

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF SEPTEMBER, NINETEEN HUNDRED EIGHTY-SEVEN, AT 7:05 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 - August 17, 1987

Mr. Mahone joined the meeting at 7:10 p.m.

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

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).

C. PUBLIC HEARINGS

1. Case No. Z-16-87. Duncan, Newman, Renick Estate

Mrs. Victoria Gussman, Director of Development Management, stated that this case was deferred from the August 3, 1987 Board of Supervisors meeting to allow additional time for the Ewell Hall residents and the developer to discuss concerns and determine the possibility of an alternate access for construction vehicles other than King William Drive.

Mrs. Gussman reported that staff continues to recommend approval of this rezoning application with proffers which limit the development to single-family houses.

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

Mr. DePue made a motion to approve the resolution. He thanked the Board for postponing the case as he felt the additional time had benefited the project.

Mr. Edwards asked if alternate access for vehicles would be a satisfactory solution.

Mr. DePue replied that the decision has not been finalized, but that all persons concerned are hopeful about the outcome.

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. Z-16-87. DUNCAN, NEWMAN, RENICK ESTATE

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-16-87 for rezoning approximately 19.79 acres from B-1 and R-3 to R-3 with proffers on property identified as parcel (1-109) on James City County Real Estate Tax Map No. (32-2); and

WHEREAS, the Planning Commission following its public hearing on July 28, 1987, unanimously recommended approval of Case No. Z-16-87 with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-16-87 with proffers.

2. Case No. Z-14-87. Benson Phillips Company, Inc.

Mrs. Gussman stated that this case for rezoning 74 acres from A-2, Limited Agricultural, to R-1, Limited Residential was deferred from the August 3, 1987, meeting. Proffers have been submitted since that date which limit the number of dwelling units to 76; provide for a comprehensive drainage study; keep dwellings out of the floodplain; provide for a landscape buffer adjacent to the Colonial Parkway; and provide for a Phase I archaeological study.

Mrs. Gussman further stated that water and sewer are available, with the present sewer system capable of accommodating only 225 single-family dwellings. New construction of sewer facilities will be the developer's responsibility. She noted that with the approved development, the traffic level at the Neck-0-Land Road and Jamestown Road intersection is expected to exceed the service level "D" and to place the Neck-0-Land Road at the service level "D".

Staff recommends approval of this application with proffers.

Mr. Edwards opened the public hearing.

1. Mr. Alvin Anderson, representing the owner of the property, stated that the proffers have addressed all of the concerns expressed by the staff and area residents.

Mr. Anderson continued that the density is almost equivalent to R-6 zoning, and the 50-foot buffer with a landscape protection screen is subject to review and approval by the Subdivision Review Committee of the Planning Commission.

Mr. Edwards closed the public hearing.

Mr. Brown made a motion to approve the resolution with proffers.

Mr. DePue stated he would support the case, which had significantly improved since first submitted. He further expressed his disappointment that the Board, upon approval of this case, will have approved three cases that will create a large amount of new development on Neck-0-Land Road, which is already overloaded with traffic. He noted that the Board fairly considered each case, and asked that the Neck-0-Land residents understand that the Board had diligently worked for improvements to the rezoning cases.

Mr. Brown agreed with Mr. DePue that no one was happy with the solution, but that the developer had considered the concerns of the Neck-0-Land Road residents.

Mr. Mahone expressed appreciation for the efforts of the developer who was responsive to the concerns of the community, and stated that he was hopeful that the changes would occur gradually. He mentioned that the narrow shoulder of Neck-0-Land Road was dangerous when cars travel at excessive speeds.

Mr. Edwards asked if approval of this case might hamper the County's defense in possible lawsuits arising from similar situations.

Mr. Morton replied in the negative.

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. Z-14-87. BENSON PHILLIPS COMPANY, INC.

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled and conducted on Zoning Case No. Z-14-87 for rezoning approximately 74 acres from A-2, Limited Agricultural, to R-1, Limited Residential, on property identified as Parcel (1-69) on James City County Real Estate Tax Map No. (47-3); and

WHEREAS, this application with proffers has satisfactorily addressed issues and concerns raised by the Planning staff and Planning Commission and is in conformance with the Comprehensive Plan at the time of application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the rezoning of the property described above to R-1, and accepts the voluntary proffers signed by the owner.

3. Case No. Z-18-87. David M. Murray

Mrs. Gussman stated that Mr. Alvin Anderson, on behalf of the applicant, had applied to amend the Conditional Zoning Agreement for Case No. Z-21-86 for property currently zoned R-1, Limited Residential, with proffers, to allow for the development of a church and accessory uses on approximately 9.22 acres.

Mr. Edwards asked whether the conditions were acceptable to the applicant.

Mrs. Gussman replied that the applicant generated the conditions.

Mr. Edwards opened the public hearing.

1. Mr. Anderson requested approval of the amendment so that Mr. Murray could donate the property to the church.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve Case No. Z-18-87.

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. Z-18-87. DAVID M. MURRAY

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-18-87 for rezoning approximately 9.22 acres from R-1, with proffers, to R-1, with proffers, on property identified as parcel (1-2) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Planning Commission following its public hearing on July 28, 1987, unanimously recommended approval of Case No. Z-18-87, with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-18-87, with proffers.

Mr. John Kozel, 110 Jordan's Journey, representative of the Seventh Day Adventist Church, thanked the members of the Planning Commission and County staff for their consideration of the case, and expressed appreciation to the Board of Supervisors for the action taken.

4. Case No. CP-5-87. Comprehensive Plan Amendment - Bikeways

Mrs. Gussman stated that bikeways are slated for Longhill Road and Ironbound Road, and a Class I bikeway is proposed on Longhill Connector Road to provide an important link between Ironbound Road and Longhill Road. In order for the Virginia Department of Transportation to fund the project, the bikeway must be included as part of a regional bikeway plan.

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

Mr. Brown made a motion to approve the amendment.

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

AMENDMENT TO THE COMPREHENSIVE PLAN
OF JAMES CITY COUNTY - TRANSPORTATION ELEMENT

WHEREAS, the Transportation Element of the Comprehensive Plan of James City County plans a County-wide system of bikeways, including bikeways on Longhill Road and Ironbound Road; and

WHEREAS, at the time of the Transportation Element's adoption the Longhill Connector Road was not yet envisioned; and

WHEREAS, a bikepath on the Longhill Connector Road would constitute an important link in the planned regional system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adds the following language to Chapter IV, Other Transportation Modes, of the Transportation Element of the Comprehensive Plan:

"Proposed for construction by 1988 is a Class I bikeway on the Longhill Connector Road, providing an important link between Ironbound Road and Longhill Road."

5. Ordinance to Amend Chapter 9, Licenses, Section 9-57, Section 9-69, and Section 9-86

Mr. Morton stated the ordinance amendment was generated by the action of the 1987 General Assembly.

Mr. Edwards clarified that the amendment would make the County Code consistent with the State Code.

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

Mr. DePue made a motion to approve the amendment.

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

Mr. Mahone commented that the decal year was being shortened by two weeks.

Mr. Morton stated that the current decal would be honored through April 15, 1988, and the effective date of the change will be March 31, 1989.

Mr. Mahone reaffirmed that he would not support the amendment.

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

8. Ordinance to Amend Chapter 16, Article IV, Sanitary District Regulations

Mr. Morton stated that the assets and liabilities of Sanitary District No. 1 were transferred to the James City Service Authority in 1985.

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

Mr. Edwards made a motion to approve the ordinance.

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

9. Ordinance to Amend Chapter 18, Taxation, Article II, Exemption of Certain Persons from Real Estate Taxes

Mr. Morton stated that the Commissioner of the Revenue has requested the maximum income levels for exemptions of elderly or disabled people available under the State Code. The maximum income level for a household would be increased from \$14,500 to \$22,000 and combined financial worth from \$50,000 to \$75,000.

Mr. Morton continued that the maximum level is a substantial increase from the present County Code, and the State Code provides that counties and cities use their own discretion in specifying the maximum income level. Staff recommends postponement of this item, for review of the impact on revenues, until the first meeting in October.

Mr. Taylor noted that the amendment would become effective next year.

Mr. Ford responded that the deadline for filing qualifying affidavits is May 1.

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

Mr. DePue asked that staff provide comparative information from other localities.

10. James City County Budget Amendment

Mr. John McDonald, Director of Financial and Management Services, stated that the State Code requires a public hearing on budget amendments that exceed either \$500,000, or one percent of the County's adopted budget. Mr. McDonald requested that the Board authorize the acceptance of the Community Development Block Grant and the proceeds from the sale of property.

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

Mr. Brown made a motion to approve the resolution.

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

B U D G E T A M E N D M E N T

WHEREAS, the Board of Supervisors of James City County is considering a budget amendment in the form of appropriations for the Chickahominy Road Community Development project and the Longhill Connector Road; and

WHEREAS, in accordance with the requirements of the Code of Virginia, Section 15.1-162.1, a public hearing has been held.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted, for the fiscal year ending June 30, 1988 as follows:

Revenues:

Community Development Block Grant		<u>\$700,000</u>
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Expenditures:

CDBG Waterlines	\$300,000	
CDBG Septic	15,000	
CDBG Housing	329,000	
CDBG Administration	<u>56,000</u>	<u>\$700,000</u>

Revenues:

Proceeds from the Sale of Property - FY 1987		\$353,000
- FY 1988		<u>56,005</u>
		<u>\$409,005</u>

Expenditures:

Longhill Connector Road		<u>\$409,005</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes two limited-term positions for the Community Development Block Grant program, said authorization to expire as of June 30, 1989.

BE IT FURTHER RESOLVED that the appropriation of funds for the CDBG projects be designated a continuing appropriation, to carry beyond FY 1988 until the Chickahominy Road project is complete.

D. CONSENT CALENDAR

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

Mr. Mahone made a motion to approve the Consent Calendar.

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

1. Landfill Compactor Purchase

RESOLUTIONLANDFILL COMPACTOR PURCHASE/CONVERSION CONTRACT

WHEREAS, funds are appropriated in the FY 88 Capital Improvements Project Budget to purchase a Landfill compactor and convert the existing Caterpillar compactor to an earth compaction machine for the County at the Landfill; and

WHEREAS, a Request for Bid was issued, responses evaluated and the lowest bids meeting the critical specifications determined; and

WHEREAS, it has been determined that a Caterpillar 816B submitted by Carter Machinery Company, Inc., meets the critical specifications and is the lowest price machine to do so; and

WHEREAS, only one bid was received to convert the existing Landfill compactor to an earth compactor, that bid being from Carter Machinery Company, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into a contract with Carter Machinery Company, Inc., for the purchase of a Caterpillar 816B Landfill compactor for the sum of \$135,420 (with trade-in), and conversion of the existing Caterpillar Landfill compactor to an earth compactor for the sum of \$49,477.

2. Street Name Change - Brown's Drive

RESOLUTIONSTREET NAME CHANGE - BROWN'S DRIVE

WHEREAS, Section 17-38 of the Subdivision Ordinance of James City County provides the James City County Board of Supervisors with the authority to rename streets; and

WHEREAS, a street name change has been requested by fourteen residents of Chickahominy Church Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby changes the street name of Chickahominy Church Road to Brown's Drive.

3. Street Dedication Resolutions

RESOLUTIONDEDICATION OF STREETS IN MIRROR LAKE ESTATES

WHEREAS, the developer of Mirror Lake Estates, Sections 1, 2, 3A, and 4, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Mirror Lake Estates, Sections 1, 2, 3A, and 4, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Mirror Lake Estates, Sections 1, 2,

3A, and 4; Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Reflection Drive, 50-foot right-of-way
From: State Route 1640
To: Intersection of Meadowcrest Trail
Distance: 562 feet (0.11 miles)
2. Meadowcrest Trail, 50-foot right-of-way
From: State Route 760
To: Intersection of Loch Haven Drive
Distance: 2,190 feet (0.41 miles)
3. Plains View Road, 50-foot right-of-way
From: Meadowcrest Trail
To: Intersection of Loch Haven Drive
Distance: 1,303 feet (0.25 miles)
4. Loch Haven Drive, 50-foot right-of-way
From: Plains View Road
To: Meadowcrest Trail
Distance: 607 feet (0.12 miles)
5. Plains View Road, 50-foot right-of-way
From: Meadowcrest Trail
To: End of cul-de-sac
Distance: 521 feet (0.10 miles)

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

Mirror Lake Estates, Section 1, recorded in Plat Book 38, Pages 78-79, dated November 2, 1983; Mirror Lake Estates, Section 2, recorded in Plat Book 39, Page 90, dated August 24, 1984; Mirror Lake Estates, Section 3A, recorded in Plat Book 42, Page 81, dated June 13, 1986; and Mirror Lake Estates, Section 4, recorded in Plat Book 43, Pages 67-68, dated October 6, 1986.

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

R E S O L U T I O N

DEDICATION OF STREETS IN RAIN TREE AND OLD STAGE MANOR SUBDIVISIONS

WHEREAS, the developer of Rain Tree, Section I, and Old Stage Manor, Sections I and III, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Rain Tree, Section I, and Old Stage Manor, Sections I and III, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Rain Tree, Section I, and Old Stage Manor, Sections I and III, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Allyson Drive, 50-foot right-of-way
From: State Route 1445
To: Intersection of Winterset Pass
Distance: 444 feet (0.08 miles)

- 2. Rain Tree Way, 60-foot right-of-way
 From: State Route 603
 To: Intersection of Winterset Pass
 Distance: 360 feet (0.07 miles)
- 3. Winterset Pass, 50-foot right-of-way
 From: Allyson Drive
 To: Rain Tree Way
 Distance: 1,528 feet (0.29 miles)

The rights-of-way of 50 and 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Rain Tree, Section I, recorded in Plat Book 39, Page 61, dated June 27, 1984; Old Stage Manor, Section I, recorded in Plat Book 22, Page 55, dated June 4, 1965; and Old Stage Manor, Section III, recorded in Plat Book 34, Page 9, dated September 7, 1976.

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

4. Budget Changes - School Board

R E S O L U T I O N

AMENDMENT TO SCHOOL APPROPRIATION

WHEREAS, the Board of Supervisors of James City County has previously appropriated funds for the benefits of public education; and

WHEREAS, the Williamsburg-James City County School Board has requested an amendment to that appropriation that does not involve local funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby amend its appropriation to the Williamsburg-James City County School Board by adding the following:

Revenues

Federal Grant - Drug-Free Schools and Communities Act	\$11,182
State Grant - Dropout Prevention	23,745
Colonial Services Board Grant	<u>42,053</u>
	<u>\$76,980</u>

Expenditures

Drug-Free Schools Program	\$11,182
Dropout Prevention Program	23,745
Bright Beginnings, 0-2 years of age	<u>42,053</u>
	<u>\$76,980</u>

5. Federal Aid - Williamsburg Regional Library

R E S O L U T I O N

FEDERAL AID - WILLIAMSBURG REGIONAL LIBRARY

WHEREAS, the Board of Supervisors of James City County has been advised that the Williamsburg Regional Library has received \$60,000 in Federal Aid for the purpose of acquiring a bookmobile; and

WHEREAS, the Board of Supervisors of James City County is requested to approve the expenditure of funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the expenditure of \$60,000 in Federal Aid for the purpose of acquiring a new bookmobile and authorizes its Chairman to so advise the State Librarian.

6. Revision to Personnel Policies and Procedures Manual

R E S O L U T I O N

REVISION OF THE COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the Board of Supervisors of James City County is desirous of filling County positions with qualified applicants in a timely and efficient manner.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision of Section 2.6 of the Personnel Policies and Procedures Manual of James City County.

7. Sanitary District No. 2 - Loan Repurchase

R E S O L U T I O N

RETIREMENT OF DEBT - SANITARY DISTRICT NO. 2

WHEREAS, it is the desire of the Board of Supervisors of the James City County Sanitary District No. 2 to retire all debt of the District; and

WHEREAS, the Farmer's Home Administration is offering a discount purchase program through which the District's outstanding debt can be purchased at an advantageous price; and

WHEREAS, the purchase price for outstanding Sanitary District No. 2 debt has been established at \$491,622.68; and

WHEREAS, the District has paid to Farmer's Home Administration a good faith deposit of \$31,810 to be applied against the final debt purchase price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the James City County Sanitary District No. 2 appropriates \$239,430.10 to be used as the District's contribution to the Farmer's Home Administration Discount Purchase Program.

BE IT FURTHER RESOLVED that the County Administrator or the Chairman of the Board is hereby authorized and directed to execute any and all documents in connection therewith.

8. Bank Resolution - General Fund Depository Account

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: 0900223285

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 orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their 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.

E. BOARD CONSIDERATIONS

1. Vacation of Right-of-Way/Birchwood Park, Section B/Poplar Lane, between Lots 77 and 87

Mr. Morton explained the staff recommendation that applicants pay 50 percent of the assessed value of property to be vacated. The survey of the local jurisdictions varied from no compensation to 100 percent of assessed value.

Mr. Mahone stated he felt that a policy was needed for the County to recover the value of vacated property. He further noted that he was receptive to a figure less than the market value because acquiring property may involve such costs as legal fees. Mr. Mahone suggested that the Board consider a sliding scale, as an example, property valued from \$0-500, no compensation; \$500-750, 50 percent compensation; \$2,500 or more, 85 percent of fair market value.

Mr. Taylor indicated that he preferred the 50 percent of assessed value rather than a sliding scale. He noted that the County has many small parcels with little value which will become more valuable if attached to a salable lot.

Mr. Edwards mentioned setting the assessment at 50 percent with a minimum property value of possibly \$300-500 requiring no compensation.

Mr. Mahone stated that the small parcels are right-of-way, not parcels of usable land, but when the right-of-way becomes a part of an adjoining lot, the land/acreage would be assessed at fair market value.

Mr. Taylor commented that the land is then more valuable than when the County owned it.

Mr. Brown indicated that an important factor is that such parcels were not purchased by the County. He suggested a 25 percent assessed value, which would be consistent with Williamsburg's requirement. He noted that the policy should be that the right-of-way is divided equally between adjoining property owners.

Mr. Edwards suggested amending the resolution by replacing 50 percent with 25 percent.

Mr. Brown asked if the resolution applied only to road rights-of-way.

Mr. Morton replied that the resolution so stipulates.

Mr. Brown made a motion to amend the 50 percent of assessed value to 25 percent of assessed value in the resolution.

Mr. Mahone commented that a compromise could be to return the property to the developer of the subdivision.

Mr. DePue replied that the developer might not be available or interested.

Mr. Morton noted that State law requires that the land be equally split between adjoining property owners.

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

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

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

R E S O L U T I O N

VALUE OF RIGHT-OF-WAY FOR PURPOSES OF
PURCHASE PRICE IN VACATION REQUESTS

WHEREAS, Section 15.1-366 of the Code of Virginia, as amended, authorizes a County to require any person or persons, other than a subdivider, requesting a vacation of any streets, alleys, easements, or other public ways to purchase such property rights; and

WHEREAS, said Code further requires that the parties agree as to the value of such property; and

WHEREAS, to improve the orderly administration of the vacation process a policy regarding the amount of compensation generally agreeable to James City County is desirable; and

WHEREAS, twenty-five percent of assessed value is a fair and reasonable amount of compensation for streets, alleys, easements, and other public ways vacated by the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of James City, Virginia, hereby establishes that the purchase price for streets, alleys, easements, and other public ways to be vacated by the County shall be set at twenty-five percent of the assessed value as determined by the James City County Department of Real Estate Assessments; provided, however, due to special or unique circumstances of the property, a greater or lesser value may be agreed to after due consideration by the Board.

2. Crop Disaster Area - Drought

Mr. Stewart Taylor, speaking on behalf of the farm community and the Farmers Advisory Committee, stated that the drought is not as severe as last year in the Toano area, but the Lightfoot area is almost as dry. He further stated that the farmers always check the best of the crop. Last week's check showed that this year's yield is poor, not nearly as good as the field indicates by sight. Mr. Taylor continued that the dairy farms are hurting because of the lack of feed for the cattle.

Mr. Taylor noted that the resolution will go to the Governor and, in turn, to the Federal government for farm and emergency aid. Last year, farmers who lost 30 percent of their crop got Federal assistance.

Mr. Taylor made a motion to approve the resolution.

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

CROP DISASTER AREA

WHEREAS, agriculture is a vital element of the economic base of James City County; and

WHEREAS, weather conditions have created a drought seriously affecting the yields of crops and the available resources of the County are insufficient to cope with the effects of the drought; and

WHEREAS, the cost of production of these crops is greater than the value of the commodity in the marketplace; and

WHEREAS, credit to agriculture producers is extremely limited and the agriculture industry in James City County faces financial disaster because of the stated conditions of depression.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a state of emergency is declared to exist in the County and hereby requests The Honorable Gerald L. Baliles, Governor of the Commonwealth of Virginia, to declare James City County a disaster area for the agricultural industry and to make available all possible assistance to farmers.

F. PUBLIC COMMENT - None

G. REPORTS OF THE COUNTY ADMINISTRATOR - None

H. BOARD REQUESTS AND DIRECTIVES

Mr. Brown asked Mr. Sandy Wanner to check the pumping station at the end of Thomas Bransby for odor control.

Mr. Wanner replied that sewage and odor control is already being done at that pump station.

Mr. Brown mentioned the memorandum about the delinquent tax list, and noted that the County should publish the list of delinquent taxpayers owing \$500.

Mr. Morton stated that last year's list was published for delinquent taxpayers owing \$200.

Mr. Brown suggested that staff continue with the same policy until a change is requested.

Mr. Taylor commented that most taxpayers do not want their name published in the paper and will pay.

Mrs. Pettengill agreed with Mr. Taylor.

Mr. McDonald reported that if the Board agrees, a list will be published as of October 15 of those taxpayers who are delinquent, which gives citizens one month's notice to pay before the actual publication of names.

Mr. DePue remarked that this issue was not an easy one.

Mr. Brown noted that these taxpayers would be nine months delinquent in their payments.

Mr. Taylor made a motion to publish a list as of October 15, 1987 of delinquent taxpayers owing \$200 or more.

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

Mr. DePue requested that a decision be made on naming the Longhill Connector Road as Longhill Road, and indicated he would take the matter to the City Council.

Mr. Brown mentioned that the name could be either Longhill or Ironbound, with Ironbound having fewer addresses that would need to be changed.

Mr. Taylor commented that Ironbound would be going in two directions.

With the Board's consensus, Mr. Edwards advised Mr. DePue to proceed with taking the proposed naming to the City Council.

Mr. DePue indicated his displeasure with the Board's actions being misunderstood as reported in the Williamsburg Regional Growth Commission minutes of August 31, 1987, which reads, "3. The governing bodies of James City County and York County act more favorably on requests for special use permits for mobile homes, utilizing the permit process to assure the attractiveness of the home rather than denying the permit." He asked that staff prepare a memorandum to the Board and the Chairman of the Growth Commission briefly outlining the special use permit process, and quoting what percentage of permits the Board has approved versus the total number submitted.

Mr. Taylor stated that he receives calls weekly from citizens that have three to five acre lots, but do not have the 300-foot footage requirement for the placement of a mobile home.

Mr. DePue commented that the Planning Commission recommended no change to this requirement.

Mr. Brown asked staff to review the requirement and place a report in the reading file.

Mr. Edwards requested a review of the ordinance.

Mr. Taylor mentioned a permit could be denied for other reasons even if some permits are approved without the 300-foot frontage.

Mr. Morton stated the requirement was 150 feet per residence; 300 feet if another residence is already located on the property.

Mr. Brown asked that the report specifically include references to the Code.

Mr. Edwards thanked staff for the information in the reading file about the Berkeley polling place.

Mr. Edwards mentioned the memorandum in the reading file from Tony Conyers recommending that the Board establish a Chickahominy Community Advisory Committee and appoint the following persons for a two-year term: Thomas Wynn, William Randall, Ellis Meekins, Alma White, Audrey Greenhow, Lorine Holmes, Glenda Boyd, Irma Hawkins, and Stewart Taylor.

Mr. Edwards made a motion to approve the Chickahominy Community Advisory Committee.

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

Mr. Brown made a motion to cancel the Board of Supervisors meeting scheduled for Monday, September 21, 1987, at 1:00 p.m.

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

Mr. Edwards made a motion to recess for a break and then convene into executive session for personnel, property, and legal matters pursuant to Section 2.1-344(1)(2)(6) of the Code of Virginia, as amended.

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

The Board recessed for a break and executive session at 8:35 p.m. and reconvened at 10:35 p.m.

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 10:35 p.m.



David B. Norman
Clerk to the Board

AGREEMENT

WHEREAS, Property of the Estate of Robert A. Duncan, Richard Newman, and Dewey C. Renick, (hereinafter collectively called "the Owners") own certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain tract, piece or parcel of land now or formerly situated in Powhatan District, James City County, Virginia, containing 19.79 acres, more or less, shown and set forth on a plat entitled: "SURVEY OF 19.79 ACRES PROPERTY OF THE ESTATES OF ROBERT A. DUNCAN, RICHARD NEWMAN & DEWEY C. RENICK" made by AES, a professional corporation, dated November 21, 1986 (hereinafter called "The Plat").

WHEREAS, the Owners have applied for rezoning of the Property from B-1 District, to R-3 District with proffers, and R-3 District to R-3 District with proffers; and

WHEREAS, the County of James City may be unwilling to rezone the Property from B-1 District, to R-3, because R-3 rezoning regulations 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 Owners are 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 R-3 District,

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City rezoning the Property from the B-1 District to the R-3 District, and pursuant to Section 20-15 et seq of Chapter 20 of the Code of James City County, Virginia, the Owners agree that in addition to the regulations provided for in the R-3 District, they will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

All buildings or structures to be erected shall be used solely for one or more of the following uses:

Single Family Residences

EST. OF D. C. RENICK ET AL (SEAL)
ESTATE OF D. C. RENICK, et al

By William J. Bull (SEAL)
Agent

STATE OF VIRGINIA

COUNTY OF JAMES CITY, TO-WIT:

The foregoing was signed before me this 29 day of June, 1987,
by William J. Bull, Agent for the Estate of D. C. Renick, et al.

Sharon L. Wear
Notary Public

My Commission Expires: 7/24/88

AGREEMENT

WHEREAS, Benson-Phillips Company, Incorporated, a Virginia Corporation, (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain tract or parcel of land, together with the buildings and improvements thereon, situated in Jamestown Magisterial District, James City County, Virginia, being a part of the tract of land generally known as Neck-O-Land, containing seventy-four (74) acres, more or less, being all of the remaining property conveyed to the Owner by deed dated September 30, 1938 from Williamsburg Coal Company, Incorporated, recorded October 13, 1938 in James City County Deed Book 30, Page 261.

WHEREAS, the Owner has applied for a rezoning of the Property from the 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 because the Limited Residential District, R-1, zoning regulations 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.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That for and in consideration of James City County, Virginia, rezoning the Property to the Limited Residential District, R-1, and pursuant to Section 15.1-491.1 of the Code of Virginia, 1950, as amended and Section 20-15 of the Code of James City County, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, but subject to the current limitations set forth in the aforesaid codes, it will meet and comply with all of the following conditions for the development of the Property:

CONDITIONS

1. Prior to submittal of preliminary subdivision plans, the Owner, at its expense, shall cause to be prepared a comprehensive drainage study of the Property for review and approval by the James City County Director of Public Works.
2. Upon approval of the drainage study, the Owner shall be obligated to incorporate the recommendations of the study in the subdivision of the Property.

- 3. Prior to the submittal of preliminary subdivision plans, the Owner shall cause to be prepared for review and approval by the County, a Phase I archaeological study for the Property. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 to 150 feet.
- 4. The Property shall not be subdivided into more than seventy-six (76) single family dwelling lots.
- 5. No dwelling shall be placed within the 100 year flood plain area.
- 6. The Owner shall incorporate in its subdivision plans, a fifty foot (50') landscape buffer adjacent to the Colonial National Historic Park within which the Owner shall have an evergreen landscape buffer, twenty-five feet (25') in width, utilizing existing, transplanted or new evergreen trees, as needed, to effect a permanent evergreen landscape screen between the Property and the Colonial National Historic Park, which landscaping plan shall be approved by the Subdivision Review Committee of the County Planning Commission.

BENSON-PHILLIPS COMPANY, INCORPORATED

Christopher K. Phillips (SEAL)

STATE OF VIRGINIA

CITY/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 9th day of September, 1987, by Christopher K. Phillips, President of Benson-Phillips Company, Incorporated, a Virginia Corporation on behalf of the corporation.

Linda A. Brennan
Notary Public

My commission expires: January 29, 1990

AGREEMENT

WHEREAS, David M. Murray, (hereinafter called "the Owner") owns certain real property in James City County, 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 "PRELIMINARY PLAT, SEVENTH DAY ADVENTIST CHURCH SITE, 9.22 ACRES ±, JAMES CITY COUNTY, VIRGINIA" dated 3/13/87, made by Paul C. Small of AES, a professional corporation, said plat being attached hereto and made a part hereof.

WHEREAS, pursuant to Section 15.1-496.6 of the Code of Virginia, 1950, as amended, the Owner has applied for an amendment, nunc pro tunc, of the conditions created pursuant to Case No. Z-21-86 which amendment would remove the Property from the application of said conditions; and

WHEREAS, the County of James City may be unwilling to amend said conditions because said conditions may be deemed necessary 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 other conditions in lieu of the conditions created pursuant to Case No. Z-21-86 for the protection of the community, which other conditions are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth:

That for and in consideration of James City County, Virginia, amending the conditions created pursuant to Case No. Z-21-86 by removing the Property from the application of said conditions, nunc pro tunc, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended, and Section 20-

-1-

15 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, but subject to the other current limitations set forth in the aforesaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

- 1. The Property may not be further subdivided.
- 2. Only one entrance to the Property shall be permitted from Route 5.
- 3. Scenic easements shall be reserved across the Property 145 feet deep, adjacent to and parallel with the center line of Route 5. Existing trees, shrubbery and vegetation within said scenic easement shall remain "as is" provided, however, the Owner shall have the right to install and construct over, under, across and through the scenic easement such new entrance drainage structures, storm water management facilities, utilities and entrance signs as may be necessary in accordance with the terms of this Agreement and approved by the Site Plan Review Committee of the County's Planning Commission.
- 4. The Property and all buildings or structures to be erected thereon shall be used solely for a Church and accessory uses including but not limited to an accessory school and off street parking as required.
- 5. The Owner shall cause to be prepared for review and approval by the County a Phase I and Phase II, as appropriate, archaeological study for the Property. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 - 150 feet. A Phase II study shall include shovel test pits every 25 - 40 feet with site identification and examination as appropriate.

David M. Murray
 _____ (SEAL)
 DAVID M. MURRAY

STATE OF VIRGINIA
 CITY/COUNTY OF Newport News, to-wit:

The foregoing instrument was acknowledged before me this 31 day of July, 1987, by David M. Murray.

Carol Linn

 Notary Public

My commission expires: 11-27-88

ANDERSON, EMMETT
 & FRANCE, P.C.
 ATTORNEYS AT LAW
 POST OFFICE DRAWER C
 WILLIAMSBURG, VA. 23187

SEP 14 1987

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, SECTION 9-57, ELECTRIC LIGHT AND POWER, HEAT AND GAS; SECTION 9-69, NEWS PUBLICATIONS AND BROADCASTING; AND SECTION 9-86, TAXICAB DRIVERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by amending Section 9-57, Electric light and power, heat and gas; by adding Section 9-69, News publications and broadcasting; and by adding Section 9-86, Taxicab drivers.

Chapter 9. Licenses

Article II. Specific Businesses and Activities

Section 9-57. Electric light and power, heat and gas.

Every person engaged in the business of furnishing heat, light and power, and gas for domestic, commercial and industrial consumption in this county, shall pay for the privilege an annual license tax of one-half of one per centum of the gross receipts derived from sales to the ultimate consumer within this county, excluding, however, such service furnished federal, state and local public authorities, its offices or agencies and sales for resale to other electric utilities. (Ord. No. 16A-7, 11-16-81)

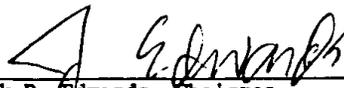
State law reference - Local taxation of water or heat, light and power companies, see Code of Va., Sections 58.1-2626, 58.1-2627, 58.1-2690, 58.1-3731.

Section 9-69. News publications and broadcasting.

No local license tax shall be levied or collected upon the privilege or right of printing or publishing any newspaper, news magazine, newsletter or other news publication, or for the privilege or right of operating or conducting any radio or television broadcasting station or service.

Section 9-86. Taxicab drivers.

No local license tax shall be collected from a taxicab driver if the County imposes a license tax upon the taxicab company for which the taxicab driver operates. The burden shall be upon each taxicab driver to provide reasonable proof of his employment status and that such a tax was paid.



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 14th day of September, 1987.

ADOPTED

ORDINANCE NO. 63A-1

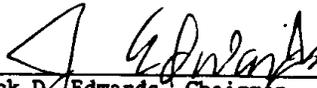
SEP 14 1987

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE OF THE COUNTY OF JAMES CITY, VIRGINIA, PROVIDING FOR THE REPEAL OF CHAPTER 9A, MECHANICAL CODE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.

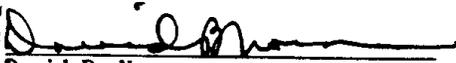
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9A of the Code of the County of James City, Virginia, is hereby repealed and declared null and void and of no effect.

Chapter 9A



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 14th day of September, 1987.

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SEP 14 1987

ORDINANCE NO. 66A-21

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IV, VEHICLE LICENSES, BY REPEALING SECTIONS 11-53 THROUGH 11-63 AND REESTABLISHING AND REORDAINING NEW SECTIONS 11-53 THROUGH 11-67 IN THEIR PLACE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by repealing Sections 11-53 through 11-63 and reestablishing and reordaining Section 11-53. Decal required, Section 11-54. Exemptions, Section 11-55. Decal year, Section 11-56. Decal fees, Section 11-57. Proration of decal fee, Section 11-58. Payment of personal property taxes prerequisite to issuance of decal, Section 11-59. Application; when decal available for sale, Section 11-60. Payment of fee and issuance of decal generally, Section 11-61. Required display of decal, Section 11-62. Presumption arising from absence of county decal, Section 11-63. Display of expired decal, Section 11-64. Duplicate or substitute decals, Section 11-65. Transfer of decal to another vehicle, Section 11-66. Removal of decal upon sale of vehicle, and Section 11-67. Violations and penalties.

Chapter 11. Motor Vehicles and Traffic

Article IV. Vehicle Decals

Section 11-53. Decal required.

(a) Every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county shall pay a license fee by procuring an annual county motor vehicle decal.

In the event it cannot be determined where such motor vehicle, trailer or semitrailer is normally garaged, stored or parked, the situs for the motor vehicle decal or license requirement shall be the domicile of the owner of such motor vehicle. For the purposes of this article, motor vehicle, trailer and semitrailer shall be defined in accordance with Section 46.1-1 of the Code of Virginia.

(b) Duty of person taking residence in county:

- (1) A nonresident or nondomiciled owner of a motor vehicle, trailer or semitrailer shall, upon taking residence or becoming domiciled in the county, procure a county motor vehicle decal within thirty (30) days. There shall be no grace period between the original purchase of a state license and the purchase of a county motor vehicle decal, except that owners moving to the county from elsewhere in the state not requiring a local decal or license shall be entitled to a thirty (30) day period of grace.

- (2) Owners moving to the county from elsewhere in the state where a local decal or license was required, who at the time of moving to the county had obtained a local decal or license from that jurisdiction for the current year, shall obtain a current county motor vehicle decal and display it in accordance with the provisions of this article. Upon proof of purchase of a current motor vehicle decal or license from such other jurisdiction, the office of the county treasurer shall provide those newly moving into the county with the one-time courtesy of a county motor vehicle decal free of charge for that decal year. Upon expiration of the aforesaid local decal or license from another jurisdiction, and in all successive years in which the owner remains a resident of or domiciled in James City County, unless otherwise excepted, a current county motor vehicle decal shall be obtained for each decal year in accordance with the provisions of this article.
- (c) Every purchaser of a new or used motor vehicle, trailer or semitrailer which will be normally garaged, stored or parked in the county shall have ten (10) days from the date of purchase to procure a county motor vehicle decal.

Section 11-54. Exemptions.

(a) The county shall not require a county motor vehicle decal for any motor vehicle, trailer or semitrailer when:

- (1) A similar tax or license fee is imposed by the county, city or town wherein such motor vehicle, trailer or semitrailer is normally garaged, stored or parked;
- (2) The motor vehicle, trailer or semitrailer is owned by a nonresident of the county and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in paragraph (3) of this subsection;
- (3) The motor vehicle, trailer or semitrailer is owned by a nonresident and is used for transporting into and within the county for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him, and not purchased by him for sale;
- (4) The motor vehicle, trailer or semitrailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the county and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;
- (5) The motor vehicle, trailer or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;
- (6) The motor vehicle, trailer or semitrailer is operated by a common carrier of persons or property operating between cities and towns in this Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intracity transportation;
- (7) The motor vehicle, trailer or semitrailer is owned by a governmental agency and operated solely within such governmental agency's business.

(b) The county shall provide, free of charge, a county motor vehicle decal for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Section 46.1-149.1 of the Code of Virginia.

(c) The county shall not require a county motor vehicle decal for any daily rental passenger car, the rental of which is subject to the tax imposed by Section 58.1-2402(A)(4) of the Code of Virginia.

(d) Every nondomiciliary member of the armed forces residing in this county in compliance with military or naval orders are exempt from the county motor vehicle decal fee requirement; provided, however, that all such military and naval personnel shall obtain, free of charge, a county motor vehicle decal in accordance with the provisions of this article. 109

Section 11-55. Decal year.

The decal year, under the terms of this article, shall commence on the first day of March and shall expire on the thirty-first day of March of the following calendar year. If the thirty-first of March falls on a Saturday, Sunday or a legal holiday, the decal year shall expire on the next day that is not a Saturday, Sunday or a legal holiday.

Section 11-56. Decal fees.

On and after March 1st of each year the owner of each motor vehicle, trailer or semitrailer required by this chapter to procure an annual county motor vehicle decal shall make application to the county commissioner of revenue for a decal, and shall pay to the county treasurer an annual decal fee in accordance with the following schedule:

(a) passenger motor vehicles (except motorcycles), and trucks—fifteen dollars (\$15.00).

(b) Trailers or semitrailers, excluding mobile homes—six dollars and fifty cents (\$6.50).

(c) Motorcycles—ten dollars (\$10.00).

Section 11-57. Proration of decal fee.

One-half of the annual county motor vehicle decal fee prescribed by this article shall be collected whenever a county motor vehicle decal is issued during the period beginning on the first day of October but on or before the thirty-first day of December in the decal year; and one-quarter of such fee shall be collected whenever any such decal is issued after the first day of January in the decal year.

Section 11-58. Payment of personal property taxes prerequisite to issuance of decal.

No motor vehicle, trailer or semitrailer taxable under the provisions of this article shall be issued a decal by the county unless and until the applicant for such decal shall have produced satisfactory evidence that all personal property taxes have been paid which have been properly assessed or are assessable against the applicant by the county.

Section 11-59. Application; when decal available for sale.

(a) Application for a county motor vehicle decal shall be made at the office of the county commissioner of revenue or at any other location designated by him, on forms providing for the name and address of the applicant and a description of the motor vehicle, trailer or semitrailer for which the decal is to be issued.

(b) County motor vehicle decals shall be available for sale in the office of the county treasurer, or at any location designated by him, on March first of each year.

Section 11-60. Payment of fee and issuance of decal generally.

The county motor vehicle decal fee provided for in this article shall be paid at the office of the county treasurer, or at any other location designated by him. Upon the payment of such fee, the county treasurer or his agent shall issue to the applicant a county motor vehicle decal for the motor vehicle, trailer or semitrailer for which the fee is paid.

Section 11-61. Required display of decal.

Every motor vehicle, trailer, or semitrailer required by this article to have a county motor vehicle decal shall display on that motor vehicle, trailer or semitrailer its designated county motor vehicle decal. The county motor vehicle decal shall be affixed to the windshield one inch to the right of the state inspection sticker. If the vehicle does not have a windshield or state inspection sticker, such decal shall be placed on the vehicle in a location designated by the county treasurer.

Section 11-62. Presumption arising from absence of county decal.

The finding of any motor vehicle, trailer or semitrailer registered in the county on any of the streets, alleys, lanes, parking lots, or public places of the county, without a proper county motor vehicle decal attached thereto, shall be a prima facie evidence that such motor vehicle, trailer or semitrailer is normally garaged, stored or parked in the county by the owner thereof.

Section 11-63. Display of expired decal.

No person shall display upon any motor vehicle, trailer or semitrailer a county motor vehicle decal after the expiration date of such decal.

Section 11-64. Duplicate or substitute decals.

(a) In the event that any county motor vehicle decal issued under the provisions of this article is lost or mutilated or becomes illegible, the owner shall make immediate application for and obtain a duplicate or substitute decal, by furnishing information of such fact satisfactory to the county treasurer and upon payment of two dollars (\$2.00). A person, having once applied for and received a duplicate or substitute county motor vehicle decal, shall not be entitled to apply again for and receive a duplicate or substitute county motor vehicle decal during the license year for which the original motor vehicle decal was issued, but shall reapply under Section 11-59 and pay the full fee required under Section 11-56 or Section 11-57.

(b) Any person exempted, under section 11-54, from payment of the decal fee imposed by this article, who needs a duplicate or substitute decal, as provided in this section, shall be furnished such duplicate or substitute decal without charge.

(a) Any owner who sells or transfers a motor vehicle, trailer or semitrailer currently issued a decal under the provisions of this article may have the county motor vehicle decal and the registration number thereon assigned to another vehicle of like design and titled in such owner's name, upon application to the county commissioner of revenue on forms providing for the name and address of the applicant and a description of the motor vehicle for which such decal has been issued, as well as a description of the motor vehicle for which such decal is to be transferred. Such application shall be accompanied by a fee of two dollars (\$2.00); provided that if the decal was issued under section 11-54, there shall be no charge for such transfer.

(b) For the purposes of this section, "like design" shall mean that the original vehicle issued a decal and the one to which the county motor vehicle decal is transferred either are both motorcycles or are both any other type of motor vehicles, trailers or semitrailers as defined by state law.

(c) No person shall display a county motor vehicle decal on a motor vehicle, trailer or semitrailer other than that decal issued for that vehicle, unless a transfer has been made under the circumstances covered by and as provided in this section.

Section 11-66. Removal of decal upon sale of vehicle.

The seller of a motor vehicle, trailer or semitrailer shall remove the county motor vehicle decal therefrom upon the sale of the vehicle.

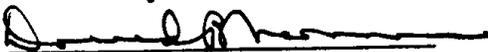
Section 11-67. Violations and penalties.

It shall be unlawful for any person to violate any provision of this article. Violations of the provisions of this article shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than twenty dollars (\$20.00).


Jack D. Edwards, Chairman
Board of Supervisors

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

ATTEST:


David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,
this 14th day of September, 1987.

SEP14 1987

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

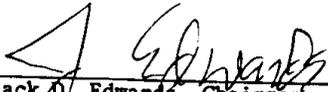
AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, SEWERS AND SEWAGE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING ARTICLE IV. SANITARY DISTRICT REGULATIONS, DIVISION 1. SANITARY DISTRICT NO. 1, SECTION 16-12. REGULATIONS ESTABLISHED; WHERE FILED FOR USE OF PUBLIC; COMPLIANCE THEREWITH MANDATORY; AND SECTION 16-13. ENFORCEMENT OF REGULATIONS, AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 16, Sewers and Sewage, is hereby amended and reordained by repealing Section 16-12. Regulations established; where filed for use of public; compliance therewith mandatory; and Section 16-13. Enforcement of regulations, said sections being declared null and void and of no effect.

Chapter 16. Sewers and Sewage

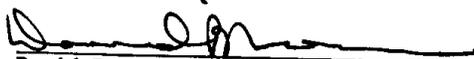
Article IV. Sanitary District Regulations*

Ordinance to Amend and Reordain
Chapter 16. Sewers and Sewage
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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 14th day of September, 1987.

Section 2.4 Hours of Employment

- A. Full-Time Employment - Full-Time Employment refers to all positions so declared by the Board of Supervisors or the County Administrator. The employee filling a full-time position shall work the number of hours so designated by that department as full-time, which shall be a minimum of 37-1/2 hours per week, or 1,950 hours per year as a regular work schedule.
- B. Part-Time Employment - A part-time position is one which has as its regular work schedule, fewer hours per week or year than a comparable full-time position.
- C. Official Work Hours - The official hours of work for the County office and administrative personnel shall be 8:30 a.m. to 5:00 p.m. Monday through Friday with one hour for lunch. Because of differing requirements, schedules may vary from these times.

Section 2.5 Publicity of Employment Opportunities

The Personnel Office shall determine, after review of the County's Affirmative Action Plan, the publicity required to obtain a reasonable number of qualified applicants for each vacancy. Publicity may include advertisements in newspapers and trade journals, radio and television broadcasts, correspondence and other contacts with schools and colleges, contacts with various community groups, and the encouragement of County employees informally to advise others of the job vacancies in County government.

Section 2.6 Employment Applications

Persons seeking to apply for employment with James City County shall be referred to the Personnel Office. Applications shall be accepted only for posted vacancies, with the exception of police, fire and selected positions which experience high turnover or difficulty in recruitment. Specific positions must be designated on all employment applications to guarantee full review of the application in the selection process.

Section 2.7 Employment Tests and Examinations

- A. Required - The County Administrator may require, but is not limited to, utilization of one or more of the following tools in the pre-employment or post-employment process: oral interviews; evaluation of experience and training; reference and background checks; polygraph tests, written examinations; agility tests; performance tests; and medical examinations. Applicants, if required to undergo skills testings, will normally be tested by the Personnel Office staff, although occasional outside expertise may be utilized in test selection and administration. Tests used shall be predictive of success in the job under consideration.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIFTH DAY OF OCTOBER, NINETEEN HUNDRED EIGHTY-SEVEN, AT 7:00 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 - September 14, 1987

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

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).

C. PROCLAMATION

1. Recycling Awareness Month, October 1987

Mr. Edwards read the proclamation, and presented the document to Ms. Katherine Hawkins, Chairperson of the James City County Clean County Commission. Ms. Hawkins remarked that the County has some very good recycling programs planned in the elementary schools. Mr. Edwards expressed the Board's appreciation for all the efforts of the Commission.

R E S O L U T I O N

RECYCLING AWARENESS MONTH

WHEREAS, recycling saves resources, energy and land, prevents litter by eliminating materials from the litter streams and prolongs the useful life of many materials; and

WHEREAS, recycling is a community-minded effort to ease the growing problems of solid waste management.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby designate the month of October 1987 as:

RECYCLING AWARENESS MONTH

and encourages citizens of James City County to participate in James City County Clean County Commission's recycling campaign this month, and to continue recycling efforts for this month and for all times thereafter.