

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF MAY, NINETEEN HUNDRED EIGHTY-EIGHT, AT 1:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
 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 5, 1988 - Budget Work Session
 - April 7, 1988 - Budget Work Session
 - April 11, 1988 - Budget Work Session
 - April 18, 1988 - Regular Meeting

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

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

C. PRESENTATION

1. Certificate of Appreciation - Sandra S. Stein

Mr. Edwards read the resolution and presented a copy to Ms. Sandra S. Stein.

Ms. Stein stated that she had enjoyed serving the County.

R E S O L U T I O N

SANDRA S. STEIN

WHEREAS, Sandra S. Stein served as a member of the James City County Planning Commission from January 1982, until May 1988; and

WHEREAS, throughout this period of service Sandra S. Stein gave freely of her time, her energy, and her knowledge for the betterment of her County, as an active member and in 1988 as Chairman of the Planning Commission; and

WHEREAS, Sandra S. Stein made significant contributions to the Comprehensive Zoning Ordinance Amendment of 1985 and to subsequent revisions of the Zoning Ordinance and the Comprehensive Plan critical to the planning and orderly growth of the community; and

WHEREAS, Sandra S. Stein served as Chairman of the Citizen's Strategy Team for the Richmond Road-Barhamsville Road Corridor Study which timely dealt with the complex growth issues of the Richmond Road Corridor; and

WHEREAS, Sandra S. Stein consistently demonstrated those essential qualities of leadership, diplomacy, perseverance and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Sandra S. Stein and recognizes her distinguished service and dedication to the County and its citizenry.

BE IT FURTHER RESOLVED that this Resolution be spread upon the Minutes of the Board of Supervisors and that a copy be presented to Sandra S. Stein.

D. PUBLIC HEARING

1. Case No. SUP-2-88. Williamsburg-Jamestown Airport

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Larry T. Waltrip had applied on behalf of Williamsburg-Jamestown Airport, Incorporated, for an amendment to the airport's original special use permit (SUP-26-85) to allow commercial aircraft painting in Hangar No. 5, which has not yet been built but has received final site plan approval.

The Planning Commission, by unanimous vote, and staff recommend approval of the amendment with seven conditions added to the original resolution.

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

Mr. Mahone made a motion to approve the resolution.

After some discussion, Mr. Frank M. Morton, III, County Attorney, suggested that the words "if the utility regulations so require" be inserted after the words "water system" in Condition 7. By consensus, the Board agreed to the language.

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

R E S O L U T I O N

CASE NO. SUP-2-88. (AMENDMENT OF SUP-26-85)

WILLIAMSBURG-JAMESTOWN AIRPORT

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

WHEREAS, the Planning Commission of James City County, at a public hearing on March 22, 1988, recommended approval of Case No. SUP-2-88 (Amendment of SUP-26-85) by a unanimous vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-2-88 (Amendment of SUP-26-85) as described herein with the following conditions:

1. The proposed aircraft painting operations shall be limited to Hangar No. 5, with all painting operations conducted wholly within the enclosed building.
2. Hangar No. 5 shall be limited to a total floor area of 11,210 square feet as approved by Site Plan Case No. SP-87-87. Any future expansion of Hangar No. 5 shall require an amendment to this special use permit.
3. The applicant shall provide the James City Service Authority for its review and approval, a list of all chemicals that are proposed to be discharged into the sanitary sewer system, prior to the issuance of any certificate of occupancy approval for Hangar No. 5. At no time thereafter shall any chemical not approved by the JCSA for discharge in the sanitary sewer system be discharged into that system.

4. The applicant shall submit to the James City Service Authority for review and approval, a copy of a contract for the disposal of any hazardous wastes prior to the issuance of any certificate of occupancy approval for Hangar No. 5. The facility shall not operate at any time without an operative contract approved by the JCSA.
5. If the aircraft painting facility is not in operation within six months from the issuance of a permanent certificate of occupancy for Hangar No. 5, the aircraft painting facility shall not be permitted under this special use permit.
6. The aircraft painting operation shall conform with OSHA, EPA and other federal and state requirements and shall include the exhaust and fire prevention systems described in the application and an odor control system which eliminates odors outside of the building.
7. The aircraft painting facility shall connect to the James City Service Authority public water system, if the utility regulations so require, prior to the issuance of a permanent certificate of occupancy for Hangar No. 5.

2. Case No. Z-2-88. James E. and Helen M. McCormick

Mr. Sowers stated that Mr. Alvin P. Anderson had applied on behalf of Mr. and Mrs. McCormick to rezone approximately 15.3 acres from R-3, General Residential, to B-1, General Business, to allow a variety of commercial uses as permitted under B-1 zoning.

The Planning Commission recommended approval of the case by a vote of 5-4, but staff recommends denial of the case as B-1 zoning, with the proffers, reflecting that it is not consistent with the intended uses and activities for the area, nor with the residential character of the site and residential zoning and development north and west of the site.

Mr. Edwards opened the public hearing.

1. Mr. Alvin P. Anderson, representing Mr. and Mrs. James McCormick, requested the Board's approval for the rezoning.

2. Mr. Gene Farley, 4125 South Riverside Drive, spoke in favor of the case, because rezoning would improve and broaden the tax base.

3. Ms. Michelle Johnson, who resides behind the Jehovah's Witnesses Church, spoke in opposition to the case because of the increase in traffic.

4. Ms. Sharon Johnson repeated the comments of opposition spoken by Ms. Michelle Johnson.

Mr. Edwards closed the public hearing.

After a brief discussion, Mr. DePue made a motion to approve Case No. Z-2-88.

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

R E S O L U T I O N

CASE NO. Z-2-88. JAMES E. AND HELEN M. MCCORMICK

WHEREAS, in accordance 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 on Zoning Case No. Z-2-88 with proffers for rezoning approximately 15.3 acres from R-3, General Residential, to B-1, General Business with proffers on property identified as Parcels (1-28 and 1-30) on James City County Real Estate Tax Map No. (33-1); and

WHEREAS, the Planning Commission, following its public hearing on March 22, 1988, recommended approval of the rezoning request from R-3 to B-1 with proffers by a vote of 5-4.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-2-88 with proffers.

3. Case No. Sup-6-88. Stonehouse Ordinary

Mr. Sowers reported that Mr. Gary McAlister had applied on behalf of the Alabama Company for a special use permit to allow the development of residential lots of 40,000 square feet in accordance with the A-1, General Agricultural minimum lot area requirement within the Reservoir Protection Overlay District. A preliminary plan has been submitted showing 225 single-family lots on 416 acres, excluding the following: the proposed Ware Creek Reservoir owned by the County; approximately 24 acres of allegedly inaccessible land owned by the Alabama Company; and 40 acres of recreation space.

The Planning Commission and staff recommend approval of the special use permit with conditions listed in the resolution.

Mr. Edwards opened the public hearing.

1. Mr. Gary McAlister, applicant, requested the Board's approval of the special use permit.

2. Mr. Lewis Cody, 4613 Ware Creek Road, spoke in opposition to the request because the narrowness of Ware Creek Road is a traffic hazard. He was also concerned about the effect of the development on the water level for existing homes.

3. Ms. Marlene Simmons, Ware Creek Road, agreed with Mr. Cody's statements regarding the traffic hazard and the water table level.

4. Mr. Tom Williams, Sycamore Landing Road, spoke of his concerns about the road condition, water table level, and the removal of the dumpster at the boat landing.

5. Mr. Joe Banks, Jr., 2247 Ware Creek, requested that the applicant provide a fence for his property when development occurs in order to keep children from approaching his livestock.

Mr. Edwards closed the public hearing.

After a brief discussion, Mr. Edwards declared a break at 9:04 p.m.

Mr. Edwards reconvened the Board into open session at 9:17 p.m.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-6-88. STONEHOUSE ORDINARY

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

WHEREAS, the Planning Commission of James City County, at a public hearing on March 22, 1988, recommended approval of Case No SUP-6-88 to permit a reduction in the minimum residential lot size from 43,560 to 40,000 square feet as provided in Section 20-531 of the Zoning Ordinance, by a vote of 8-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-6-88 as described herein with the following conditions:

1. Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Preliminary Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Code Compliance or his authorized designee.
2. Runoff control measures shall be placed or constructed in conformance with the Preliminary Runoff Analysis Plan, or a revised runoff analysis shall be submitted for review and approval by the Director of Code Compliance.
3. The property shall be limited to the subdivision of no more than 225 residential lots, and associated recreation lots and well sites. Approval of this Special Use Permit does not constitute approval of the preliminary plan of development submitted with this application. Residential lots shall be developed in accordance with Section 20-531 of the Zoning Ordinance and in accordance with the underlying zoning district operable at the time of preliminary subdivision approval.
4. Stream and reservoir setbacks shall be provided in accordance with Section 20-532 of the James City County Zoning Ordinance.

4. Case No. Z-6-88. Mill Creek Landing, Ltd.

Mr. Sowers stated that Mr. Alvin P. Anderson had applied on behalf of Mill Creek Landing, Limited, to rezone approximately 179 acres from R-6, Residential Agricultural, to R-1, Limited Residential, with proffers.

The Planning Commission and staff recommend approval of the zoning case with proffers.

Mr. Edwards opened the public hearing.

1. Mr. Edward Way, 116 Godspeed Lane, Powhatan Shores Homeowners Association, spoke in opposition to the rezoning; because approval would bring the maximum total of units considerably above the number recommended in the Neck-0-Land study. He was concerned about the traffic impact on the narrow Neck-0-Land Road and at the intersection with Jamestown Road.

Mr. Edwards closed the public hearing.

Mr. Norment made a motion to postpone the rezoning case.

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

5. Ordinance Amendment - Chapter 8, Health and Sanitation

Mr. Sanford Wanner, Business Manager, James City Service Authority, stated that the ordinance amendment changed Director to Manager reflecting the reorganization of the management of the Landfill.

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

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

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

E. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove any item 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. Livestock ClaimR E S O L U T I O NLIVESTOCK CLAIM

WHEREAS, the claim of Mr. Charles E. Williams, Sr., has been investigated and found to be valid; and

WHEREAS, the value of the livestock destroyed has been estimated to be as follows:

2 Rabbits, 7-8 lbs. each (very-large) at \$6.00	=	\$12.00
4 Rabbits, 5-6 lbs. each (large) at \$5.00	=	<u>20.00</u>
Grand Total		\$32.00

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby reimburse Mr. Charles E. Williams, Sr., \$32.00 for the livestock destroyed.

2. FY 89 Fire PumperR E S O L U T I O NFY 1989 FIRE PUMPER

WHEREAS, the County has solicited bids for a fire pumper in January 1988, and has awarded the contract for a new fire pumper to Pierce Manufacturing at a price of \$130,890; and

WHEREAS, the Board of Supervisors has approved a second pumper in the FY 1989 budget; and

WHEREAS, it takes 300-360 days for delivery of a new fire pumper.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Purchasing Agent to issue a contract before June 30, 1988, under competitive negotiation, for a new fire pumper to be delivered and paid for in FY 1989 with funds approved for that purpose in the FY 1989 budget.

3. Budget Transfer - Land AcquisitionR E S O L U T I O NBUDGET TRANSFER - LANDFILL ACQUISITION

WHEREAS, the Board of Supervisors of James City County seeks to acquire additional land for the County Landfill; and

WHEREAS, a 190-acre tract of land owned by James T. Maynard, et als., has come on the market; and

WHEREAS, the County and the Sellers have agreed on a price of approximately \$2,000 an acre.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorize the payment of \$383,631 for the approximately 190 acres owned by James T. Maynard, et als., and authorizes the following budget transfer to accommodate the acquisition:

From Capital Contingency (013-098-0700)	\$233,631
To Landfill Acquisition (013-030-0400)	

4. Appointments - Industrial Development Authority

R E S O L U T I O N

AFFIRM APPOINTMENTS TO INDUSTRIAL DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors appoints members of the County's Industrial Development Authority to four-year terms; and

WHEREAS, appointments are made to fill the terms of members who resign.

NOW, THEREFORE, BE IT RESOLVED that the appointments by the Board of Supervisors of James City County, Virginia, to the James City County Industrial Development Authority are reaffirmed, as follows:

<u>Appointee</u>	<u>Term Expires</u>
Diane L. Abdelnour	July 8, 1988
C. Hammond Branch	July 8, 1988
Myrl Hairfield	July 8, 1989
Joseph M. Cross, Jr.	July 8, 1989
Kenneth H. Axtell	July 8, 1990
Robert A. Whitehorne	July 8, 1990
Jon A. Nystrom	July 8, 1991

F. BOARD CONSIDERATIONS

1. Forge Road and River Drive Improvements

Mr. Larry Foster, Assistant County Administrator, stated that staff had met with the Chickahominy Haven and Cypress Point residents on April 20, 1988. During that meeting, Mr. Frank Hall, Resident Engineer of Virginia Department of Transportation, stated that limited temporary improvements to relieve some of the hazards could be accomplished this year if additional right-of-way could be obtained. Mr. Foster requested the Board's support of the proposed improvements to Forge Road, and its endorsement of staff time to assist in obtaining the needed right-of-way on Forge Road.

Mr. Foster further stated staff feels that River Drive warrants special consideration. He requested the Board consider placing River Drive on the dirt street program with the goal of accomplishing the improvements in 1991-92, and that the areas of River Drive not included in the impoundment area be added to rural addition funding, with improvements scheduled to coincide with the dirt street improvements. Mr. Foster concluded that this recommendation is contingent upon the property owners' entering into an agreement, with surety, providing maintenance of the dam area under the paved roadway and the embankments.

Mr. DePue made a motion to add the language "to the Virginia Department of Transportation" after the words "fifteen feet" in the NOW, THEREFORE, BE IT RESOLVED paragraph of the resolution.

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

RESOLUTIONFORGE ROAD

WHEREAS, Forge Road has been identified as hazardous to the motoring public due to its condition and narrowness; and

WHEREAS, the Highway Engineer for the Virginia Department of Transportation has related that an additional right-of-way is needed to reduce the hazardous condition; and

WHEREAS, it is in James City County's interest to facilitate the elimination of these hazardous conditions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, urges those property owners located on Forge Road between State Route 610 (Brickyard Road) and Cypress Drive who have not previously dedicated additional right-of-way to donate the needed fifteen feet to the Virginia Department of Transportation to permit improvement of the road so as to enhance the safety of the traveling public utilizing Forge Road.

After a brief discussion, Mr. David Norman, County Administrator, requested the Board authorize staff to prepare a resolution on River Drive for the next Board meeting.

By consensus, the Board agreed and asked staff to include the costs of the project and the time frame in the resolution.

G. PUBLIC COMMENT

1. Mr. Gene Farley, 4125 South Riverside Drive, thanked the Board and staff for their time and effort spent on the real estate tax assessment issue, and for working with the residents in considering a solution for improvements to Forge Road and River Road.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman stated that a work session for the Route 199 Study would be held after the next Board meeting, May 16, 1988, at 3:00 p.m.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone asked the Board for approval to continue the Regional Issue Committee meetings; the Board unanimously agreed.

Mr. Mahone supported Mr. Edwards' suggestion of meetings with the School Board and with Williamsburg City Council. He asked staff for a report in the next reading file on the architect changes made to the school plans.

Mr. Mahone asked staff for comments regarding the letter about Lake Powell Dam Road from Ray Pethtel, Commissioner, Virginia Department of Transportation.

Mr. Mahone, Mr. Taylor, and Mr. DePue expressed appreciation to staff for a job well done concerning the issues of the Chickahominy Haven and Cypress Point residents.

Mr. Edwards 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 10:18 p.m.

David B. Norman
Clerk to the Board

AGREEMENT

WHEREAS, James E. McCormick and Helen M. McCormick (hereinafter called "the Owner") own 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 the County of James City, containing 14.17 acres, more or less, but conveyed not by the acre but in gross as shown and set forth on a plat entitled, "SURVEY OF THE PROPERTY OF MARY ETHEL HEWITT TO BE CONVEYED TO JAMES E. and HELEN M. MCCORMICK", containing 14.17 acres by survey dated March 22, 1985 made by Lynn J. Evans, Surveyor, DeYoung-Johnson Group, Inc., Engineers-Architects-Surveyors, A Copy of which plat is recorded in James City County Plat Book 40, Page 62, and to which reference is hereby made for a more complete description of the property conveyed herein.

All that certain lot, piece or parcel of land situate, lying and being in the County of James City, Virginia, as shown on that certain plat entitled "SUBDIVISION OF MARY ETHEL HEWITT PROPERTY", dated August 10, 1978, made by Lynn D. Evans, Certified Land Surveyor, which plat is recorded in James City County Plat Book 35 at page 47 and to which plat reference is made for a more complete description of the property herein conveyed; and which property includes all of the two parcels embraced by said survey to include that certain parcel shown as a 50' right of way bounded on the north by the remaining lands of the Grantor, on the east by U.S. Route 60, on the south by lands now or formerly belonging to Williamsburg Memorial Park and on the west by the remainder of the property herein conveyed.

WHEREAS, the Owner has applied for rezoning of the Property from the General Residential District, R-3 ("the Existing Zoning") to the General Business District, B-1 ("the Proposed Zoning") and;

WHEREAS, James City County, Virginia, may be unwilling to rezone the Property because the Proposed Zoning 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 Proposed Zoning.

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of James City County, Virginia, rezoning the Property from the Existing Zoning to the Proposed Zoning and pursuant to Section 15.1-491.1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the Zoning Ordinance of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Proposed Zoning, they will meet and comply with all of the following conditions for the development.

CONDITIONS

1. Prior to submittal of a site plan for the development of the Property, the Owner, at their 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 aforesaid drainage study, the Owner, at its expense, shall be obligated to incorporate the recommendations of that study in the site plan for the development of the Property.

3. Prior to the submittal of a site plan for the development of the Property, the Owner, at their expense, shall cause to be prepared for review and approval by James City County, Virginia, 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 have no more than one (1) entrance to and from the Property to Richmond Road.

5. No building shall be erected closer than one hundred (100) feet to the edge of the right of way of Richmond Road (U.S. Route 60).

6. Open space regulations shall be in accordance with Section 20-313 of the Limited Business District, LB of the Zoning Ordinance of James City County, Virginia.

7. All interior lot lines within the Property shall be vacated and no further subdivision of the Property shall be permitted except as may be necessary for the widening of Richmond Road (U.S. Route 60).

8. The Owner shall incorporate in its site plan for the development of the Property, a seventy five (75) foot landscape buffer along that portion of the northerly property line adjacent to the Moore Estate Subdivision, along the westerly property line adjacent to the property now or formerly owned by the Ben Scott Estate and along that portion of the southerly property line adjacent to the property now or formerly owned by Williamsburg Memorial Park ("the Landscape Buffer").

9. The Owner shall not construct any above grade improvements within the Landscape Buffer but shall provide and maintain, at their expense, within the Landscape Buffer a permanent evergreen screen twenty five (25) feet in width, utilizing existing transplanted or new evergreen trees, as needed, which landscaping shall be approved by the Site Plan Review Committee of the James City County Planning Commission.

10. The following uses, generally permitted in the General Business, B-1 District shall not be allowed:

- a) Fish Markets

- b) Lumber and building supply (with storage limited to a fully enclosed building).
- c) Plumbing and electrical supply (with storage limited to a fully enclosed building).
- d) Automobile service stations.
- e) Machinery sales and service (with storage and repair limited to a fully enclosed building).
- f) Lodges, civic clubs, fraternal organizations and service clubs.
- g) Funeral homes.
- h) Cemeteries
- i) Gunsmith (excluding shooting ranges).
- j) Feed, seed and farm supply stores.
- k) Wholesale and warehousing (with storage limited to a fully enclosed building).

James E. McCormick
 JAMES E. MCCORMICK

Helen M. McCormick
 HELEN M. MCCORMICK

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 25th
April
 ___ day of ~~February~~, 1988, by James E. McCormick.

Donnie M. Lewis
 NOTARY PUBLIC

My commission expires: April 5, 1991

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

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 25th
April
 day of ~~February~~, 1988, by Helen M. McCormick.

Donnie M. Lewis
 NOTARY PUBLIC

My commission expires: April 5, 1991

ORDINANCE NO. 116A-14

MAY 2 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 8-8, IN GENERAL; SECTION 8-14. COUNTY REFUSE CONTAINERS; AND SECTION 8-15, BILLING PROCEDURE.

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 8-8. In general; Section 8-14. County refuse containers; and Section 8-15. Billing procedure.

Chapter 8. Health and Sanitation

Article II. Landfill Ordinance

Section 8-8. In general.

(a) Policy. The purpose of this article is to ensure the proper disposal of solid wastes within James City County, including wastes from households, commercial establishments, manufacturing, industry and institutions, and to implement the provisions of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580) and the Solid Waste Regulations of the Commonwealth of Virginia. It shall be the official policy of the county to encourage the conservation (recycling-reuse) of recoverable resources from solid wastes by the industries, businesses and citizens of the county.

(b) Definitions. For purposes of this article, the following definitions shall apply:

- (1) Administrator: The county administrator or his authorized designee.
- (2) Bulky waste: Large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.
- (3) Building and demolition debris: The waste building material, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.
- (4) Commercial-business refuse: Refuse or wastes resulting from the operation of commercial or business establishments, including, but not limited to, stores, markets, offices, restaurants, shopping centers or theaters.
- (5) Compacted refuse: Refuse or waste which has been reduced in volume by mechanical or hydraulic means and remains in this state of reduced volume until deposited at the landfill.
- (6) Garbage: All vegetable and animal waste generated by the handling, storage, sale, preparation, cooking and serving of foods.
- (7) Hazardous waste: Refuse or waste or combinations of refuse or waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitatingly reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (8) Household refuse: Refuse or waste resulting from residential operation.
- (9) Industrial refuse: Refuse or waste resulting from industrial and-or manufacturing operations.
- (10) Institutional-governmental refuse: Refuse or waste resulting from operations or activities of the Commonwealth of Virginia, its political subdivisions or agencies, or the United States Government.
- (11) Manager: The business manager of the James City Service Authority or his authorized designee.

- (12) Person: An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or the federal government.
- (13) Trash: Any and all rubbish, cans, bottles, containers, paper, cardboard or other discarded material of an inorganic nature.
- (14) Uncompacted refuse: Refuse or waste which has not been reduced in volume by mechanical or hydraulic means, or if so, has not been maintained in this reduced volume state during transportation to the landfill.
- (15) Waste generator: The person who actually produces the commercial, household, industrial or institutional-governmental refuse intended for disposal at the landfill.

(c) Authority to establish landfill rules. The manager shall be authorized to establish reasonable rules and regulations to determine the origin and type of refuse presented at the landfill for disposal.

(d) Disposal of refuse from outside county prohibited. It shall be unlawful for any person to dispose of refuse originating outside the boundaries of James City County at the landfill unless an agreement exists between James City County and the jurisdiction in which the refuse originates.

(e) Weighing of truck required. It shall be unlawful for any person to dispose of refuse at the county landfill before weighing the vehicle containing said refuse, except in certain cases as described below. (Ord. No. 116A-2, 10-13-80; Ord. No. 116A-7, 3-12-84)

Section 8-14. County refuse containers.

Refuse containers shall be provided by the county at various locations to supplement existing private collection services as needed. The usage of said containers shall be governed by the following provisions and any other regulations as the board of supervisors or the manager may establish:

(a) Permitted and Prohibited Use:

- (1) Permitted uses. County refuse containers or dumpsters are to be used for the deposit and storage of household trash and garbage only.
- (2) Prohibited materials. It shall be unlawful to deposit any of the following materials into county refuse containers or dumpsters:

- (a) Bulky waste.
 - (b) Building and demolition debris.
 - (c) Hazardous waste.
 - (d) Commercial and industrial refuse.
 - (e) Dead animals.
 - (f) Waste brought in from outside James City County.
- (3) Abuse of containers and container sites. It shall be unlawful to tamper with, overturn or otherwise damage refuse containers. Additionally, it shall be unlawful to litter container sites, create any health problems thereon or to place any refuse outside of, on top of or adjacent to any refuse container. If a container is filled, the trash must be placed in another refuse container which is not filled or taken to the county landfill site.
- (4) Scavengers and loiterers prohibited. It shall be unlawful for any person to engage in salvage work or to loiter on any container site owned, leased or used by the county.
- (5) Refuse collectors. No person engaged in the business of collecting, transporting or disposing of garbage or trash, nor any employee, agent, or servant thereof, shall dispose such refuse in any county containers. Private refuse collectors shall transport collected refuse to the county landfill for disposal therein or to another approved location.
- (b) Administration and Enforcement. The manager shall have the authority to implement and enforce the provisions herein contained and to promulgate any procedures, rules and regulations as may be deemed necessary.
- (Ord. No. 116A-4, 9-14-81; Ord. No. 116A-7, 3-12-84; Ord. No. 116A-12, 3-7-88)

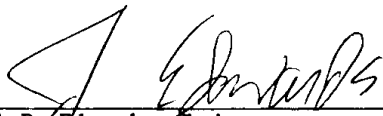
Section 8-15. Billing procedure.

(a) The manager shall render bills monthly for service charges under this article. The manager shall promulgate procedures for the handling of billings under this article.

(b) Payment of bills, delinquent charges, discontinuance of services:

- (1) Notices. Bills rendered under this article are due and payable at the office of the treasurer upon presentment and shall be considered delinquent if not paid within thirty (30) days of the date issued. If any bill is not paid within such thirty-day period, an additional charge of one (1) per cent per billing period on the unpaid charges shall be added thereto and collected therewith to cover cost collection. The manager or his designee shall refuse to dispose of any refuse brought to the landfill by any delinquent person after giving five (5) days' written notice thereof.

(Ord. No. 116A-2, 10-13-80; Ord. No. 116A-4, 9-14-81; Ord. No. 116A-7, 3-12-84)



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

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