

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIRST DAY OF JUNE, NINETEEN HUNDRED EIGHTY-SEVEN, AT 7:03 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 - Absent

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

B. MINUTES - May 18, 1987

Mr. Edwards reported that Mr. Mahone was absent and asked if there were any corrections or additions to the minutes.

Mr. Brown mentioned the handout of corrected pages, and made a motion to approve the minutes, as amended.

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

C. PUBLIC HEARINGS

1. Case No. CP-3-87. Neck-0-Land Road Area Plan

Larry Bizette, Planner, stated that a study of this area has resulted in a recommendation for change in the housing density for new development in the Neck-0-Land area. Staff recommends housing density of one dwelling unit per two acres based on existing constraints, but not more than one unit per acre based on improvements to the road, the intersection, the sewer system serving the area, and avoidance of development in the floodplains.

Mr. DePue asked the difference between the staff recommendation and the Planning Commission recommendation.

Mr. Bizette replied that the Planning Commission recommendation was a one acre minimum lot size in the remaining undeveloped land outside the floodplain boundaries.

Mr. Brown asked which of the two recommendations was considered at the Planning Commission.

Mr. Bizette said additions were made after the Planning Commission considered the document; however, the density considered at the public hearing was one dwelling unit per two acres.

Sandy Stein, representative of the Planning Commission, said the basic difference between the recommendations was that the Planning Commission recommended a one-acre minimum lot size, or .75 units per acre.

Mr. Brown reiterated that staff recommended one unit per two acres.

Mr. DePue commented that the staff recommendation is more restrictive.

Mr. Edwards opened the public hearing and stated that due to Mr. Mahone's absence, a vote would not be taken at this meeting.

1. Jack Kirtland, 343 Neck-0-Land Road, spoke in favor of the plan, saying the residents are pleased that the Board is considering the entire area, and the plan is excellent.

Mr. Edwards asked which density recommendation the residents support.

Mr. Kirtland replied the residents are in favor of the two-acre lot size.

2. Janice Dixon, 100 The Colony, said the neighborhood was pleased to be included in the decision-making and supported the staff's recommendation of one dwelling unit per two acres.

3. Bill Gorman, Powhatan Shores Homeowners Association, also spoke in favor of the staff's recommendation. He mentioned pedestrian trails were very important to his neighborhood.

4. Alvin Anderson, representing two property owners, Benson & Phillips and Mill Creek Landing, Ltd., stated that his client's pending application should not be considered under any new plan approved by the Board; nor should the consideration be tightly tied to traffic issues.

5. Larry Cooke, representative for Mill Creek Landing Ltd., felt that footpaths, open to the public, were not a good idea. He stated that road improvements, not limiting the lot size, was the solution.

6. Mr. Kirtland spoke again and asked that the Board review the staff's comments on drainage, floodplain area, etc., in addition to the road issues.

Mr. Edwards stated that the public hearing would be continued until the next Board of Supervisors meeting at which time action might be taken on the plan.

Mr. DePue asked if the floodplain was included in the development calculations.

Mr. Bizette answered that the density was computed outside the floodplain.

Mr. Taylor asked if the acreage in the forestal district, which cannot be developed for four years, was considered.

Ms. Stein replied in the affirmative.

Mr. Brown commented that Neck-O-Land Road is the only entrance to and exit from the area, and the road connects with Jamestown Road at a curve. He felt that a very congested traffic situation would occur if the remaining land was divided into one-half acre lots.

Mr. DePue said the Board could not blindly look at development and ignore the impact on roads. He supported the staff's recommendation and applauded the process, although it took longer than expected.

2. Case No. Z-26-86. Mill Creek Landing, Ltd.

Victoria Gussman, Director of Planning, stated that application had been made to rezone approximately 179 acres from A-2, Limited Agricultural, to R-1, Limited Residential. The existing water main has the capacity for proposed rezoning, but the sewer system has insufficient capacity. She further stated that the traffic count ranges from 200 to 1,900 vehicles daily, with the project expected to generate 2,100 to 3,000 vehicles daily. Staff and the Planning Commission (by a 6-5 vote) recommend R-6 zoning to preserve the rural atmosphere of the area.

Mr. Edwards opened the public hearing on the case, noting that this item would be continued until the next meeting for Mr. Mahone's benefit.

1. Alvin Anderson, representative for the applicant, summarized the zoning changes during the past, and stated that A-2 zoning is not appropriate. He requested approval of the R-1 zoning saying it was consistent with the Comprehensive Plan, utilities are available, and sewer capacity can be made available at the developer's expense.

Mr. Brown asked if there were development plans available for the Board's review.

Mr. Anderson replied that plans were filed with the application in October.

Mr. Morton mentioned that no proffers had been submitted.

Mr. Brown asked what the plans were for the sewer system, off-site improvements, intersection improvements, and archaeological survey. He stated that these are points to be considered before the Board makes a decision.

Mr. Anderson replied that he was not aware of any plans.

Mr. Edwards stated the public hearing would be continued with possible action taken at the next Board meeting.

Mr. Taylor asked how long a rezoning application can be on file before presenting it to the Board of Supervisors.

Mrs. Gussman said there was a one-year time limit.

3. Six-Year Secondary Road Improvement Plan

Victoria Gussman, Director of Planning, said the plan covered the fiscal years 1988-93; the secondary road plan is reviewed by the Board every two years, and the priority list is reviewed every year.

Mr. Taylor questioned why Croaker Road was moved from #10 to #15.

Mrs. Gussman replied that Centerville Road had been separated into several projects, and that the volume of traffic on Croaker Road was 554 daily.

Mr. Edwards asked if the Board could change the priorities.

Mr. Hall replied that the Board's priority list was advisory in nature and that the Highway Department had final authority on the list. He stated that the Longhill Connector Road estimate was now \$1.6 million.

Mrs. Burcham, Assistant County Administrator, noted that the predesign estimate was \$1.255 million.

Mr. Edwards opened the public hearing.

1. Susan Feiner of Jolly Pond Road stated that Jolly Pond Road was dangerously narrow and that school buses and trash trucks travel the road daily. Mrs. Feiner requested this road be ranked higher in the priority list.

Mr. Edwards closed the public hearing.

Mr. Edwards asked for assurance that the turn lanes on Ironbound Road south of John Tyler Highway would be completed prior to the opening of the new elementary school in the fall of 1989.

Mr. Hall replied in the affirmative.

Mr. Edwards asked if the traffic count at Ironbound Road and Strawberry Plains Road justified installation of a traffic signal.

Mr. Hall stated that wait-time and traffic volume are primary considerations and that installation costs would come from the secondary road budget because the signal is at the intersection of two secondary roads. Highway Department policy encourages installation when the signal is warranted in order to avoid liability in case of a serious accident.

Mr. Edwards questioned whether the Board's views had any impact with the Highway Department.

Mr. Hall replied the Highway Department wants the Board's input, but might not take it into consideration.

Mr. Brown mentioned the top 6 priorities and asked if Chickahominy Road was nearing construction.

Mr. Hall said construction was currently planned to begin in April 1988.

Mr. Taylor asked if Jolly Pond Road could be improved by widening the ditches.

Mr. DePue said the priority list is composed from many factors, not just road condition. He suggested that the Board leave the plan intact.

Mr. Edwards made a motion to approve the Six-Year Secondary Road Construction Program Priority List.

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

R E S O L U T I O N

THE SIX-YEAR SECONDARY ROAD CONSTRUCTION PROGRAM PRIORITY LIST

WHEREAS, the James City County staff, in conjunction with the Virginia Department of Transportation, has reviewed the needs for construction projects to improve the secondary road system within the County and has found numerous roads in need of improvements to eliminate deficiencies from state road standards, to reduce hazards to public safety and to provide adequate roadways for increasing traffic volumes; and

WHEREAS, the Board of Supervisors and the Resident Engineer of the Williamsburg Office of the Virginia Department of Transportation have jointly held a public hearing of the Six-Year Secondary Road Construction Program Priority List.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, the James City County Six-Year Secondary Road Construction Program Priority List dated May, 1987 is established as the County's secondary road construction program priorities.

4. Case No. CP-2-87. Amendment to the Land Use Plan: Greenbelts

Kay Robertson, Senior Long Range Planner, stated this amendment follows a review of the James City County policy regarding Greenbelts. The 1981 Land Use Plan designated Route 199, Jamestown Road, John Tyler Highway (Route 5), and Greensprings Road as Greenbelts.

Ms. Robertson stated the policy recommendations include a refined definition of "Greenbelt", a preferred width for Greenbelt buffers, and guidelines to allow flexibility for establishing the buffer when warranted by site constraints.

Mr. Edwards opened the public hearing.

1. Ken Kinsinger, 106 Argall Town Lane, Coalition for Quality Growth, urged the Board to adopt the Greenbelt policy for all of the County's major highways to insure the visual quality of our community.

2. Gladys Jones, 2981 John Tyler Highway, stated she was concerned about the impact of the policy on her property on Route 5.

Mr. Edwards told Mrs. Jones that she would be contacted in regard to her concerns. He asked if anyone wished to speak, and closed the public hearing.

Mr. Brown commented that the County has received voluntary compliance from developers in keeping driveway entrances off roadways, and increasing easements so that lots back up to major roads. He further stated his concern that additional major roads have not been included, and he felt that all sections needed to be mapped for consideration. Mr. Brown concluded that he was very much in favor of the Greenbelt concept, but the plan had lost its flexibility and needed more work.

Mr. Kinsinger said he agreed with Mr. Brown that the policy should apply to all roads.

Mr. Taylor said he was opposed to the Greenbelt policy. He felt that trees left along highways caused more problems than open fields.

Mr. DePue agreed with Mr. Brown's comments that the plan needs flexibility to take individual situations into account, and should be sent back to staff or the Planning Commission for a more comprehensive look at its application to all County roads. He further stated that James City County had been pursuing the Greenbelt policy for several years, and that staff deserves credit for a job well done with few laws to follow for guidance.

Ms. Stein said the Planning Commission would like the Board to approve the policy, and then consideration could be given to adding more roads to the list.

Mr. Edwards said he favored the policy and made a motion to postpone the matter indefinitely until further exchange between the Board, staff, and the Planning Commission had been accomplished.

Mrs. Burcham said that a public hearing could be set for the roads not included on the list, if the Board so desires.

Mrs. Gussman said staff would meet with Mr. Brown before the next Board of Supervisors meeting.

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

Mr. Edwards recessed the Board at 9:09 p.m. and reconvened the Board at 9:24 p.m.

5. Case No. SUP-4-87. Longhill Road Nursing Home

Mrs. Gussman stated that application has been made to construct a 40,000 sq. ft. one-story building to be used as a State-licensed nursing home in the A-2, Limited Agricultural zoning district. Staff recommends approval of the Special Use Permit with conditions set forth in the resolution.

Mr. Edwards opened the public hearing.

1. Mr. David Clarke, representative for Fralin and Waldron, Inc., asked the Board to support the request for the Special Use Permit. The State is divided into regions and districts, and this district has top priority for additional nursing home beds. He further stated that the patients would be from the James City County area, and a Department of Health Certificate of Need would be obtained before the State would grant a license.

Mr. Brown asked what the capacity of the facility was, and if local physicians were involved in the process.

Mr. Clarke replied that one hundred twenty beds were requested. The facility would be staffed by nurses and local physicians, but not owned locally.

Mrs. Gussman stated that a revision to the resolution to clarify the use should be: replace "as described herein" with "to allow a one hundred twenty bed nursing home".

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the resolution as amended.

Mr. Edwards said he was skeptical regarding the need for a nursing home in James City County.

Mr. Brown said the Board was only making a zoning decision.

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

R E S O L U T I O NCASE NO. SUP-4-87. LONGHILL ROAD NURSING HOME

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, on April 28, 1987, unanimously recommended approval of Case No. SUP-4-87.

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-4-87 to allow a 120-bed nursing home with the following conditions.

1. A 20-foot strip shall be dedicated for future roadway expansion along the frontage of the property.
2. A 80-foot vegetative buffer shall be provided along the entire front of the site measured from the proposed 90-foot right-of-way line on Longhill Road. No parking, building or other built structure shall encroach in this area. Live tree cutting shall be prohibited except for the necessary entrance onto the facility and per the Virginia Department of Transportation required site distance.
3. The proposed development shall be limited to one access point off of Longhill Road.

6. Case No. SUP-9-87. I. M. Hodges

Mrs. Gussman reported that the Planning Commission recommends approval of the Special Use Permit for construction of a duplex on a .35 acre parcel at 128 Raleigh Street with the conditions as listed in the resolution.

Mr. Edwards opened and closed the public hearing.

Mr. DePue made a motion to approve the Special Use Permit.

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

R E S O L U T I O NCASE NO. SUP-9-87. I. M. HODGES

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 April 28, 1987, unanimously recommended approval of Case No. SUP-9-87, a special use permit to allow the construction of a duplex on property identified as Parcel (1-31B) on James City County Real Estate Tax Map No. (47-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-9-87 as described herein with the following conditions:

1. The Special Use Permit shall authorize the construction of one duplex on property identified as Parcel (1-31B) on James City County Real Estate Tax Map No. (47-3).

2. If construction of this duplex is not begun within 24 months of the issuance of this permit, it shall become void. Construction shall be defined as clearing, grading and the excavation and pouring of all footings covered by this permit.

7. Case No. SUP-11-87. James City County Sanitary Landfill

Mrs. Gussman stated that the Public Works Department has applied for a Special Use Permit to allow expansion of the James City County Sanitary Landfill by approximately 120 acres. The Planning Commission recommended approval with conditions and excluded the 20 acre parcel from the permit. The Planning staff has added an additional condition to allow the 20 acre parcel to be included in the permit.

Mr. Edwards opened the public hearing.

1. Michael Schuster, 109 Deerwood Drive, was concerned about the surface and groundwater quality of Jolly Pond affecting wells in the neighborhood.

Wayland Bass, Director of Public Works, said the surface and groundwater are monitored and regulated by the State Water Control agency. Quarterly reports detailing water quality are on file in the Public Works office.

Mr. DePue clarified that the twenty acres were not to be used for landfill, but has to be rezoned so the County can utilize the area to implement environmental controls for runoff.

Mr. Bass replied in the affirmative.

2. Susan Feiner, 2202 Jolly Pond Road, commented that the twenty acres were the swamp part of the Jolly Pond, and she was very concerned about protection of the Pond.

3. John Davis, 2200 Jolly Pond Road, was also concerned about protection and adequate control of runoff for the Jolly Pond.

4. Rita Savage, 115 Deerwood Drive, said she supported Susan Feiner's remarks.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the Special Use Permit.

Mr. Edwards stated that more communication was needed with the area residents regarding the operation of the landfill.

Ms. Feiner said only three homeowners were notified.

Mr. Brown commented that the landfill has been there twenty years, and all applicable State laws on groundwater runoff are being adhered to. He concluded that waiting two weeks for a vote would not present a problem.

Mr. Taylor agreed with Mr. Brown that the landfill is a benefit to all citizens of James City County and that State and Federal regulations are extensively followed. Mr. Taylor was not in favor of delaying the vote.

Mr. Edwards deferred the request until the next Board meeting and asked staff to conduct further discussions with the residents.

8. Case No. Z-4-87. T. K. Oriental Art and Antiques, Inc.

Mrs. Gussman indicated that application has been made for rezoning of approximately 1.5 acres from R-2, Limited Residential, to LB, Limited Business, to adjoin a 3.9 acre parcel that is owned by the applicant and zoned LB.

Mr. Edwards opened and closed the public hearing.

Mr. Taylor made a motion to approve the rezoning.

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

R E S O L U T I O NCASE NO. Z-4-87. T. K. ORIENTAL ART AND ANTIQUES, INC.

WHEREAS, in accordance 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 on Zoning Case No. Z-4-87 for rezoning approximately 1.5 acres from R-2, Limited Residential, to LB, Limited Business, on property identified as parcel (1-38) on James City County Real Estate Tax Map No. (4-3); and

WHEREAS, the Planning Commission following its public hearing on April 28, 1987 unanimously recommended approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-4-87.

9. Case No. Z-7-87. Bryant Construction Company

Mrs. Gussman stated that the application is to rezone 6.81 acres from A-1 to M-2 to allow for future expansion of the construction company. The Planning Commission recommends approval.

Mr. Edwards opened and closed the public hearing.

Mr. Taylor made a motion to approve the rezoning.

Mr. Edwards said that he was opposed to rezoning requests for future uses by a property owner. He stated that a review should be made to study better methods for drawing zoning district lines.

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

R E S O L U T I O NCASE NO. Z-7-87. BRYANT CONSTRUCTION COMPANY

WHEREAS, in accordance 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 on Zoning Case No. Z-7-87 for rezoning approximately 4 acres from A-1, General Agricultural, to M-2, General Industrial, on property identified as parcel (1-37A) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Planning Commission following its public hearing on April 28, 1987 unanimously recommended approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-7-87.

10. Case No. Z-9-87. Mayo W. Waltrip - Powhatan Trails

Mayo Waltrip has applied to rezone approximately 64.5 acres from A-2, General Agricultural, to R-1, Limited Residential, for future development. Proffers have been submitted. The Planning Commission recommends approval with proffers.

Mr. Edwards opened and closed the public hearing.

Mr. DePue made a motion to approve the rezoning.

Mr. Edwards commented that the availability of sewer depends on the James City Service Authority agreement with Hampton Roads Sanitation District and Ford's Colony to upgrade the Powhatan Creek sewer system in mid-1988. He also asked the number of units planned.

Mrs. Gussman replied the number of units is limited by the minimum lot size in the district.

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

R E S O L U T I O N

CASE NO. Z-9-87. MAYO W. WALTRIP - POWHATAN TRAILS

WHEREAS, in accordance 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 on Zoning Case No. Z-9-87 for rezoning approximately 64.5 acres from A-2, General Agricultural, to R-1, Limited Residential, on property identified as Parcel (1-3A) on James City County Real Estate Tax Map No. (46-2); and

WHEREAS, the Planning Commission, following its public hearing on April 28, 1987, unanimously recommended approval of Case No. Z-9-87 with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-9-87, and accepts the voluntary proffers signed by the property owner.

11. Case No. Z-6-87. Zoning Ordinance Amendments

The Planning Commission recommended approval of the nine Zoning Ordinance amendments with the addition in Section 20-51 of the word "material" to read "alter or change in any material way any structure...". Mrs. Gussman stated that the staff recommends approval of all the amendments and elimination of the word addition in Section 20-51.

Mr. Edwards opened and closed the public hearing.

Mr. Brown said that he had concerns about Section 20-51, which states "...violation of this chapter to...change in any way new structure or land except in accordance with the approved final site plan." He felt that Section 20-51 would be difficult to administer. Mr. Brown concluded that perhaps a relief clause could be added.

Mr. Morton said a lawsuit could bring many different definitions if the word material is included.

Mr. Brown said he agreed that the word material would be difficult to interpret, and he suggested taking another approach.

Mr. Morton asked that Section 20-51 be deleted, and further work would be undertaken on that section.

Mr. Brown made a motion to approve the Zoning Ordinance amendments with the exception of Section 20-51.

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

12. Ordinance for Driving While Intoxicated and Traffic Enforcement

The County Attorney recommends adoption to incorporate the amendments made by the General Assembly.

Mr. Edwards opened and closed the public hearing.

Mr. DePue made a motion to approve the Ordinance.

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

13. Case No. Z-8-87. Beechwood Company

Mr. Daniel Nice, representative for Beechwood Company, has applied to rezone approximately 4.0 acres from R-1, Limited Residential, to B-1, General Business, for the proposed use as a hotel site. This location is in the Reservoir Protection District which will require the applicant to obtain a Special Use Permit prior to development.

Mr. Edwards opened and closed the public hearing.

Mr. Taylor made a motion to approve the rezoning.

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

R E S O L U T I O NCASE NO. Z-8-87. BEECHWOOD COMPANY

WHEREAS, in accordance 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 on Zoning Case No. Z-8-87 for rezoning approximately 4.0 acres from R-1, Limited Residential, to B-1, General Business, on property identified as parcel (1-13) on James City County Real Estate Tax Map No. (13-4); and

WHEREAS, the Planning Commission following its public hearing on April 28, 1987 unanimously recommended approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-8-87.

D. CONSENT CALENDAR

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

Mr. Brown requested Item #1 be removed.

Mr. Edwards made a motion to approve the Consent Calendar with the exception of Item #1.

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

2. Approval of Overall Drainage PlanR E S O L U T I O NOVERALL DRAINAGE PLAN APPROVAL

WHEREAS, the review of drainage plans is technical in nature and is currently being performed by the Department of Public Works as part of development plan review.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Director of Public Works or his designee the responsibility for review and approval of overall drainage plans where County approval is required.

3. Water Extension Agreement for the City of Newport News

R E S O L U T I O N

CITY OF NEWPORT NEWS WATER EXTENSION AGREEMENT

WHEREAS, Ferrell General Construction, Incorporated, has prepared plans for Skiffes Terrace, Phases III, IV and V, a townhouse development in Grove; and

WHEREAS, the City of Newport News has prepared a water extension agreement for the extension of city water mains to serve this development; and

WHEREAS, all testing fees and inspection fees have been paid by the developer.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the James City County Board of Supervisors be authorized to execute the Newport News Water Extension Agreement on behalf of the County.

4. Ball Corporation Industrial Revenue Bond Financing

R E S O L U T I O N

BALL CORPORATION INDUSTRIAL REVENUE BOND FINANCING

WHEREAS, on January 15, 1986, the Industrial Development Authority of the County of James City, Virginia ("Authority"), considered the application of Ball Corporation ("Company") requesting the issuance of the Authority's industrial development revenue bonds in an amount not to exceed \$1,500,000 ("Bonds") and adopted a resolution ("Inducement Resolution") whereby the Authority agreed to assist the Company in the financing of the acquisition and installation of water pollution control equipment ("Project") to be installed at the Company's existing manufacturing facility located at 8935 Pocahontas Trail, in James City County, Virginia; and

WHEREAS, the Authority held a public hearing on the proposed financing of the Project on January 15, 1986; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code"), provides that the governmental unit having jurisdiction over the issuer of industrial development revenue bonds and over the area in which any facility financed with the proceeds of industrial development revenue bonds is located must approve the issuance of the Bonds; and

WHEREAS, the Authority issues its bonds on behalf of James City County, Virginia ("County"); the Project is located in the County and the Board of Supervisors of the County of James City, Virginia ("Board"), constitutes the highest elected governmental unit of the County; and

WHEREAS, on February 17, 1986, the Board adopted a resolution ("Board Resolution") approving the issuance of the Bonds; and

WHEREAS, under Temporary Income Tax Regulations Section 5f.103-2(f)(1), the Board Resolution may remain in effect for only one year from the date of its adoption; and

WHEREAS, the Authority has held another public hearing on the proposed issuance of the Bonds as required by Section 147(f) of the Code and Section 15.1-1378.1 of the Code of Virginia of 1950, as amended ("Virginia Code"); and

WHEREAS, on May 20, 1987, the Authority adopted a resolution ("Affirming Resolution") affirming the Inducement Resolution and recommending that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's Inducement Resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, the Affirming Resolution, a certificate of the second public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA:

1. The Board hereby again approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.1-1378.1 of the Virginia Code, to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company.
3. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this Resolution shall remain in effect for a period of one year from the date of its adoption.
4. The Board directs the County Administrator to request an allocation from the State Reserve, as defined in Executive Order 28(86), to cover the issuance of the Bonds.
5. This Resolution shall take effect immediately upon its adoption.

1. Landfill Excavation Contract

Mr. Brown inquired whether the company that had submitted the lowest bid was a firm known to the County.

Wayland Bass replied in the affirmative and that the company did excellent work.

Mr. Brown made a motion to approve Item #1.

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

R E S O L U T I O N

LANDFILL EXCAVATION CONTRACT

WHEREAS, funds were approved in the FY 88 Landfill Operating Budget for Landfill Excavation; and

WHEREAS, a Request for Bids was issued, responses evaluated and the low qualified bidder determined for said Landfill Excavation; and

WHEREAS, it has been determined that Key Construction Company, Inc., has met the qualifications to perform this Landfill Excavation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to enter into a contract with Key Construction Company, Inc., in the amount of \$146,475 to perform the Landfill Excavation.

E. BOARD CONSIDERATIONS

1. Primary Service Area Adjustment

Mr. Edwards read a letter from Mr. Daniel Nice requesting that the matter of the Primary Service Area adjustment be deferred until completion of the interchange plan.

Mr. Brown made a motion to postpone indefinitely the Primary Service Area adjustment request.

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

2. Summer Food Service Program

Staff recommends that the Board appropriate funds for a local summer lunch program and forego participation in the USDA program.

Mr. Edwards asked if there were any questions.

Mrs. Burcham reported the problems in applying for the Federal program were the volume of paperwork involved and the inability to locate a local vendor. Staff is requesting \$10,000 to run a local program.

Mr. Taylor asked if the program would be entirely local and available to all children.

Mrs. Burcham replied in the affirmative and stated that the government cost per meal included purchasing, preparing, and delivery. Staff had contacted vendors who said they will provide a nutritious meal if the County can make delivery arrangements; the Parks and Recreation staff is available for this purpose.

Sandi McPherson, Director of Parks and Recreation, said an additional problem with the Federal program was that the average of 200 lunches a day was considered by many potential vendors as insufficient to make it profitable for them to participate.

Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

APPROPRIATION OF FUNDS FOR THE
SUMMER FOOD SERVICE PROGRAM

WHEREAS, James City County desires to offer a Summer Food Service Program for children participating in the James City County Summer Recreation Program; and

WHEREAS, the Board of Supervisors of James City County has provided local funds for this purpose in prior years when necessary to offset Federal funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appropriates \$10,000 from Contingency to the Summer Lunch Program on a continuing appropriation basis to provide lunches to participants in the County's Summer Recreation Program:

Transfer From:

Operating Contingency \$10,000

Transfer To:

Summer Lunch Program (Continuing) \$10,000

F. PUBLIC COMMENT

There was no public comment.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman requested a work session on the Richmond Road Study and Plan following the next Board of Supervisors meeting.

Mr. Edwards said there were no objections.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked for a meeting with the Continental Cablevision Company to discuss the possibility of extending cable service primarily to the Stonehouse District.

Mr. DePue asked the other Board members to support Mr. Taylor's request, since such a large area does not have access to cable television.

Mr. Brown requested staff to ask for an August afternoon meeting with Paul Spacek, Systems Manager of Continental Cablevision, and Buzz Goodall, Manager of the Richmond office.

Mr. DePue suggested that the areas requesting service be identified and forwarded to Mr. Spacek prior to the work session for his review.

Mr. Taylor said that he had previously shown the area to a cable representative.

Mr. Brown recognized Mayo Waltrip in the audience.

Mr. Brown indicated his agreement with the staff recommendation to deny the application for use of the Human Services Center.

Mr. Brown asked that the vacancy list of Boards and Commissions be advertised in the Daily Press and on the government cable channel.

Mrs. Burcham requested an executive session to appoint the Setoff Debt Collection Program Appeals Panel members.

Mr. Brown said that he had received a prompt response from Congressman Herbert Batemen to a letter regarding a FHA loan for Mr. Clayton Roberts.

Mr. Edwards made a motion to go into executive session to discuss personnel matters pursuant to Section 2.1-344(a)(1) of the Code of Virginia, 1950, as amended.

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

The Board recessed into executive session at 10:37 p.m. and reconvened into open session at 10:42 p.m.

Mr. Brown made a motion to adjourn.

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

The Board adjourned at 10:42 p.m.


David B. Norman
Clerk to the Board

AGREEMENT

WHEREAS, Mayo W. WALTRIP is the owner of certain real property in the County of James City, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat entitled A Survey of 64.5 Acres of Land For Mayo W. & Annie Lee Waltrip, James City County, Virginia" made by DeYoung-Johnson Group, Inc., Engineers-Architects-Surveyors, Williamsburg, Virginia, dated April 22, 1986, said plat being attached hereto and made a part hereof.

WHEREAS, the Owner has applied for rezoning of the property from Limited Agricultural District, A-2, to the Limited Residential District, R-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, because the Limited Residential District, R-1, Provisions of the Zoning Ordinance, of James City County may be deemed inadequate for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, More flexible and adaptable zoning methods are deemed advisable to permit the use of the property; and

WHEREAS, the Owner is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

BOOK 350 PAGE 182

NOW, THEREFORE, this agreement

W I T N E S S E T H:

THAT for and in consideration of the County of James City, rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, and pursuant to §15.1-491.1 et seq. of the Code of Virginia, 1950, as amended, and §20-15 et seq. of Chapter 20, of the Code of James City County, Virginia, the Owner agrees that in addition to the restrictions provided for in the Limited Residential District, R-1, of the Zoning Ordinance of the County James City, Virginia, but subject

to the current limitations set forth in the aforesaid Codes, they will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. Prior to the approval of any subdivision of the property in question, the Owner shall be obligated to provide for the Construction of turn lane(s) from Ironbound Road and the provision in such subdivision plat for the potential widening of Ironbound Road, as required by the Virginia Department of Transportation in its review of any proposed subdivision of the property.
2. Prior to the approval of any subdivision of the property the Owner shall submit to the appropriate agency of the County for approval a subdivision plat which shall have all of its subdivided lots fronting toward the interior of the proposed subdivision and no lots in said subdivision shall front on Ironbound Road.

Mayo W. Waltrip (SEAL)
Mayo W. Waltrip

BOOK 350 PAGE 183

COMMONWEALTH OF VIRGINIA-at Large
IN THE CITY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged before me the 16th day of April, 1987 by Mayo W. Waltrip.

My Commission Expires Oct 16, 1990

Nancy L. Lemille
Notary Public

VIRGINIA: City of Williamsburg and County of James City, to wit:
In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City the 23 day of June, 1987 This instrument was presented with certificate annexed and admitted to record at 12:10 o'clock
Teste: Helene S. Ward, Clerk
by Devin P. Martin
Deputy Clerk

PLAT RECORDED IN
P.B. NO. 45 PAGE 70

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I. IN GENERAL, SECTION 20-26. REVOCATION OF SPECIAL USE PERMITS; ARTICLE IV. DISTRICTS, DIVISION 1. GENERALLY, SECTION 20-101. SPECIAL PROVISION FOR CONDOMINIUMS; DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-222. PERMITTED DENSITY OVERALL; DIVISION 8. MULTI-FAMILY RESIDENTIAL DISTRICT, R-5, SECTION 20-242. PERMITTED USES; DIVISION 12. GENERAL BUSINESS DISTRICT, B-1, SECTION 20-329. PERMITTED USES; ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-476. DENSITY; SECTION 20-484. PERMITTED USES; AND ARTICLE X. OVERLAY DISTRICTS, DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP, SECTION 20-528. 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 adding Section 20-26. Revocation of special use permits; and Section 20-101. Special provision for condominiums; and by amending Section 20-222. Permitted density overall; Section 20-242. Permitted uses; Section 20-329. Permitted uses; Section 20-476. Density; Section 20-484. Permitted uses; and Section 20-528. Permitted uses.

CHAPTER 20.

ARTICLE I. IN GENERAL

Section 20-26. Revocation of special use permits.

(1) The governing body may, by resolution, initiate a revocation of a special use permit. When initiated, the revocation process shall be handled as would a new application for a special use permit, following the procedures set forth in subsection 20-8 of this chapter.

(2) After review by the planning office and consideration and recommendation by the planning commission, the governing body shall act on the proposal to revoke the special use permit. Grounds for revocation shall include, but not be limited to, the following:

- (a) A change in conditions affecting the public health, safety and welfare since adoption of the special use permit; or
- (b) Repeated violations of this chapter, including any conditions attached to the special use permit, by the owner/operator of the use; or
- (c) Fraudulent, false or misleading information supplied by the applicant (or his agent) for the special use permit; or
- (d) Improper public notice of the special use permit public hearing(s) when the permit was considered by the planning commission or the governing body; or
- (e) An error or mistake in fact that led to an arbitrary and unreasonable decision made by the governing body when approving the special use permit.

ARTICLE IV. DISTRICTS

DIVISION 1. GENERALLY

Section 20-101. Special provision for condominiums.

A building or group of buildings permitted under the terms of this chapter may be sold as condominiums unless otherwise prohibited by law.

Section 20-222. Permitted density overall.

The gross density of the total area of the planned residential community shall not exceed two units per acre.

DIVISION 8. MULTI-FAMILY RESIDENTIAL DISTRICT, R-5.

Section 20-242. Permitted uses.

In the Multi-Family Residential, District, R-5, structures to be erected or land to be used shall be for the following uses held for rent, for sale by individual unit, or for sale in condominium:

- Single-family dwellings.
 - Two-family dwellings.
 - Three-family and four-family dwellings.
 - Townhouses.
 - Apartments.
 - Accessory apartments in accord with Section 20-92.
 - Rental of one room.
 - Accessory buildings or structures as defined.
 - Community recreation facilities, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ballfields, tennis courts, and other similar recreation facilities.
 - Retail shops associated with community recreation facilities.
 - Golf courses, country clubs.
 - Houses of worship.
 - Schools, libraries and fire stations.
 - Marina, boat dock or waterfront recreational facilities.
 - Coin laundries which are accessory to other residential uses and for the primary use of its residents.
 - Restaurants which are accessory to permitted private clubs or marinas.
 - Off-street parking as required by this Chapter.
 - Signs, as permitted by Article VII of this Chapter.
 - Water impoundments of less than 50 acres and with dam heights of less than 25 feet.
 - Day care and child care centers.
 - Residential cluster development in accordance with Article IX of this chapter.
- (Ord. No. 31A-88. Section 20-80.6, 4-8-85)

DIVISION 12. GENERAL BUSINESS DISTRICT, B-1.

Section 20-329. Permitted uses.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

- Retail food stores, bakeries and 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, barber shops and beauty shops.
- Restaurants, fast food restaurants, tea rooms, and taverns.
- Banks and other financial institutions.
- Plants and garden supply, hardware and paint, and home appliance sales and service stores.
- Lumber and building supply (with storage limited to a fully enclosed building).
- Plumbing and electrical supply (with storage limited to a fully enclosed building).
- Automobile service stations, subject to the special requirements of this Chapter.
- Hotels, motels, tourist homes, and convention centers.

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Corporate, business, governmental, and professional offices.

Doctors, dentist and other medical clinics or offices.

Indoor theaters, museums, and public meeting halls.

Schools, fire stations, post offices, houses of worship and libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Funeral homes.

Cemeteries.

Gunsmith (excluding shooting ranges).

Feed, seed and farm supply stores.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.

Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.

Radio and television stations, and accessory antenna or towers which are 60 feet or less in height.

Printing and publishing.

Off-street parking as required by this Chapter.

Day care and child care centers.

Apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Telephone exchanges and telephone switching stations.

Office supply stores, secretarial, and duplicating services.

Health clubs, exercise clubs, fitness centers.

Convenience stores with sale of fuel in accordance with Section 20-89.

Parking lots and garages.

Veterinary offices.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS.

Section 20-476. Density.

The gross density of the net developable area of the planned unit development shall not exceed the maximum density suggested by the Comprehensive Plan and in no case shall exceed four dwellings per acre. The number of dwelling units which may be constructed in any area designation shall be determined by the number of net developable acres at the site and the use proposed. The net developable acres shall equal the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25% gradient. The number of units which may be constructed are:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Density (dwelling units per acre)</u>
A	Single family	4
B	Two-family, multi-family structures containing three or four dwelling units, or townhouses	9.6
C	Multi-family structures less than three stories and containing more than four dwelling units	12
D	Multi-family structures of three stories or more and containing more than four dwelling units	18

(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.
- 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.

(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)

ARTICLE X. OVERLAY DISTRICTS

DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP

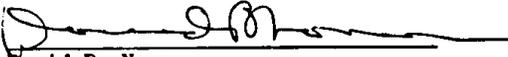
Section 20-528. Permitted uses.

Uses permitted in the Reservoir Protection Overlay District shall be the same as those permitted in the underlying zoning district except as specified in Section 20-529.

Within the Reservoir Protection Overlay District, agricultural or household chemicals, including herbicides, insecticides, fungicides, and pesticides, to be dispersed upon the land or on animals shall be applied in accordance with label directions as attached by the manufacturer. Such chemicals shall be disposed in accordance with Commonwealth of Virginia Department of Waste Management Hazardous Waste Management Regulations.


Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
TAYLOR	NAY
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of June, 1987.

0177U

ADOPTED

JUN 1 1987

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 66A-20

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 11-7, ADOPTION OF STATE LAW; ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 11-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that effective July 1, 1987, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 11-7, Adoption of state law; and Section 11-28, Adoption of state law, generally.

Chapter 11. Motor Vehicles and Traffic

Article I. In General.

Section 11-7. Adoption of state law.

Pursuant to the authority of Section 46.1-188 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.1 of the Code of Virginia, as amended, and in force on July 1, 1987, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be

unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.1 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.1 of the Code of Virginia. (11-25-74; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-16, 12-2-85; Ord. No. 66A-18, 7-7-86)

Article II. Driving Automobiles, etc., While Intoxicated or Under the Influence of any Drug

Section 11-28. Adoption of state law, generally.

Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, 1987, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section. (Ord. No. 66A-15, 6-10-85; Ord. No. 66A-18, 7-7-86)



Jack D. Edwards, Chairman
Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
TAYLOR	AYE
DEPUE	AYE
EDWARDS	AYE

ATTEST:



David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of June, 1987.