

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF JUNE, NINETEEN HUNDRED NINETY, AT 5:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Judith N. Knudson, Jamestown District
Jack D. Edwards, Berkeley District
Thomas K. Norment, Jr., Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

Mr. DePue reconvened the Board for a work session on the Chesapeake Bay Preservation Act at 5:05 p.m.

Mr. John T. P. Horne, Manager, Development Management, presented the proposed Chesapeake Bay Preservation Ordinance. Mr. Wayland Bass, County Engineer, reviewed the methods used to construct the Chesapeake Bay Preservation Area Map. Mr. Scott Crafton of Chesapeake Bay Local Assistance Board reviewed the interrelationship of the State regulations and the proposed County ordinance. Mr. Keith Taylor, Economic Development Coordinator, was available to answer questions about the economic impact of the proposed ordinance.

The Board and staff discussed various sections of the proposed ordinance.

Mr. DePue recessed the Board for a break at 6:15 p.m.

Mr. DePue reconvened the Board into open session at 7:05 p.m.

B. PRESENTATION

1. Employee Outstanding Service Awards

Mr. DePue presented outstanding service award plaques to James W. Tobler, a Meter Reader with James City Service Authority and Anthony C. Conyers, Jr., Manager, Community Services, recognizing them for exceptional achievement, performance and commitment. Mr. DePue expressed the Board's pride in their efforts.

C. MINUTES - May 21, 1990

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

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

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

D. CONSENT CALENDAR

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

Mr. Taylor asked that Item No. 1 be removed.

Mr. DePue made a motion to approve Items 2, 3 and 4 on the Consent Calendar.

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

2. Dedication of Streets to the Virginia Department of Transportation

R E S O L U T I O N

DEDICATION OF STREETS IN LAFAYETTE FAMILY AND ELDERLY

WHEREAS, the developer of Lafayette Family and Elderly 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 Lafayette Family and Elderly 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 Lafayette Family and Elderly, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Lafayette Boulevard, 50- to 70-foot right-of-way
 From: Route 612 (Longhill Road)
 To: T-Turnaround
 Distance: 640 feet (0.12 mile)

The rights-of-way of 50 to 70 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Resubdivision and Property Line Extinguishment, Parcels A and B, recorded in Plat Book 49, Page 84, dated October 28, 1988.

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 WESTRAY DOWNS, SECTION 1 AND 4

WHEREAS, the developer of Westray Downs, Sections 1 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 Westray Downs, Section 1 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 Westray Downs, Sections 1 and 4, Jamestown Election District, James City County, in the State Secondary Highway System:

1. New Castle Drive, 50-foot right-of-way
 From: Route 1491 (Bristol Circle)
 To: End of cul-de-sac
 Distance: 1,296 feet (0.25 mile)

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

Westray Downs, Section 1, recorded in Plat Book 43, page 53, dated August 29, 1986; and Westray Downs, Section 4, Plat Book 50, page 76, dated May 19, 1989.

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 LAKE TOANO, SECTION D

WHEREAS, the developer of Lake Toano, Section D 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 Lake Toano, Section D 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 Lake Toano, Section D, Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Waterview Road, 50-foot right-of-way
From: Route 1017 (Church Lane)
To: Intersection of Little Creek Road
Distance: 575 feet (0.11 mile)

2. Little Creek Road, 50-foot right-of-way
From: Waterview Road
To: 0.07 mile east to end of cul-de-sac and 0.19 mile west to end of cul-de-sac
Distance: 1,252 feet (0.26 mile)

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

Lake Toano, Section D, recorded in Plat Book 42, page 53, dated May 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 NDEDICATION OF STREETS IN KRISTIANSAND, SECTION 6 AND 7

WHEREAS, the developer of Kristiansand, Sections 6 and 7 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 Kristiansand, Section 6 and 7 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 Kristiansand, Sections 6 and 7, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Drammon Court, 50-foot right-of-way
From: Route 1610 (Nina Lane)
To: End of cul-de-sac
Distance: 191 feet (0.04 mile)
2. Sandstad Court, 50-foot right-of-way
From: Route 1610 (Nina Lane)
To: End of cul-de-sac
Distance: 172 feet (0.03 mile)
3. Herstad Court, 50-foot right-of-way
From: Route 1610 (Nina Lane)
To: End of cul-de-sac
Distance: 275 feet (0.05 mile)

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

Kristiansand, Section VI, recorded in Plat Book 32, page 71, dated March 11, 1975; and Kristiansand, Section VII, recorded in Plat Book 32, page 72, dated March 11, 1975.

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 NDEDICATION OF STREETS IN KINGS VILLAGE, SECTIONS 1 AND 3

WHEREAS, the developer of Kings Village, Section 1 and 3 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 Kings Village, Sections 1 and 3 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 Kings Village, Section 1 and 3, Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Plowman Drive, 60-foot right-of-way
From: Route 30 (Old Stage Road)
To: Intersection of Squires Way
Distance: 1,336 feet (0.25 mile)
2. Squires Way, 60-foot right-of-way
From: Plowman Drive
To: Intersection of Harness Court
Distance: 867 feet (0.16 mile)
3. Harness Court, 60-foot right-of-way
From: Squires Way
To: Southeast and Southwest end of cul-de-sac
Distance: 514 feet (0.10 mile)

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

Kings Village, Section 1, recorded in Plat Book 47, pages 41 and 42, dated January 5, 1988; and Kings Village, Section 3, recorded in Plat Book 50, pages 87 and 88, dated June 9, 1989.

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 NDEDICATION OF STREETS IN BERKELEY'S GREEN, SECTIONS 1 AND 2

WHEREAS, the developer of Berkeley's Green, Sections 1 and 2 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 Berkeley's Green, Sections 1 and 2 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 Berkeley's Green, Sections 1 and 2, Jamestown Election District, James City County, in the State Secondary Highway System:

1. Berkeley's Green, 60- to 100-foot variable right-of-way
From: Route 614 (Greensprings Road)
To: Intersection of Wexford Run
Distance: 1,034 feet (0.20 mile)
2. Wexford Run, 50-foot right-of-way
From: Berkeley's Green
To: End of cul-de-sac
Distance: 1,254 feet (0.24 mile)
3. Southwald Court, 50-foot right-of-way
From: Wexford Run
To: End of cul-de-sac
Distance: 385 feet (0.07 mile)
4. East Brittingham, 50-foot right-of-way
From: Wexford Run
To: End of cul-de-sac
Distance: 261 feet (0.05 mile)
5. West Brittingham, 50-foot right-of-way
From: Wexford Run
To: End of cul-de-sac
Distance: 260 feet (0.05 mile)
6. Chelsford Way, 50-foot right-of-way
From: Wexford Run
To: End of cul-de-sac
Distance: 349 feet (0.07 mile)

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7. Lethbridge Lane, 50-foot right-of-way
 From: Wexford Run
 To: End of cul-de-sac
 Distance: 371 feet (0.07 mile)

The rights-of-way of 50 to 100 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Berkeley's Green, Section 1, recorded in Plat Book 47, page 98, dated March 18, 1988; and Berkeley's Green, Section 2, recorded in Plat Book 50, page 15, dated January 5, 1989.

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 BARON WOODS

WHEREAS, the developer of Baron Woods 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 Baron Woods 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 Baron Woods, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Lancaster Lane, 50-foot right-of-way
 From: Route 615 (Ironbound Road)
 To: End of cul-de-sac
 Distance: 780 feet (0.15 mile)
2. Wimbledon Way, 50-foot right-of-way
 From: Lancaster Lane
 To: Route 615 (Ironbound Road)
 Distance: 1,017 feet (0.19 mile)
3. Oxmor Court, 50-foot right-of-way
 From: Wimbledon Way
 To: End of cul-de-sac
 Distance: 235 feet (0.05 mile)

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

Baron Woods, recorded in Plat Book 48, page 69, dated May 17, 1988.

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 BURNT ORDINARY

WHEREAS, the developer of Burnt Ordinary 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 Burnt Ordinary 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 Burnt Ordinary, Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Toano Drive, 50- to 76-foot variable right-of-way
 From: Route 60 (Richmond Road)
 To: Temporary Turnaround
 Distance: 542 feet (0.1 mile)

The rights-of-way of 50 to 76 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Conveyance of Phase 2 to Toano II Limited Partnership, recorded in Plat Book 50, pages 20 and 21, dated January 18, 1989.

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 NDEDICATION OF STREETS IN LONGHILL GATE, SECTION 1

WHEREAS, the developer of Longhill Gate, Section 1 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 Longhill Gate, Section 1 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 Longhill Gate, Section 1, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Longhill Gate, 50- to 80-foot variable right-of-way
 From: Route 612 (Longhill Road)
 To: T-turnaround
 Distance: 1,356 feet (0.26 mile)

The rights-of-way of 50 to 80 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Longhill Gate Section 1, recorded in Plat Book 45, page 11, dated April 2, 1987.

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

3. Merger of Southeastern Virginia Planning District Commission and Peninsula Planning District Commission

R E S O L U T I O N

A RESOLUTION APPROVING THE MERGER OF THE SOUTHEASTERN
VIRGINIA PLANNING DISTRICT COMMISSION AND THE PENINSULA
PLANNING DISTRICT COMMISSION INTO THE HAMPTON ROADS
PLANNING DISTRICT COMMISSION UNDER THE PROVISIONS
OF THE VIRGINIA AREA DEVELOPMENT ACT

WHEREAS, the communities (the "Communities") comprising Planning Districts Twenty and Twenty-One (the "Districts") have determined that the community of interest, the ease of communications and transportation, and geographic factors and natural boundaries among the communities are such that the best interests of the Communities would be served by merging the Districts into one District and also by merging the Southeastern Virginia Planning District Commission and the Peninsula Planning District Commission into the Hampton Roads Planning District Commission; and

WHEREAS, the County of James City has by prior resolution, duly adopted, expressed its desire to participate in the creation and membership of the merged Hampton Roads Planning District Commission.

NOW, THEREFORE, BE IT RESOLVED that:

1. The County of James City hereby approves the merger of the Districts into one district, effective July 1, 1990, or upon the date as of which the Virginia Department of Housing and Community Development declares the Districts merged, whichever occurs later.
 2. The appropriate officer of the County of James City is hereby authorized to execute the Charter Agreement of the Hampton Roads Planning District Commission in the form attached hereto as Exhibit A, which shall become effective upon the date the Districts merge.
4. Colonial Group Home Commission

R E S O L U T I O NCOLONIAL GROUP HOME COMMISSION

WHEREAS, the Board of Supervisors of James City County, Virginia, nominates individuals for appointment to the Colonial Group Home Commission through the Juvenile and Domestic Relations Court; and

WHEREAS, two vacancies exist for four-year terms, effective February 28, 1990, to February 28, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appoints the following persons to the Colonial Group Home Commission:

<u>MEMBER</u>	<u>EXPIRATION</u>
Kelly Hasty	February 28, 1994
Terence Glen Burrell	February 28, 1994

1. James River Crossing Resolutions

Mr. Taylor noted he had supported the bridge crossing.

Mr. DePue made a motion to approve the resolutions.

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

R E S O L U T I O N

COMMONWEALTH TRANSPORTATION BOARD

WHEREAS, the majority of the James City County Board of Supervisors opposed the proposed bridge crossing of the James River; and

WHEREAS, the Commonwealth Transportation Board has decided against proceeding with construction of said bridge.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, is grateful to the Commonwealth Transportation Board for that decision. It is a decision that is responsive to the needs and wishes of those who would be most affected by a new bridge and will protect the environment on which we all depend.

BE IT FURTHER RESOLVED that the Board expresses its particular appreciation of the efforts of John Milliken, Secretary of Transportation and the Chairman of the Commonwealth Transportation Board.

R E S O L U T I O NGEORGE GRAYSON

WHEREAS, Delegate George Grayson who represents James City County in the House of Delegates, provided much of the leadership in the successful effort to dissuade the Commonwealth of Virginia from building a new bridge over the James River; and

WHEREAS, most James City County citizens were strongly opposed to the bridge; and

WHEREAS, without his effective leadership, plans for the bridge might have been approved in recent Commonwealth Transportation Board actions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby express its gratitude to Delegate Grayson for helping to make sure that the citizens of James City County were heard on this critical issue.

E. PUBLIC HEARINGS

1. Chesapeake Bay Preservation Ordinance (continued from 5/7/90)

Mr. Wayland Bass, County Engineer, stated that a work session had been held and staff recommended approval of the Chesapeake Bay Preservation Ordinance as presented.

Mr. Frank Morton, III, County Attorney, distributed an amendment to the ordinance containing criteria for the Wetlands Board to consider appeals.

Discussion by the Board ensued regarding Section 19B-9 and the language recommended by State law and/or in the Model Ordinance prepared by the Chesapeake Bay Local Assistance Department.

Mr. DePue opened the public hearing.

1. Mr. Walker Ware, 5004 River Drive, Toano, asked the Board to postpone the decision to allow time to study State mandates.

2. Ms. Jill Pope, Peninsula Housing and Builders Association, spoke of concerns and asked that further consideration be given before adoption of the proposed Ordinance.

Mr. DePue closed the public hearing.

Mr. Norment made a motion to postpone action on the ordinance amendment until the July 2, 1990, Board of Supervisors' meeting.

Ms. Knudson spoke in opposition to postponement.

The Board discussed time period needed for postponement, excluding non-tidal wetlands, potential impact on established housing, and input from development community on criteria for waivers.

Mr. Norment requested a meeting with Mr. John Horne regarding analysis of the residential zones; Mr. Taylor asked that another Board be considered as the Appeals Board, rather than the Wetlands Board; and Mr. DePue requested information regarding criteria for waivers from the development community to share with the Board.

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

2. Ordinance Amendment - Meals Tax

Mr. Leo P. Rogers, Assistant County Attorney, stated that the proposed ordinance amendments reflect changes to the State Code's definition of restaurant, which allow tax on food sold for consumption both on and off the premises, and add specific exemptions.

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

Ms. Knudson made a motion to approve the ordinance amendment.

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

3. Ordinance for Driving While Intoxicated (D.W.I.) and Traffic Enforcement

Mr. Morton stated that the applicable D.W.I. and traffic laws amended by the General Assembly become effective July 1, 1990.

Staff recommended approval of the ordinance.

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

4. Case No. SUP-25-90. Betty R. Nixon

Mr. Sowers stated that Ms. Betty R. Nixon had applied for a special use permit to allow a contractor's storage yard on 1.147 acres zoned A-1, General Agricultural, located at 5346 Riverview Road, further identified as Parcel (1-4F) on James City County Real Estate Tax Map No. (15-3).

Staff recommended denial of the special use permit because the request is inconsistent with the Comprehensive Plan. The Planning Commission, by a 10-1 vote, recommended approval with conditions listed in the resolution.

Mr. DePue opened the public hearing.

1. Ms. Betty Nixon, 5396 Riverview Road, spoke in opposition to condition 3 of the special use permit, which requires the providing of an all-weather surface gravel road, stating that the road is used by other vehicles and dump trucks.

With Board consensus, Mr. DePue continued the public hearing until the June 18, 1990, Board of Supervisors meeting.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked the status of the Continental Cable franchise.

Mr. Morton responded that the public hearing had been advertised and a work session is scheduled for the June 18, 1990, Board of Supervisors' meeting.

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 8:15 p.m.



David B. Norman
Clerk to the Board

BYLAWS OF
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

ARTICLE I

NAME

The name of this organization is The Hampton Roads Planning District Commission (the "COMMISSION"). The COMMISSION was organized and exists pursuant to a Charter Agreement (the "Agreement") adopted by the Joint Resolution of the governing bodies (the "Governing Bodies") of its constituent member governmental subdivisions (the "Subdivisions") in accordance with the Virginia Area Development Act, Title 15.1, Chapter 34 §15.1-1400 et seq., Va. Code Ann., (1950), as amended.

ARTICLE II

PURPOSE

The purpose of the COMMISSION is to promote the orderly and efficient development of the physical, social and economic elements of the twenty and twenty-first planning districts by planning and encouraging, and assisting Governing Bodies to plan for the future.

ARTICLE III

MEMBERSHIP

The members of the COMMISSION shall be appointed by the participating subdivisions in the manner and for terms as provided by the Agreement.

ARTICLE IV

MEETINGS

1. The meetings of the COMMISSION shall be held at 10:30 a.m. on the 3rd Wednesday of each month during the months of April and October at a place to be determined by the Chairman of the COMMISSION. The October meeting shall be the annual meeting of the COMMISSION. The COMMISSION or the Executive Committee may change the date and time of any regular meeting at any prior meeting. The COMMISSION may adjourn any meeting from time to time or to another place.

2. Special Meetings. Special meetings may be called by the Chairman at his discretion or by any two members of the

COMMISSION upon 48 hours notice to all members in writing or by telephone of the time, place and purpose of the special meeting. A special meeting may be held without notice provided all members of the COMMISSION are present.

3. Quorum. A majority of the COMMISSION shall constitute a quorum, provided a member from at least a majority of the Subdivisions shall be present.

4. Voting. Each member of the COMMISSION shall be entitled to one vote on the COMMISSION. All actions of the COMMISSION may be taken by a majority vote of all members present and voting, provided that any action shall require the affirmative vote of members representing at least a majority of the Subdivisions present for approval.

5. Procedures. Upon all questions not governed by the Agreement, these bylaws or any other adopted rule of the COMMISSION, the general principle of parliamentary procedure as set forth in Roberts Rules of Order shall govern.

ARTICLE VI

OFFICERS

1. Officers and Duties. The officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman, a Secretary, a Treasurer and such subordinate officers as may from time to time be elected or appointed by the COMMISSION. No person may hold more than one office; provided, however, that the offices of the Secretary and the Treasurer may be held by the same person. All offices must be held by members of the COMMISSION; provided, however, the offices of Secretary and Treasurer may be held by persons who are not members of the COMMISSION. The offices of Chairman and Vice-Chairman shall be held by members representing different Subdivisions and be members of the Executive Committee. Each of such officers shall serve without compensation.

2. Term of Office. All officers shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession. Any Chairman or Vice-Chairman who serves a partial term shall not be considered as serving a full term.

3. Election. Prior to the annual meeting at which an officer will be elected, the Chairman shall appoint a Nominating Committee, consisting of at least one member from at least half of the Subdivisions. The Nominating Committee shall, at the annual meeting, submit the name or names of one or more persons for each office to be filled. Further nominations may be made by

any member at the meeting at which the election is held. The election of officers shall be by voice vote, unless changed by majority vote of those present.

4. Vacancies. Any vacancy occurring in an office shall be filled for the unexpired term by the COMMISSION at the next regular meeting following the occurrence of such vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of the Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

5. Chairman. The Chairman shall preside at all meetings of the COMMISSION at which he is present and shall vote as any other member. He shall be responsible for the implementation of the policies established and the actions taken by the COMMISSION, shall have all of the powers and duties customarily pertaining to the office of the chairman of the board, and shall perform such other duties as may be assigned to him by the COMMISSION.

6. Vice-Chairman. The Vice-Chairman shall, in the event of the death or absence of the Chairman, or of his inability to perform any of the duties of his office or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION.

7. Secretary. The Secretary shall give the members notice of all regular and special meetings of the COMMISSION and shall attend all meetings and keep a record of their proceedings, which shall be a public record, and copies of which shall be mailed with the notice of the next regular meeting to all members of the COMMISSION. In general, he shall perform all duties incident to the office of Secretary and such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Secretary may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

8. Treasurer. The Treasurer shall have general charge and supervision of all of books and accounts of the COMMISSION, shall have custody of the monies and securities of the COMMISSION and keep an accurate record of the source of all monies. Unless otherwise provided, he shall sign or countersign such checks, vouchers or other instruments as require signature; shall make a brief financial report at each regular meeting of the COMMISSION; shall prepare an annual report as soon as practicable after the end of each fiscal year; and shall perform all other duties incident to his office that may be required of him by the COMMISSION. The Treasurer may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

ARTICLE VII

COMMITTEES

1. Executive Committee. There shall be, as one of the standing committees, an Executive Committee consisting of one COMMISSION member from each Subdivision designated prior to the annual meeting of the COMMISSION by each respective Governing Body. Each member of the Executive Committee shall serve for a term of one (1) year or until his successor is appointed by the appropriate Governing Body, or until he resigns or is removed from the COMMISSION. The Chairman and Vice-Chairman shall be members of the Executive Committee, and the Chairman will serve as Chairman of the Executive Committee. Each member of the Executive Committee shall have one vote. The Executive Committee shall hold regular monthly meetings upon the call of the Chairman. The Executive Committee shall hold special meetings upon the call of the Chairman or any two of its members. A majority of the members shall constitute a quorum. Every other member of the COMMISSION shall be an alternate member of the Executive Committee for the purpose of representing his jurisdiction on the Executive Committee, but an alternate member of the Executive Committee may vote only in the absence of the regular member from his jurisdiction. Subject to the control and direction of the COMMISSION, the Executive Committee shall supervise and manage the affairs of the COMMISSION between regular meetings of the full COMMISSION. The Executive Committee may act on all matters by, for or on behalf of the COMMISSION, and may exercise any and all powers granted to the COMMISSION by the Virginia Area Development Act, the Agreement, or these bylaws, except amending the Agreement or these bylaws. The Executive Committee shall have such specific duties as may from time to time be assigned to it by the COMMISSION.

2. Standing Committees. The COMMISSION may establish such other special and standing committees, advisory, technical or otherwise, as it shall deem desirable for the transaction of its affairs.

ARTICLE VIII

ADMINISTRATION

1. Staff. The COMMISSION shall employ a staff of qualified professional and other persons, pay to them such compensation as it shall deem advisable to carry out its duties; and implement projects, programs and other functions.

2. Director. The chief executive officer of the staff shall be the Executive Director, who shall have direct supervision of all the other employees of the COMMISSION, and, subject to the authority of the COMMISSION and its officers, shall have direct control of the management of the affairs of the COMMISSION.

3. Duties of Executive Director. The Executive Director shall act as disbursing officer, and shall be responsible for the payment of all bills, or of all warrants or requisitions, after payment thereof is authorized by the Treasurer. He shall be responsible for keeping a record of all monies paid out and received and of receipts and vouchers to cover such expenditures. The Executive Director shall have the authority and responsibility for any action not explicitly reserved to the COMMISSION or the Executive Committee.

4. Execution of Instruments. The Executive Director, upon specific authorization by the COMMISSION, shall have the power to sign in its behalf any agreement or other instrument to be executed by the COMMISSION. Unless otherwise provided, he may sign or countersign checks and vouchers in payment of obligations of the COMMISSION.

ARTICLE IX

FINANCES

1. Finances. The monies of the COMMISSION shall be deposited in such bank as the COMMISSION shall designate, and all payments (with the exception of those from petty cash) shall, so far as is practicable, be made by checks. Checks and drafts may be signed in the name of the COMMISSION by the Executive Director, the Secretary, the Treasurer, the Chairman or the Vice-Chairman.

2. Audit. The COMMISSION, at least once each year, shall cause an audit to be made by an independent certified public accountant of the general funds of the COMMISSION and any special project funds which are not audited by the federal or state government or by other independent accountants.

3. Bonds. The COMMISSION shall cause fidelity bonds to be issued covering each of its employees who receive or disburse funds in amounts deemed by it to be adequate.

ARTICLE X

SEAL

1. Seal. The COMMISSION may adopt a seal for the COMMISSION in such form as it deems appropriate.

ARTICLE XI

AMENDMENTS

1. Any proposed amendment of these bylaws shall be presented in writing and read for a first time at any regular or special meeting of the COMMISSION. Such proposal may be considered and amended at such meeting, but shall not be acted upon by the COMMISSION until a subsequent meeting which may be held no earlier than thirty (30) days after the first meeting. At the subsequent meeting, the proposal may be adopted only by the affirmative vote of at least two-thirds (2/3) of the entire COMMISSION members.

11/AFG/fa/#13592
May 3, 1990

**CHARTER AGREEMENT
OF
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION**

This Charter Agreement to organize a planning district COMMISSION is made as of the 1st day of July, 1990, by and between the undersigned governmental subdivisions as authorized by the Virginia Area Development Act. (Title 15.1, Chapter 34, §15.1-1400, et seq., Va. Code Ann., (1950), as amended);

NOW THEREFORE, it is agreed that:

ARTICLE I

ORGANIZATION

1. Name. The name of this organization shall be the Hampton Roads Planning District Commission (the "COMMISSION").

2. Principal Office. The principal office of the COMMISSION shall be in Chesapeake, Virginia. The location of the principal office may be changed by the concurrence of the COMMISSION.

3. Effective Date of Organization. The effective date of organization shall be July 1, 1990 or upon the date as of which the Virginia Department of Housing & Community Development declares that Planning Districts Twenty and Twenty-One are merged, whichever occurs later.

ARTICLE II

MEMBERSHIP

1. Method of Appointment. Members of the COMMISSION shall be appointed by the respective governing bodies (the "Governing Bodies") of those governmental subdivisions which are parties to this Charter Agreement (the "Subdivisions").

2. Composition. The Governing Bodies shall appoint members to the COMMISSION on the following basis:

(a) Each Subdivision shall be entitled to two (2) initial members;

(b) Each Subdivision with a population greater than or equal to 100,000 and less than 200,000 shall be entitled to one additional member, for a total of three. Each Subdivision with a population greater than or equal to 200,000 but less than 300,000

shall be entitled to three additional members, for a total of five. Each Subdivision with a population greater than or equal to 300,000 shall be entitled to five additional members, for a total of seven. Of the two initial members, one shall be an elected official of the Subdivision, and one shall be the Chief Administrative Officer of the Subdivision. At least one-half of the additional members for each Subdivision shall be elected officials of the Subdivision.

3. Basis for Representation. The population on which representation on the COMMISSION is based shall be established annually by the COMMISSION, using the most recent United States Census at the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, unless there is available a final annual estimate of population prepared by the Center for Public Service, the University of Virginia, in which event that estimate shall govern. If a Subdivision is determined to be entitled to increased membership on the COMMISSION, such increase shall become effective on the 1st of July immediately following such determination.

4. Term. Of the first members appointed to the Commission, one-half (1/2) of the members from each Subdivision shall be appointed for one year terms and the remaining half shall be appointed for two year terms. Where the number of members representing a Subdivision is not divisible by two, then the Subdivision shall appoint the extra member to a two year term. The term of appointment for all subsequent members shall be two (2) years. This section intends as near as possible to have each Subdivision appoint one-half of its representation annually. Any additions to or reductions in representation on the COMMISSION shall be carried out in accordance with the stated intent of this section.

5. Vacancies. Any member of the COMMISSION may be removed from office at any time, with or without cause, by the Governing Body that appointed the member. Any COMMISSION member who is an elected representative of the Subdivision shall be removed immediately upon expiration of his elected term of office. Any employee of a Subdivision shall be removed immediately upon the termination of his employment by the Subdivision. Vacancies on the COMMISSION shall be filled for the unexpired portion of the term in the same manner as the original appointment was made.

6. Voting. Each member of the COMMISSION shall have one equal vote in all matters before the COMMISSION.

ARTICLE III**OFFICERS**

1. Officers. The Officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman and such other officers as may be deemed advisable by the COMMISSION. All officers shall be elected by the COMMISSION from amongst its members, except that it may elect a secretary and a treasurer who need not be members of the COMMISSION.

2. Term of Office. All officers shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chairman and Vice-Chairman must be from different Subdivisions and be members of the Executive Committee. The Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession.

3. Election. Election of Officers shall be held at the annual meeting of the COMMISSION. Any vacancy occurring in an office shall be filled at the next regular meeting following the occurrence of such vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

4. Bylaws. The COMMISSION may adopt bylaws and such other rules as it may deem necessary or advisable for the conduct of its business, providing they are not inconsistent with the provisions of this Charter Agreement and the Virginia Area Development Act.

ARTICLE IV**MEETINGS**

1. Regular Meetings. The COMMISSION shall hold regular meetings at such times as the bylaws may provide or as the COMMISSION may determine.

2. Special Meetings. Special meetings will be held upon call by the Chairman and in accordance with the procedures as may be established by the bylaws or the COMMISSION.

ARTICLE V

COMMISSION MERGER

Upon the effective date of this Charter Agreement, Southeastern Virginia Planning District Commission and the Peninsula Planning District Commission shall merge into the Hampton Roads Planning District Commission, which shall be the surviving entity and which shall be entitled to all the assets and shall assume all the liabilities of the two entities.

ARTICLE VI

ADDITION OR WITHDRAWAL OF PARTY TO THIS CHARTER AGREEMENT

1. Addition. Any governmental subdivision within Planning District Nos. Twenty or Twenty-One which is not a party to this Charter Agreement at the effective date hereof may thereafter join the COMMISSION at the end of the COMMISSION's then current fiscal year, provided that such governmental subdivision is eligible for membership and that the governing body of the governmental subdivision previous thereto adopts and executes this Charter Agreement.

2. Withdrawals. Any Governing Body may withdraw its Subdivision from the COMMISSION by submitting to the COMMISSION in writing, at least sixty days before the end of the COMMISSION's then current fiscal year, a notice of intent to withdraw. All withdrawals shall become effective at the end of the fiscal year. A notice of intent to withdraw may be withdrawn or cancelled by the Governing Body concerned at any time prior to the effective date of the withdrawal.

3. Change of Charter. Within sixty days of receipt of such notification of intent to join or withdraw, the COMMISSION shall submit a report to the remaining Governing Bodies that would recommend any modifications to the Charter Agreement or bylaws of the COMMISSION which are necessary as a result of said addition or withdrawal.

4. Assets and Liabilities. Upon withdrawal of a Subdivision from the COMMISSION, all of its interest in the assets and responsibilities for the liabilities of the Commission shall cease and terminate as of the effective date of such withdrawal.

5. Operating Costs. Upon the addition of a Subdivision to the COMMISSION, its responsibilities for its pro rata share of the operation of the COMMISSION shall begin on the effective date of such addition.

ARTICLE VII

FINANCES

1. Funds. Funds for the operation and administration of the COMMISSION shall be appropriated by the participating Governing Bodies on a pro rata basis based on population of the Subdivisions as established for purposes of representation on the COMMISSION under Article II of this Charter Agreement.

2. Annual Payments. Payments to the COMMISSION shall be made quarterly, due within thirty days of the beginning of each quarter. No refund or adjustment of payments is authorized to any Subdivision until the close of the fiscal year. Any Subdivision which is more than sixty days delinquent in its payments to the COMMISSION shall stand suspended from membership on the COMMISSION until such delinquency is paid in full. During the period of any suspension, the members of the COMMISSION representing such Subdivision shall stand suspended from office and may not speak or vote on any matter before the COMMISSION. Any Subdivision that is more than six months delinquent in its payments to the COMMISSION shall automatically cease to be a member of the COMMISSION. Nothing contained herein shall be construed as a relieving an expelled Subdivision of the obligation to pay its pro rata share of the COMMISSION's budget which is the basis for its expulsion.

3. Contracts. The COMMISSION shall have no authority or power to obligate in any manner any participating Subdivision beyond those funds duly appropriated by such Subdivision for the use of the COMMISSION.

ARTICLE VIII

AMENDMENTS

1. Approval. This Charter Agreement may be amended, supplemented or superseded only after concurring resolutions have been adopted by the Governing Bodies of two-thirds of the Subdivisions.

2. Procedure. Any proposal to amend, supplement or supersede this Charter Agreement must be submitted in writing to the COMMISSION and to each Governing Body. Thereafter, the COMMISSION shall review the proposal and submit its comments and recommendations thereon to each Governing Body. After comments and recommendations, each Governing Body may proceed to consider a resolution concurring in the proposed change.

WITNESS the following signatures and seal:

CITY OF CHESAPEAKE

Date: June 21, 1990

By: James W. Reut
Its: City Manager

CITY OF FRANKLIN

Date: June 20, 1990

By: John F. Jackson
Its: City Manager

CITY OF HAMPTON

Date: June 13, 1990

By: James L. Eason
Its: Mayor

ISLE OF WIGHT COUNTY

Date: July 20, 1990

By: Walter Goodell
Its: County Administrator

JAMES CITY COUNTY

Date: June 4, 1990

By: Ray M. Deane
Its: Chairman

CITY OF NEWPORT NEWS

Date: June 12, 1990

By: Ed Macrone
Its: City Manager

Attest: Bernie Perry
CITY OF NORFOLK City Clerk

Date: June 21, 1990

By: [Signature]
Its: City Manager

CITY OF POQUOSON

Date: May 29, 1990

By: *Richard H. [Signature]*
Its: City Manager

CITY OF PORTSMOUTH

Date: July 17, 1990

By: *V. Wayne [Signature]*
Its: City Manager

SOUTHAMPTON COUNTY

Date: June 19, 1990

By: *Richard L. Taylor [Signature]*
Its: County Administrator

CITY OF SUFFOLK

Date: June 20, 1990

By: *George L. Powell [Signature]*
Its: City Manager

CITY OF VIRGINIA BEACH

Date: June 21, 1990

By: *Aubrey [Signature]*
Its: City Manager

CITY OF WILLIAMSBURG

Date: May 10, 1990

By: *John [Signature]*
Its: Mayor

YORK COUNTY

Date: June 7, 1990

By: *David M. Stuck*
Its: County Administrator

11/AFC/fa/#13553
May 3, 1990

JUN 4 1990

ORDINANCE NO. 107A-11

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VII, TAX ON PREPARED FOOD AND BEVERAGE, SECTION 18-34. DEFINITIONS, SECTION 18-35. LEVY OF TAX; AMOUNT, AND SECTION 18-47. EXEMPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation, is hereby amended and reordained by amending Section 18-34. Definitions, Section 18-35. Levy tax; amount, and Section 18-47. Exemptions.

Chapter 18. Taxation

Article VII. Tax on Prepared Food and Beverages.

Section 18-34. Definitions.

The following words and phrases, when used in this article, shall have, for the purposes of this article, the following respective meanings except where the context clearly indicates a different meaning:

- (a) **Caterer:** A person who furnishes food on the premises of another, for compensation.
- (b) **Commissioner of the Revenue:** The commissioner of the revenue of the county and any of his duly authorized deputies, assistants, employees or agents.

- (c) Food: Any and all edible refreshments or nourishment, liquid or otherwise, including alcoholic beverages, purchased in or from a restaurant or from a caterer, except snack foods.
- (d) Person: Any individual, corporation, company, association, firm, partnership or any group of individuals acting as a unit.
- (e) Purchaser: Any person who purchases food in or from a restaurant or from a caterer.
- (f) Restaurant:
 - 1. Any place where food is prepared for service to the public whether on or off the premises;
 - 2. Any place where food is served to the public; or
 - 3. Any place or operation which prepares or stores food for distribution to persons of the same business operations or of a related business operation for service to the public.

Examples include a: dining room; grill; coffee shop; cafeteria; cafe; snack bar; lunch counter; lunchroom; short order place; tavern; delicatessen; confectionery; bakery; eating house; eatery; drugstore; catering service; lunch wagon or truck; pushcart or other mobile facility that sells food; dining facility in a public or private club, resort, bar, or lounge; kitchen facility of a hospital or nursing home; and dining facility of a public or private school or college.

Seller: Any person who sells food in or from a restaurant or as a caterer.

Snack food: Unopened bottles or cans of carbonated soft drinks; chewing gum; candy; popcorn; peanuts and other nuts; unopened packages of cookies, donuts, crackers and potato chips; and other items of essentially the same nature and consumed for essentially the same purpose.

Treasurer: The treasurer of the county and any of his duly authorized deputies, assistants, employees or agents.

Section 18-35. Levy of tax; amount.

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of all food served, sold, or delivered for human consumption in the county in or from a restaurant, whether prepared in such restaurant or not, or prepared by a caterer. The rate of this tax shall be four percent of the amount paid for such food. In the computation of this tax, any fraction of one-half cent or more shall be treated as one cent (\$0.01).

Section 18-47. Exemptions.

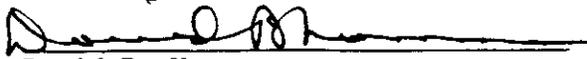
The following purchases of food shall not be subject to the tax under this article:

- (a) Food furnished by restaurants to employees as part of their compensation when no charge is made to the employee;
- (b) Food sold by nonprofit day care centers, public or private elementary or secondary schools or food sold by any college or university to its students or employees;
- (c) Food for use or consumption by the Commonwealth, any political subdivision of the Commonwealth or the United States;
- (d) Food furnished by a hospital, medical clinic, convalescent home, nursing home, home for the aged, infirm or handicapped or other extended care facility to patients or residents thereof;
- (e) Food furnished by a nonprofit charitable organization to elderly, infirm, handicapped or needy persons in their homes or at central locations;
- (f) Food sold by a nonprofit educational, charitable or benevolent organization on an occasional basis as a fund-raising activity or food sold by a church or religious body on an occasional basis;
- (g) Food furnished by boarding houses that do not accommodate transients;
- (h) Food sold by cafeterias operated by industrial plants for employees only;
- (i) Food sold by nonprofit cafeterias in public schools, nursing homes and hospitals;
- (j) Food sold by churches, fraternal and social organizations and volunteer fire departments and reserve squads which hold occasional dinners and bazaars of one or two day duration, at which food prepared in the homes of members or in the kitchen of the organization is offered for sale to the public;
- (k) Food furnished by churches which serve meals for their members as a regular part of their religious observance;
- (l) Food sold through vending machines;
- (m) Food sold by grocery stores and convenience stores except for prepared sandwiches, single meal platters and prepared food ready for human consumption sold at a delicatessen counter; and
- (n) Any other sale of food which is exempt from taxation under the Virginia Retail Sales and Use Tax Act, or administrative rules and regulation issued pursuant thereto.



Perry M. DePue, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of June, 1990.

0285U

ADOPTED 247

JUN 4 1990

ORDINANCE NO. 66A-27

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, BY AMENDING ARTICLE I, IN GENERAL, SECTION 11-7, ADOPTION OF STATE LAW; ARTICLE II. DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 11-28. ADOPTION OF STATE LAW, GENERALLY.

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

Chapter 11. Motor Vehicles and Traffic

Article I. In General

Section 11-7. Adoption of state law.

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and in force on July 1, 1990, except those provisions and requirements the violation of which constitutes a felony, and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such

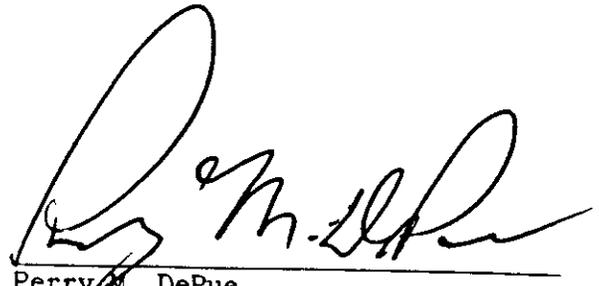
provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. For law enforcement purposes only, all private roads and private streets located within any residential development containing 100 or more lots shall be designated highways as defined by Section 46.2-100 of the Code of Virginia, as amended. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.

ARTICLE II. Driving Automobiles, etc., While Intoxicated
or Under the Influence of Any Drug

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

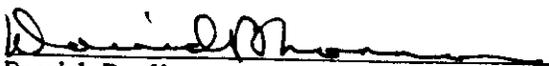
Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, 1990, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this Section.

State law references - General authority of county to prohibit operation of vehicles while under the influence of alcohol or drugs, Code of Va., § 15.1-132; authority to adopt state law on the subject, Code of Va. § 46.2-1313.



Perry M. DePue
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE