

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF APRIL, NINETEEN HUNDRED EIGHTY-EIGHT, AT 1:00 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  
 Thomas D. Mahone, Vice-Chairman, Jamestown District  
 Perry M. DePue, Powhatan District  
 Thomas K. Norment, Jr., Roberts District  
 Stewart U. Taylor, Stonehouse District

David B. Norman, County Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES - April 4, 1988

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: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

C. PROCLAMATION

1. Child Abuse Prevention Month

Mr. Edwards read the resolution, which was accepted by Ms. Ann Yankovich, of the Williamsburg-James City County Public Schools.

R E S O L U T I O N

CERTIFICATE OF RECOGNITION

WHEREAS, the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States, where 11,582 cases of child abuse and neglect were substantiated in Virginia during fiscal year 1985; and

WHEREAS, Virginia faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members when child abuse occurs; and

WHEREAS, Congress has expressed its commitment to seeking and applying solutions to this problem by establishing April as Child Abuse Prevention Month nationwide; and

WHEREAS, in, James City County, Virginia, we have dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain the assistance they need; and

WHEREAS, it is vital that we join forces to reach out to parents and children and prevent the occurrence of child abuse and neglect; and

WHEREAS, it is appropriate and fitting to focus attention upon the problem of child abuse and neglect in Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, proclaims the month of April, 1988, as CHILD ABUSE PREVENTION MONTH in James City County, Virginia, and calls upon our citizens to observe the month with appropriate programs, ceremonies, and activities.

D. HIGHWAY MATTERS

Mr. Edwards postponed the Highway Matters until the arrival of Mr. Frank Hall, Resident Engineer, Virginia Department of Transportation.

E. PUBLIC HEARINGS

1. Case No. Z-29-87. Five Forks Associates (continued from April 4, 1988)

Mr. Edwards opened the public hearing, and as no one wished to speak, he asked that the public hearing be continued until May 16, 1988, as requested by the applicant's attorney.

2. Case No. SUP-7-88. Wilbur G. Jordan

Mr. O. Marvin Sowers, Jr., Director of Planning, stated Mr. Wilbur G. Jordan had submitted an application for a special use permit to allow the placement of a mobile home for a residence on 9.41 acres. Staff recommended approval with the conditions listed in the resolution.

A brief discussion was held concerning the cutting of trees on a heavily wooded lot.

Mr. Edwards opened the public hearing.

1. Phil Hatcher, 7617 Cypress Drive, spoke in favor of less control of citizens' cutting trees on their property.

Mr. Edwards closed the public hearing.

Mr. Mahone made a motion to change the wording in Condition 3 of the resolution, adding "home garden" after septic drainfield.

After some discussion, Mr. Taylor asked staff to review the wording in special use permit resolutions under the condition clearing of existing trees.

Mr. Mahone withdrew his motion and made a motion to postpone while staff reviewed the language of the condition.

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

Mr. Taylor made a motion to approve Case No. SUP-7-88.

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

R E S O L U T I O N

CASE NO. SUP-7-88

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

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

Applicant: Wilber G. Jordan

Real Estate Tax Map ID: (37-1)

Parcel No.: (1-8)

Address: 3599 Little Deer Run

District: Powhatan

Zoning: A-1

Conditions:

1. The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
2. Little Deer Run shall be constructed and maintained in an all-weather surface up to the subject parcel prior to the occupancy of this mobile home.
3. Existing trees shall remain except where clearing is necessary for the mobile home, driveway, utilities and septic drainfield.
4. The applicant shall submit an exact description and identification number of the mobile home prior to placement of the mobile home on the site. This permit shall be valid only for the mobile home applied for. If the mobile home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

#### D. HIGHWAY MATTERS

Mr. Edwards recognized Mr. Frank Hall in the audience and proceeded with Highway Matters.

Mr. Frank Hall, Resident Engineer, the Virginia Department of Transportation, reported that the litter cleanup on the roads is continuing; the scheduling for summer overlay work has been done; and work is proceeding on traffic signals at Ironbound Road and Strawberry Plains, Longhill and Olde Towne Road, and Olde Towne Road and Route 60.

Mr. Hall further stated that the Highway Department had studied the intersection at the Kingsmill Entrance and Route 60 and found that the timing is functioning on its best program.

Mr. Mahone asked if there was any new information on the Lake Powell Dam issue.

Mr. Hall replied that the Highway Department foresees difficulty in enforcing prohibition of trucks, but is considering imposing a weight limit on the road.

Mr. DePue requested a copy of the correspondence regarding the speed limit which changes from 35 mph to 55 mph on the section of Jamestown Road from the Surry Ferry.

Mr. DePue asked Mr. Hall about the Board's influence on the Highway Department in right-of-way, widening, repaving, and clearing of trees issues.

Mr. Hall responded that the Highway Department does seek the Board's priority on Six-Year Plan Improvements, but the Board is not involved in the maintenance funding. Overlay work is covered by primary maintenance funds, a different allocation than secondary improvement funds.

1. Mr. Gene Farley, 4125 South Riverside Drive, requested the Board's help in improving River Road and Forge Road in Chickahominy Haven.

2. Mr. Phil Hatcher, 7617 Cypress Drive, requested River Road be given priority for improvement, and be funded from the dirt street program or maintenance funding.

3. Mr. Stanley E. Ellis, Jr., 5033 River Road, stated that River Road is dangerous, school buses travel it daily, and the road is State owned, but not State maintained.

3. Mr. W. C. Branch, 5020 River Road, commented that the school buses should stay on hard surface roads because of the danger of sliding down the embankment into the lake.

4. Ms. Pam Ellis, 5033 River Road, felt that installation of a culvert for water runoff, and a black top for the road surface might be a solution.

5. Mr. David Tooley, 7649 Beechwood Drive, indicated that during a rainfall, water drains from the streets and raises the level of the pond over the road. He stated the dam was approximately 300 feet in length.

6. Mr. Gerald Otey, 4079 South Riverside Drive, asked that the road be repaired for the safety of all citizens.

7. Mr. William Thompson, Cypress Drive, asked whether the owner of the right-of-way on the north side of Forge Road would donate the land.

Mr. Hall responded that the Highway Department can not maintain a road across a dam embankment, but other roads in the area might apply for the dirt street or rural addition funding. He stated that acquiring the right-of-way on Forge Road would put the Highway Department in a better position to accelerate the issue, and perhaps make a change in financing the project for an earlier date.

Following the discussion, Mr. Edwards asked staff to meet with the Chickahominy Haven residents regarding their road concerns, and Mr. Norman responded that he would be available before the meeting scheduled for Wednesday, April 20, at 7:00 p.m.

Mr. Norment asked staff to report the appropriate way to pursue the right-of-way issue, and Mr. Edwards requested staff to work with Mr. Hall in acquiring the 25 foot right-of-way on Forge Road from the owners, Eagle Tree Land Trust, and to prepare a report for the next Board meeting.

At the conclusion of the discussion, Mr. Edwards declared a break at 2:26 p.m., and invited the Chickahominy Haven residents to come forward and speak to the Supervisors.

The Board reconvened at 2:45 p.m.

E. PUBLIC HEARINGS

3. Case No. SUP-8-88. Raymond Bowles

Mr. Sowers stated that Mr. Raymond Bowles had submitted an application for a special use permit to allow the placement of a mobile home for a residence on 1.238 acres. Staff recommended approval of the case with the conditions listed in the resolution.

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 SUP-8-88.

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

R E S O L U T I O NCASE NO. SUP-8-88

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

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

Applicant: Raymond Bowles  
 Real Estate Tax Map ID: (36-4)  
 Parcel No.: (1-3A)  
 Address: 4145 Centerville Road  
 District: Powhatan  
 Zoning: A-1  
 Conditions:

1. The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
2. The pine trees at the northeast and southeast corners shall remain to serve as a buffer. Other existing trees shall remain except where clearing is necessary for the mobile home, driveway, utilities and septic drainfield.
3. The mobile home shall be set back a minimum of 130 feet from the right-of-way of Centerville Road.
4. The applicant shall submit an exact description of the mobile home prior to placement of the mobile home on the site. This permit shall be valid only for the mobile home applied for. If the mobile home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

4. Case No. Z-7-88. Temporary Classroom Trailers - Ordinance Amendment

Mr. Sowers stated that the School Board had indicated a need to place temporary classroom trailers at Norge Elementary and Rawls Byrd Elementary. Mr. Sowers indicated that staff had prepared an ordinance amendment to allow the placement of classroom trailers upon issuance of a special use permit.

The Planning Commission concurred with staff by a 9-0 vote and recommended approval of the ordinance amendment.

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

Mr. Norment made a motion to approve the ordinance amendment.

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

F. CONSENT CALENDAR

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

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

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

- 1. Deed of Easement - Hampton Roads Sanitation District Longhill Road Interceptor Force Main/Recreation Center

R E S O L U T I O N

DEED OF EASEMENT/HAMPTON ROADS SANITATION DISTRICT

LONGHILL ROAD INTERCEPTOR FORCE MAIN/RECREATION CENTER

WHEREAS, Hampton Roads Sanitation District is installing a force main to serve the needs of the residents of James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the Chairman to execute the attached Deed of Easement dated April 1, 1988, by and between James City County and the City of Williamsburg conveying permanent and temporary easements to the Hampton Roads Sanitation District for purposes of installing the Longhill Road Interceptor Force Main.

- 2. Addition of Moses Lane to Dirt Street Funding Program

R E S O L U T I O N

MOSES LANE IMPROVEMENTS

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

WHEREAS, a Dirt Street Funding Schedule was adopted February 22, 1988, to establish construction and funding priorities for the Dirt Street Improvement Program; and

WHEREAS, the property owners of Moses Lane, a dirt street off Oak Road, have requested that Moses Lane be included in the Dirt Street Improvement Program for construction and funding.

NOW, THEREFORE, BE IT RESOLVED that the Dirt Street Funding Schedule is hereby revised to include Moses Lane for construction and funding.

- 3. Chesapeake Bay Youth Conservation Corps

R E S O L U T I O N

1988 CHESAPEAKE BAY YOUTH CONSERVATION CORPS

WHEREAS, the Chesapeake Bay, its tributaries and wetlands are valuable economic and environmental resources to the Commonwealth of Virginia and James City County; and

WHEREAS, the Commonwealth of Virginia has appropriated grant funds for conservation projects and environmental education to help reverse the long-term decline of the Chesapeake Bay.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses an application to the Virginia Department of Parks and Recreation for approximately \$16,000 in grant funds to fund the 1988 County Chesapeake Bay Youth Conservation Corps Program.

4. Withdrawal of Case No. SUP-24-87. Diamond Healthcare Alcohol Treatment Center

G. BOARD CONSIDERATIONS

1. FY 1989 Budget

Mr. Edwards made a motion to approve the resolution of appropriation.

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

R E S O L U T I O N

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1988, and ending June 30, 1989, for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein and to set tax rates on real estate, tangible personal property and machinery and tools to provide certain revenue in support of those appropriations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

- The following amounts are hereby appropriated in the General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND EXPENDITURES

Legislative and Legal Services	\$ 485,668
Administrative Services	504,469
Elections	100,267
Financial Administration	1,188,085
General Services	1,167,390
Development Management	1,779,099
Judicial Administration	396,922
Public Safety	4,794,093
Community Services	1,077,194
Education	15,023,075
Public Health and Welfare	839,402
Contributions	728,195
Nondepartmental	<u>2,406,651</u>

Total General Fund Expenditures \$30,490,510

The appropriation for education includes \$13,315,000 as a contribution to the Williamsburg-James City County Schools.

GENERAL FUND REVENUES

General Property Taxes	\$19,809,410
Other Local Taxes	4,079,400
Licenses, Permits and Fees	2,514,200
Fines and Forfeitures	70,000
Revenue from Use of Money and Property	450,000
Revenue from the Commonwealth	3,239,000
Revenue from the Federal Government	8,000
Charges for Current Services	60,500
Miscellaneous Revenues	135,000
Annexation Payment	125,000
Total General Fund Revenues	<u>\$30,490,510</u>

2. That the tax rates be set on the following property for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 Assessed Value	\$ .67
Tangible Personal Property on each \$100 Assessed Value	4.00
Machinery and Tools on each \$100 Assessed Value	4.00

3. That the following amounts are hereby appropriated for the funds as indicated in the amounts as shown below:

CAPITAL PROJECTS FUND

Revenues:

Current Year Fund Balance	\$1,557,170
Contribution - General Fund	1,236,400
Proceeds From Sale of Property	56,000
Prior Year Fund Balances	328,900
Bonded Indebtedness	<u>2,200,000</u>
Total Capital Projects Fund Revenues	<u>\$5,378,470</u>

Expenditures:

Schools	\$3,255,332
Recreation	146,000
Public Safety	145,000
Development Projects	128,000
General	244,500
Public Works	329,000
Solid Waste	270,000
Capital Contingency - Schools	<u>860,638</u>
Total Capital Projects Fund Expenditures	<u>\$5,378,470</u>

DEBT SERVICE FUND

Beginning Fund Balance	<u>\$1,235,749</u>
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Revenues:

Interest - Lease Purchase Deposit	\$ 21,000
From General Fund - General	644,000
From General Fund - Schools	1,650,000
Interest on Bond Proceeds	<u>244,470</u>
Total Debt Service Fund Revenues	<u>2,559,470</u>

\$3,795,219

Current Year Expenditures \$1,832,815

Ending Fund Balance \$1,962,404

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From Federal Government	\$ 45,441
From the Commonwealth	912,157
From the General Fund	355,085
Fund Balance	<u>28,573</u>

Total Virginia Public Assistance  
Fund Revenues \$1,341,256

Expenditures:

Administration and Assistance \$1,341,256

Total Virginia Public Assistance  
Fund Expenditures \$1,341,256

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 62,460
Generated Program Income	<u>90,000</u>

Total Community Development  
Fund Revenues \$ 152,460

Expenditures:

Administration and Programs \$ 152,460

Total Community Development Fund  
Expenditures \$ 152,460

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors with a 2.0 percent employee salary and wage increase to be granted effective July 1, 1988. The average merit increase for the employees shall be funded at 5.0 percent of salaries with a range from 0 to 7.0 percent.

2. Landfill Charges - Ordinance Amendment

Mr. Norment made a motion to approve the ordinance amendment.

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

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman requested an executive session for legal, personnel, and real estate matters.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked staff to check the status of the Newport News Shipyard boat ramp.

Mr. Edwards made a motion to convene into executive session to discuss legal, personnel and real estate matters pursuant to Section 2.1-344(a)(1)(2)(6) of the Code of Virginia 1950 as amended, at 3:29 p.m.

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

The Board reconvened into open session at 4:34 p.m.

Mr. DePue made a motion to appoint Robert A. Magoon, Jr. to the Planning Commission, effective May 1, 1988, for the unexpired term of Sandra S. Stein, expiring January 6, 1990.

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

Mr. DePue made a motion to adjourn.

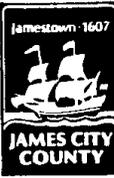
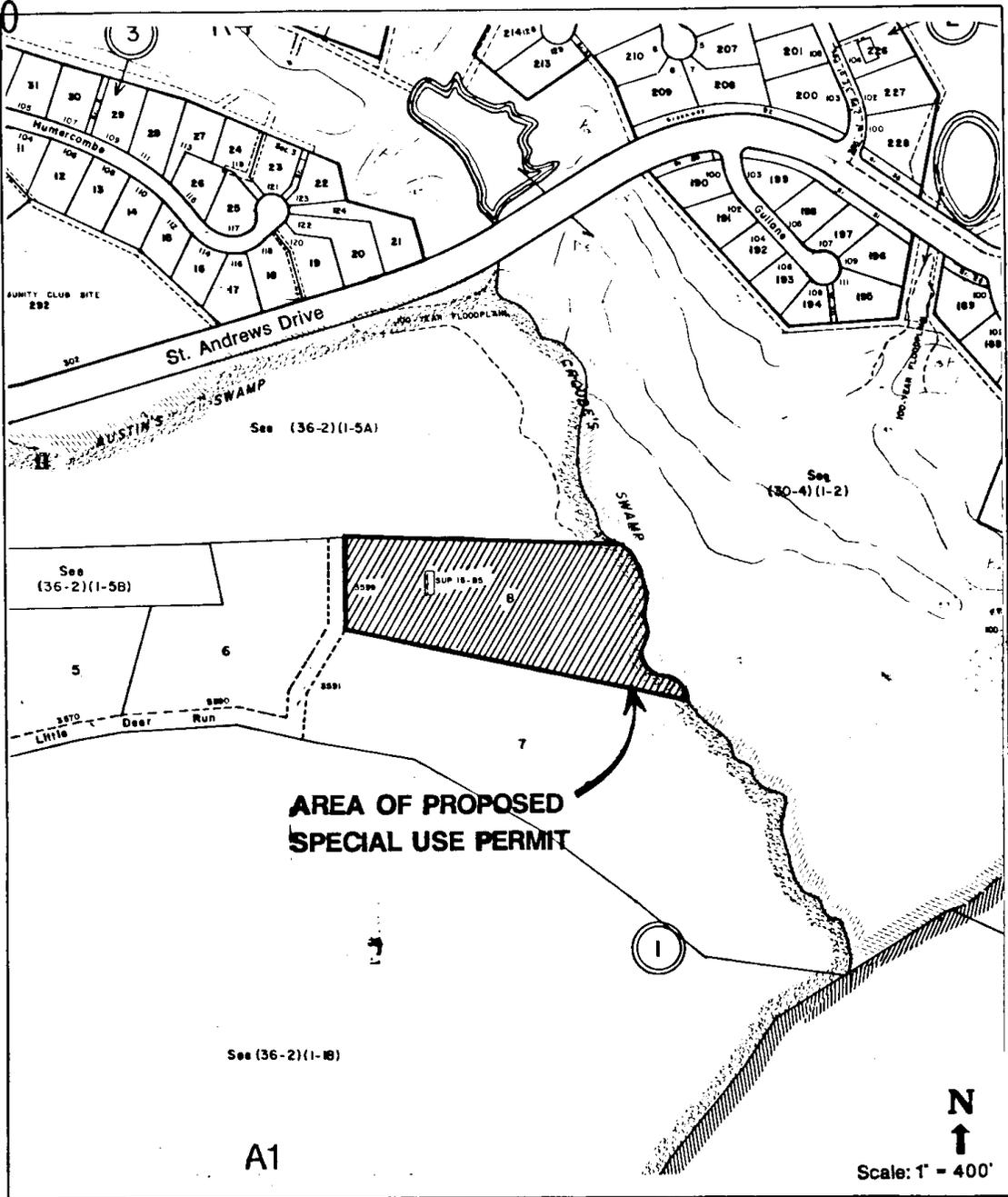
On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

The Board adjourned at 4:38 p.m.

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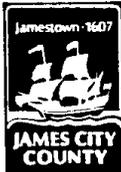
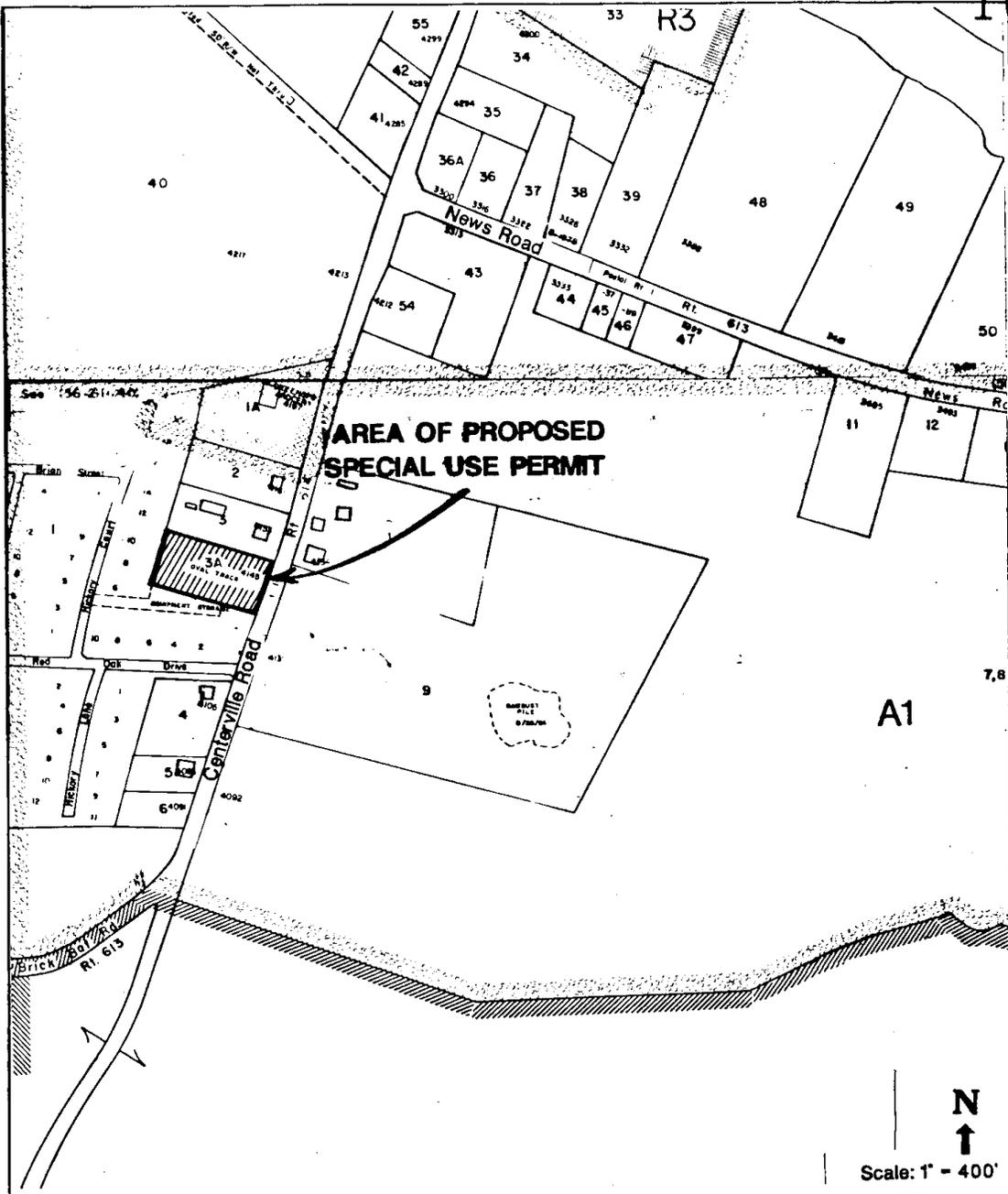
David B. Norman  
Clerk to the Board

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Case #: SUP-7-88  
 Name: WILBUR G. JORDAN

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT



Case #: SUP-8-88

Name: RAYMOND BOWLES

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT

APR 18 1988

ORDINANCE NO. 31A - 108

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I. IN GENERAL, SECTION 20-9. PUBLIC HEARING REQUIRED; ARTICLE IV, DISTRICTS, DIVISION 1. GENERALLY, SECTION 20-102 TEMPORARY CLASSROOM TRAILERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-9. Public hearing required, and by adding Section 20-102 Temporary classroom trailers.

Chapter 20. Zoning

Article I. In General

Section 20-9. Public hearing required.

Prior to issuance of a special use permit a public hearing shall be held by the Planning Commission and by the Board of Supervisors; provided however, that a special use permit for a mobile home, temporary classroom trailer, or as required by Sections 20-531 or 20-533 of this chapter may be issued after a public hearing is held by the Board of Supervisors only. Whenever the Planning Commission is not required to hold a public hearing, it need not consider the permit nor make a recommendation to the Board of Supervisors for such permit. The fee for a special use permit shall be in accordance with Section 20-6 of this Chapter. (Ord. No. 31A-88, Section 20-10.1, 4-8-85)

Article IV. District 3  
Division 1. Generally

Section 20-102. Temporary classroom trailers.

Temporary classroom trailers accessory to an existing school may be permitted upon issuance of a special use permit by the Board of Supervisors.

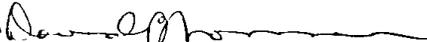
Ordinance to Amend and Reordain  
Chapter 20. Zoning  
Page 3



Jack D. Edwards, Chairman  
Board of Supervisors

SUPERVISOR	VOTE
NORMENT	AYE
TAYLOR	AYE
MAHONE	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 18th day of April, 1988.

ORDINANCE NO. 116A-13

APR 18 1988

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, LANDFILL ORDINANCE, SECTION 8-9, HOUSEHOLD WASTE; SECTION 8-10, INDUSTRIAL REFUSE; AND SECTION 8-13, USER CHARGES BY VOLUME.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by amending Section 8-9, Household waste; Section 8-10, Industrial refuse; and Section 8-13, User charges by volume.

## Chapter 8. Health and Sanitation.

## Article II. Landfill Ordinance.

## Section 8-9. Household waste.

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

(b) Commercial, industrial and governmental waste generators who bring their own refuse to the landfill, and commercial refuse operators-haulers, regardless of the origin of the refuse, shall pay the following fees: Seventeen dollars (\$17.00) per ton, computed on the basis of seventeen cents (\$.17) per each twenty (20) pounds or fraction thereof. Such charge shall be

computed to the next highest one cent (\$0.01). The minimum charge shall be two dollars twenty-five cents (\$2.25) per load.

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

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

(d) Tires. Whenever more than two (2) passenger car tires are disposed of on any occasion at the county landfill by any person, firm or corporation, a separate fee of seventy-five cents (\$0.75) shall be charged for each tire above two (2). The manager may at his discretion authorize the disposal of tires other than passenger car tires at a charge per tire to be negotiated between the manager and hauler disposing of the tires. (Ord. No. 116A-2, 10-13-80; Ord. No. 116A-6, 4-25-83; Ord. No. 116A-7, 3-12-84; Ord. No. 116A-8, 4-22-85; Ord. No. 116A-10, 4-21-86; Ord. No. 116A-11, 4-20-87)

#### Section 8-10. Industrial refuse.

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

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

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of seventeen dollars (\$17.00) per ton but may be higher as determined by the manager. In establishing the fee for disposal of a specific waste requiring separate disposal, the manager shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, state and federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) Separate contracts. The administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the county annually, and may be offered to generators that exceed eight thousand (8,000) tons per year. No such contract will guarantee the county less than

one hundred thirty-six thousand dollars (\$136,000.00) per year. (Ord. No. 116A-2, 10-13-80; Ord. No. 116A-7, 3-12-84; Ord. No. 116A-8, 4-22-85; Ord. No. 116A-10, 4-21-86; Ord. No. 116A-11, 4-20-87)

Section 8-13. User charges by volume.

(a) Should the landfill scales be inoperative, the manager shall base the charges applied upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of no fewer than fifteen (15) previous weighings by the vehicle carrying such waste and shall be modified by visual inspection of the vehicle if such is feasible.

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

- (1) Uncompacted refuse, one dollar seventy cents (\$1.70) per cubic yard of truck capacity.
- (2) Compacted refuse, four dollars and twenty-five cents (\$4.25) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be two dollars twenty-five cents (\$2.25) per load.  
(Ord. No. 116A-2, 10-13-80; Ord. No. 116A-3, 3-23-81; Ord. No. 116A-5, 5-10-82; Ord. No. 116A-7, 3-12-84; Ord. No. 116A-11, 4-20-87)

This Ordinance shall be effective on and after July 1, 1988.

  
\_\_\_\_\_  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

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

  
\_\_\_\_\_  
David B. Norman  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,  
this 18th day of April, 1988.