
- (p) Minimum distances. The distance between two main structures on a single lot shall be a minimum of the height of the taller structure. Accessory structures shall be a minimum of 10 feet from any other structure.
- (q) Drainage Facilities. Adequate facilities for the control of storm water, erosion and sedimentation shall be provided in accordance with the Virginia Erosion and Sediment Control Handbook and the Virginia Department of Highways and Transportation Drainage Manual.
- (r) Natural features and amenities. Existing features which would enhance the residential environment or the County as a whole such as trees, watercourses, historic spots and similar features shall be preserved wherever possible.
- (s) Guarantee for improvements. The Zoning Administrator shall not issue a temporary Certificate of Occupancy or Certificate of Occupancy until the applicant has guaranteed the completion of public improvements, including but not limited to public roads, public water and public sewer facilities, shown on the approved site plan by providing either a letter of credit, certified check, cash escrow, cash payment, or other surety, approved by the County Attorney.
- (t) Maintenance of common open space, recreation facilities, etc. The maintenance of common open space, recreation facilities, sidewalks, parking, private streets and other privately-owned but common facilities serving the project shall be guaranteed by the developer, project owner or a properly established homeowners association. (Ord. No. 31A-88, Section 20-80.13, 4-8-85; Ord. No. 31A-89, 9-9-85; Ord. No. 31A-91, 12-2-85)

Division 12. General Business District, B-1

Section 20-333. Yard regulations.

(a) Buildings shall be located 20 feet or more from side or rear property lines, except that the minimum side yard shall be 50 feet if the side yard abuts property in a Residential district, and the minimum rear yard shall be 50 feet if the rear yard abuts property in a Residential district. The minimum side and rear yards shall be increased an additional one foot for each one foot of building height in excess of 35 feet.

(b) All accessory structures shall be located at least ten feet from any side or rear lot line. (Ord. No. 31A-88, Section 20-84.1, 4-8-85)

Division 13. Limited Industrial District, M-1

Section 20-351. Uses permitted by special use permit only.

In the Limited Industrial District, M-1, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

- Day care centers.
- Truck stop.
- Outdoor sports facilities.
- Theme parks of ten acres or more.
- Radio stations, television stations, transmission relay stations and communication towers which exceed 60 feet in height.
- Petroleum storage.
- New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.
- Sanitary landfills in accordance with Section 20-97 and waste disposal facilities.
- Resource recovery facilities.
- Airports.
- Hospitals.
- Lodges, civic clubs, fraternal organizations, service clubs and assembly halls.
- Funeral homes.
- Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same.
- Manufacture of furniture.
- Manufacture and sale of glass and glass products.
- Manufacture and storage of ice, including dry ice.
- Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

Public or private electrical generation facilities, steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.
(Ord. No. 31A-88, Section 20-88.1, 4-8-85)

Section 20-355. Side and rear yards.

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard abuts property in a Residential district, and the minimum rear yard shall be increased to 75 feet if the rear yard abuts property in a Residential district. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Site Plan Review Committee; provided, however, that no structure shall be located within 10 feet of any property line.
(Ord. No. 31A-88, Section 20-90.1, 4-8-85)

Division 14. General Industrial District, M-2

Section 20-380. Side or rear yards.

(a) Structures shall be located 20 feet or more from side or rear property lines. The side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each three feet of height in excess of 35 feet.

(b) The minimum side yard shall be increased to 75 feet if the side yard abuts property in a Residential district, and the minimum rear yard shall be increased to 75 feet if the rear yard abuts property in a Residential district. The minimum side and rear yards for any section of a structure in excess of 35 feet in height shall be increased one foot for each two feet of height in excess of 35 feet.

(c) Accessory structures may be located within the required side or rear yards upon approval of the Site Plan Review Committee; provided, however, that no structure shall be located within 10 feet of any property line.
(Ord. No. 31A-88, Section 20-98.2, 4-8-85)

Article VIII. Planned Unit Development Districts

Section 20-484. Permitted uses.

(a) In the Planned Unit Development District - Residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

(1) Residential Uses.

Single-family dwellings.
Two-family dwellings.
Townhouses and condominiums.
Apartments.
Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts and other similar recreation facilities.
Retail shops associated with community recreation facilities.
Houses of worship.
Golf courses, country clubs.
Schools, both private and public.
Marinas, boat docks and waterfront activities.
Coin laundries which are accessory to other residential uses and for the primary use of their residents.
Restaurants which are accessory to permitted private clubs and marinas.
Fire stations.
Off-street parking as required by this Chapter.
Signs, as permitted by this Chapter.

Nursing home and facilities for the residence and-or care of the aged.

Accessory buildings or structures.
 Telephone exchanges and telephone switching stations.

(2) Commercial Uses.

Retail food stores, bakeries, fish markets.
 Dry cleaners and laundries.
 Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
 Drug stores and barber or beauty shops.
 Restaurants, tea rooms and taverns.
 Banks and other financial institutions.
 Plants and garden supply, hardware and paint, and home appliance sales and service, with storage in a fully enclosed building.
 Automotive service stations, with major repair in a fully enclosed building, or retail sale of automotive accessory items.
 Photography studios and sales, artist and sculptor studios, arts and crafts and handicraft shops, antique shops, reproduction and gift shops.
 Corporate, business, and professional offices.
 Doctors, dentists and other medical clinics or offices.
 Indoor theaters, museums and public meeting halls.
 Schools, fire stations, post offices, public utilities, churches, libraries.
 Funeral homes.
 Radio and television stations.
 Motels, hotels and resort facilities.
 Telephone exchanges and telephone switching stations.
 Day care centers.

(b) In the Planned Unit Development District - Commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

(1) Commercial Uses:

Same as paragraph (2) of Subsection (a) of Section 20-484.

(2) Light Industrial Uses:

Research, design and development laboratories.

Wholesale and warehousing, with storage in a fully enclosed building.

Printing and publishing.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly, and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.

(3) Theme parks.

(4) Apartments, townhouses and condominiums.

(Ord. No. 31A-88, Section 20-151, 4-8-85; Ord. No. 31A-89, 9-9-85)

0175U



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

| SUPERVISOR | VOTE |
|------------|------|
| BROWN | AYE |
| TAYLOR | NAY |
| MAHONE | AYE |
| DEPUE | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia,
this 6th day of April, 1987.

0175U

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13A, PUBLIC PARKS AND RECREATION FACILITIES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I. IN GENERAL, SECTION 13A-1, DEFINITIONS; ARTICLE II. REGULATIONS GOVERNING PUBLIC PARKS AND RECREATION FACILITIES, SECTION 13A-7, USE OF PUBLIC PARK AND RECREATIONAL FACILITIES BY CHILDREN UNDER THE AGE OF SIX; SECTION 13A-23, SWIMMING POOLS - RULES AND REGULATIONS; AND BY ADDING SECTION 13A-24, VIOLATIONS OF CHAPTER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13A is hereby amended and reordained by amending Section 13A-1, Definitions; Section 13A-7, Use of public park and recreational facilities by children under the age of six; Section 13A-23, Swimming pools - Rules and regulations; and by adding Section 13A-24, Violations of chapter.

Chapter 13A. Public Parks and Recreation Facilities
Article I.

Section 13A-1. Definitions.

Public parks and recreation facilities. Any and all buildings, lands, and waters, including roadways, recreation equipment, structures, and the flora and fauna therein, owned, leased, or operated under the jurisdiction of the county as a park or recreation area and open to the general public for park or recreation purposes. (Ord. No. 154, 5-7-84)

Article II. Regulations Governing Public Parks
and Recreation Facilities

Section 13A-7. Use of public park and recreational facilities by children.

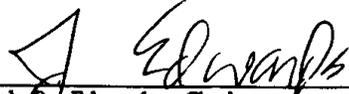
No parent or guardian shall permit a child under the age of six (6) years, or such other age as is specifically posted by the director, to make use of public park and recreational facilities without providing for direct supervision of the child. (Ord. No. 154, 5-7-84)

Section 13A-23. Rules and regulations.

The director shall have the right to promulgate rules and regulations for the operation of public parks and recreation facilities and the activities therein. Such rules and regulations shall be posted at such park and recreation facility and available for review in the office of the county administrator. (Ord. No. 154, 5-7-84)

Section 13A-24. Violations of chapter.

Any person violating any provision of this chapter or any rule or regulation duly adopted hereunder shall be guilty of a Class 4 misdemeanor, unless otherwise specifically provided. In addition, such person may be ejected from the park, building, or other facility wherein the violation occurred.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

| SUPERVISOR | VOTE |
|------------|------|
| BROWN | AYE |
| TAYLOR | AYE |
| MAHONE | AYE |
| DEPUE | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia,
this 6th day of April, 1987.