

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF MAY, NINETEEN HUNDRED NINETY-ONE, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas K. Norment, Jr., Chairman, Roberts District  
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District  
Jack D. Edwards, Berkeley District  
Stewart U. Taylor, Stonehouse District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES - April 15, 1991 - Regular Meeting  
April 17, 1991 - Work Session  
April 22, 1991 - Special Meeting  
April 24, 1991 - Special Meeting

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

Mr. Norment made a motion to approve the minutes.

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

C. CONSENT CALENDAR

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

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

Mr. Norment made a motion to approve Items 2 and 3 on the Consent Calendar.

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

2. Older Virginians Month, May 1991CERTIFICATE OF RECOGNITIONOLDER VIRGINIANS MONTH

WHEREAS, Virginia's older citizens constitute an active and valued segment of the Commonwealth's heritage, economy, and culture; and

WHEREAS, many older Virginians serve the Commonwealth by providing wisdom and leadership in state and local governments, by countless hours of service through civic and religious organizations, and by passing on our cultural heritage to their families, friends, and neighbors; and

WHEREAS, the needs and concerns of older Virginians are served by committed advocates such as the Virginia Department for the Aging and local area agencies on aging.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, joins the Governor of the Commonwealth of Virginia in recognizing the month of May, 1991, as Older Virginians Month and calls its significance to the attention of all our citizens.

3. Forfeited Assets from Seizure of DrugsR E S O L U T I O NAPPROPRIATION TO THE POLICE DEPARTMENT

WHEREAS, the Federal Government has provided for a distribution of drug seized assets to the James City County Police Department; and

WHEREAS, Federal law requires that these funds be used exclusively for the investigation of drug related offenses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments to the Donation Trust Fund:

Revenues:

Revenues from drug related seizures	\$2,730.00
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Expenditures:

Drug related seizure spending	\$2,730.00
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1. National Transportation Appreciation Day, May 15, 1991

Mr. Edwards expressed his appreciation to the James City Transit Company, which has served James City County for the past 14 years. He noted the importance of the fact that 67% of passengers use public transportation to commute to their employment, 10% for shopping and 10% for medical appointments.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

MAY 15, 1991 - TRANSIT APPRECIATION DAY

WHEREAS, the nation is celebrating National Transportation week from May 12 - 18, 1991; and

WHEREAS, public transit is vital to our society both nationally and in James City County; and

WHEREAS, public transit provides mobility for all, including the young, old, disabled and low-income who depend upon it; and

WHEREAS, The James City County Transit Company provides safe, clean, efficient and effective service for the people of the James City County/Williamsburg area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims Wednesday, May 15, 1991, as Transit Appreciation Day in James City County and calls upon all citizens to recognize the vital role of transit in this community.

D. PUBLIC HEARINGS

1. Ordinance to Amend Chapter 2, Administration, Article II, Magisterial District

Mr. John T. P. Horne, Manager, Development Management, stated that the proposed districts reflect the preference of the Board in establishing the new election district boundaries for James City County.

Staff recommended approval of the resolution and the ordinance.

Mr. Norment opened the public hearing.

1. Mr. James E. Hicks, Roberts District, appeared and offered a substitute plan which he said he had just completed work on this afternoon. He thanked County staff members for their cooperation in providing him

information that he used in drafting his plan. He passed out a map delineating the two districts and a sheet showing population figures entitled, "James City County Redistricting Sheet (2 Districts)."

Mr. Hicks stated that it was his understanding of the law that it was necessary for him to reject the plan before the Board in order to offer a substitute and therefore he rejected the staff plan. Mr. Hicks recognized and agreed with staff that it was not possible to create a majority minority district, even going to nine districts. Therefore, he suggested the creation of seven districts and presented a map that delineated two districts which he termed "influence districts." He stated he had not had time to draw the remaining five districts. Mr. Hicks said that the two districts, District 3 in the center of the County had a minority population of 38.5 percent and District 7 in the far eastern portion of the County (Grove area) had a minority population of 32.5 percent. Mr. Hicks said he felt that establishing these influence districts would better enable the minority population to elect a member to the Board of Supervisors.

In response to a question from the Board, Mr. Hicks stated he had attended, but not spoken (except to staff), the Board of Supervisors meeting on April 1, 1991; he said he had not attended any of the Redistricting Advisory Committee meetings. He also responded that he had not had an opportunity to draw the other five districts. In response to a question from the County Attorney, Mr. Hicks stated he had not followed census tracts in drafting the two districts he was presenting to the Board.

Mr. Norment closed the public hearing.

The Chairman of the Board thanked Mr. Hicks for his presentation and made a motion to accept the advertised redistricting ordinance for the following reasons: the County had gone through an open process that commenced with appointment of the Redistricting Advisory Committee and their subsequent meetings; the makeup of the Committee had been racially balanced; Mr. Abram Frink, a black from the Grove area of the County and past Board of Supervisors Member and Chairman had served on the Committee and supported the plan recommended to the Board; the Committee had reviewed a number of alternatives, including a seven district plan with the two higher percentage minority districts being similar to those being proposed by Mr. Hicks; the Committee supported the recommended plan unanimously (actually the vote was 9-1 with Mr. Jay Everson, a white member of the Committee voting against the plan for no stated reason); in the absence of being able to create a majority minority district (or one fairly close to a majority minority district), the Committee chose not to support a seven district plan that would have resulted in five almost entirely white districts; Mr. Hicks' "plan" was being submitted at the 11th hour given the submittal deadlines the County was operating under.

Other members of the Board made similar remarks.

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

R E S O L U T I O N

REDISTRICTING

WHEREAS, the Board of Supervisors of James City County has received the recommendations of the Redistricting Advisory Committee; and

WHEREAS, that Committee conducted five meetings open to the public and considered a number of options; and

WHEREAS, the Board conducted one work session open to the public and two public hearings to discuss redistricting options.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached ordinance establishing new boundaries for election districts in James City County.

2. Case No. Z-12-90/SUP-48-90. Old Dominion French Winery (continued from April 1, 1991)

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Vernon Geddy, III, had requested an indefinite postponement for consideration of these cases for additional time for the applicant to determine how and whether to proceed with these applications.

Staff agreed with the request and recommended continuation of the public hearings.

With Board concurrence, Mr. Norment reopened the public hearings and continued the public hearings for an indefinite period of time.

3. Case No. Z-2-91. Robert V. Piggott

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. William Chambers, on behalf of the applicant, had applied to rezone 2.75 acres from A-1, General Agricultural, to B-1, General Business, located at 108 Bush Springs Road, and further identified as Parcel (1-92) on James City County Real Estate Tax Map (22-2).

In concurrence with staff, the Planning Commission unanimously, with one abstention, recommended denial of Case No. Z-2-91 for the reasons that the proposal was inconsistent with the Comprehensive Plan and rezonings in that area and would generate excessive traffic on a substandard road.

Mr. Norment opened the public hearing.

1. Mr. Robert V. Piggott, Toano, 316 Farmville Lane, asked for Board approval of the rezoning because a storage facility was needed in the Toano area.

2. Mr. R. M. Hazelwood, Jr., Toano, spoke in favor of the storage facility, which would increase tax revenues, give citizens a needed facility, and would not create traffic problems or add children to schools.

3. Mr. Bill Chambers, General Contractor, described the proposed landscaping and building area.

Mr. Norment closed the public hearing.

Ms. Knudson made a motion to deny Case No. Z-2-91.

Board discussion followed regarding attractiveness of the proposed business, and citing Planning Commission recommendation and lack of proffers as reasons for denial.

Mr. Taylor made a substitute motion to postpone until June 3, 1991, Board of Supervisors meeting to allow time for applicant to present proffers for Board review.

Mr. Edwards expressed concern that the case should be returned to the Planning Commission.

Mr. Norment asked for a vote on Mr. Taylor's substitute motion.

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

4. Case No. SUP-6-91. Wessex Hundred Development, Inc.

Mr. Sowers stated that Ms. Deborah Lenceski, of Langley and MacDonald, had applied on behalf of Wessex Hundred Development, Inc., for a special use permit to allow the development of a residential cluster subdivision in R-1, General Residential, on 24 acres, located on the Jockey's Neck property on the east side of Lake Powell Road at its intersection with Treasure Island Road, further identified as part of Parcel (1-11) on James City County Real Estate Tax Map No. (48-4).

Mr. Sowers further stated that a special use permit (SUP-28-88) was approved in December 1988, with a condition that final subdivision approval be obtained within 24 months from the date of issuance. He explained this condition was not met and the applicant had reapplied for a special use permit in order to proceed with development plans for the property.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

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

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-6-91. WESSEX HUNDRED DEVELOPMENT INCORPORATED

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, following its public hearing on April 9, 1991, unanimously recommended approval of Case No. SUP-6-91 to permit a residential cluster in the R-1, Limited Residential District on property identified as Parcel (1-11) on James City County Real Estate Tax Map No. (48-4).

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-6-91 as described herein with the following conditions:

1. This Special Use Permit shall be valid only for a cluster development containing a maximum of 46 detached single-family residential units and community recreational facilities which are generally located within the approximately 24-acre area shown on the "Village Housing Area Conceptual Plan" dated February 6, 1991, prepared by Langley and McDonald.
2. Covenants assuring the protection and maintenance of all buffer and common open space areas and recreation facilities shall be recorded with each subdivision plat and shall be submitted to and approved by the County Attorney's office prior to recordation.
3. A minimum of 12 acres within the approximately 24 acres shown on the "Village Housing Area Conceptual Plan" described above in condition one shall be reserved as common open space as generally shown on that conceptual plan and recorded in a manner approved by the County Attorney.
4. This permit shall become void if the final subdivision plat has not been approved within 24 months of the date of approval of this permit.
5. No development shall be permitted on slopes of 15 percent or greater unless approved by the Planning Commission.
6. All streets within the cluster development shall be built to VDOT standards and shall be dedicated to the County for inclusion in the State Secondary Roads System upon final subdivision approval.

5. Case No. SUP-7-91. C&P Hut - Lafayette High School
6. Case No. SUP-8-91. C&P Hut - Centerville and Longhill Roads
7. Case No. SUP-9-91. C&P Hut - Ware Creek Road
8. Case No. SUP-10-91. C&P Hut - 101 Maxton Lane

Mr. Sowers stated that Mr. Wythe K. Clark, of C&P Telephone, had applied on behalf of 4 property owners for special use permits to allow 4 fiber optics enclosures, located on an easement on the properties: 1) Lafayette High School, 4460 Longhill Road, parcel (1-1) on James City County Real Estate Tax Map No. (32-3), owned by Williamsburg/James City County Public Schools; 2) Centerville and Longhill Roads, 3750 Longhill Road, parcel (2-30) on James City County Real Estate Tax Map No. (2-30), owned by Williamsburg Merchants, Inc.; 3) Ware Creek Road, 4586 Ware Creek Road, parcel (1-13) on James City County Real Estate Tax Map No. (14-1), owned by Alabama Company; and, 4) 101 Maxton Lane, parcel (1-31) on James City County Real Estate Tax Map No. (13-4), owned by Betty J. Shalaski.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permits with conditions listed in the resolutions, respectively.

Mr. Norment opened the public hearings, and as no one wished to speak, he closed the public hearings.

Mr. DePue made a motion to approve Case Nos. SUP-8, 9 and 10-91 and to postpone Case No. SUP-7-91 until the May 20, 1991 Board of Supervisors meeting to allow time for a site visit.

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

#### R E S O L U T I O N

##### CASE NO. SUP-8-91. C&P HUT AT CENTERVILLE AND LONGHILL ROADS

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, following its public hearing on April 9, 1991, unanimously recommended approval of Case No. SUP-8-91 to permit a Fiber Optics Enclosure in the LB, Limited Business district on property identified as Parcel (2-30) on James City County Real Estate Tax Map No. (31-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-8-91 as described herein with the following conditions:

1. If construction has not commenced on this project within 18 months from the date of issuance of this special use permit, it shall become void.
2. The structure shall be located no closer than 15 feet to the side and rear property lines. These areas shall be landscaped in accordance with the provisions of the landscaping sections of the Zoning Ordinance.
3. All drives and parking areas shall be graveled.
4. The structure shall be set back a minimum of 200 feet from the edge of the right-of-way of Longhill Road. This setback shall remain undisturbed except for necessary driveways and utilities and required landscaping as approved by the Planning Director.
5. No access points to the site shall be permitted on Centerville Road.

R E S O L U T I O N

CASE NO. SUP-9-91. C&P HUT AT WARE CREEK ROAD

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, following its public hearing on April 9, 1991, unanimously recommended approval of Case No. SUP-9-91 to permit a Fiber Optics Enclosure in the A-1, General Agricultural district on property identified as Parcel (1-13) on James City County Real Estate Tax Map No. (14-1).

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-9-91 as described herein with the following conditions:

1. If construction has not commenced on this project within 18 months from the date of issuance of this special use permit, it shall become void.
2. The structure shall be located no closer than 15 feet to the side and rear property lines. These areas shall be landscaped in accordance with the provisions of the landscaping sections of the Zoning Ordinance.

3. All drives and parking areas shall be graveled.
4. The structure shall be setback a minimum of 50 feet from the edge of the right-of-way of Ware Creek Road. This setback shall remain undisturbed except for necessary driveways and utilities and required landscaping as approved by the Planning Director.
5. The parking area shall be located behind the structure.

R E S O L U T I O N

CASE NO. SUP-10-91. C&P HUT AT 101 MAXTON LANE

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, following its public hearing on April 9, 1991, unanimously recommended approval of Case No. SUP-10-91 to permit a Fiber Optics Enclosure in the A-1, General Agricultural district on property identified as Parcel (1-31) on James City County Real Estate Tax Map No. (13-4).

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-10-91 as described herein with the following conditions:

1. If construction has not commenced on this project within 18 months from the date of issuance of this special use permit, it shall become void.
2. The structure shall be located no closer than 15 feet to the side and rear property lines. These areas shall be landscaped in accordance with the provisions of the landscaping sections of the Zoning Ordinance.
3. All drives and parking areas shall be graveled.
4. The structure shall be setback a minimum of 50 feet from the edge of the right-of-way of Croaker Road. This setback shall remain undisturbed except for necessary driveways and utilities and required landscaping as approved by the Planning Director.
5. The parking area shall be located behind the structure.

9. Case No. SUP-11-91. Clara Byrd Baker Elementary School Temporary Classroom Trailers

10. Case No. SUP-12-91. Norge Elementary School Temporary Classroom Trailers

Mr. Sowers stated that Mr. Bruce Abbott, of DeYoung-Johnson Group, had applied on behalf of the Williamsburg-James City County School Board for a special use permit to allow placement of 2 temporary trailers each Clara Byrd Baker Elementary School, located on 23.6 acres at 3131 Ironbound Road, zoned R-8, Rural Residential, further identified as parcel (1-58) on James City County Real Estate Tax Map No. (47-1).

Mr. Sowers stated that Mr. Abbott had also applied for a special use permit to allow placement of 2 temporary trailers at Norge Elementary School, located on 20.0 acres at 7311 Richmond Road, zoned R-2, Limited Residential, further identified as parcel (1-35) on James City County Real Estate Tax Map No. (23-2).

Staff recommended approval of the special use permits with an amended date of July 1, 1993, from July 1, 1994, as listed in the condition in each resolution.

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

Mr. DePue made a motion to approve the amended special use permits.

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

R E S O L U T I O N

CASE NO. SUP-11-91. CLARA BYRD BAKER ELEMENTARY SCHOOL,  
TEMPORARY CLASSROOM TRAILERS

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 owner of the property has applied for a special use permit to allow 2 temporary classroom trailers in the R-8, Rural Residential District, on property identified as Parcel (1-58) on James City County Real Estate Tax Map No. (47-1).

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-11-91 as described herein with the following condition:

1. This permit shall be valid until July 1, 1993.

R E S O L U T I O N

CASE NO. SUP-12-91. NORGE ELEMENTARY SCHOOL, TEMPORARY

CLASSROOM TRAILERS

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 owner of the property has applied for a special use permit to allow 2 temporary classroom trailers in the R-2, Limited Residential District, on property identified as Parcel (1-35) on James City County Real Estate Tax Map No. (23-2).

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-12-91 as described herein with the following condition:

1. This permit shall be valid until July 1, 1993.

11. Case No. Z0-4-91. Zoning Fee Changes

12. Case No. S0-1-91. Subdivision Fee Changes

Mr. Sowers stated that the proposed zoning changes would recover a greater percentage of costs associated with administering the County's development review process and keep fees comparable with area localities.

In concurrence with staff, the Planning Commission, by an 8-3 vote, recommended approval of the proposed zoning fee changes.

Mr. Sowers stated that the subdivision fee structure changes were a result of a County-wide user fee study to recover costs associated with administering the County's subdivision review process.

In concurrence with staff, the Planning Commission, by an 8-3 vote, recommended approval of the proposed subdivision fee changes.

Mr. Norment opened the public hearings.

1. Mr. R. M. Hazelwood, Toano, spoke in favor of lowering costs instead of raising fees which would inhibit development of low-cost housing.

Mr. Norment closed the public hearings.

Ms. Knudson made a motion to approve Case No. Z0-4-91 and Case No. S0-1-91.

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

13. Case No. SO-2-91. Ordinance Amendment/Subdivision - Surveying Control Monuments

Mr. Horne stated that to assure accuracy of surveying and mapping information entered into computers, approximately 50 surveying control monuments have been installed. He further stated that this proposed ordinance amendment would require use of County surveying control monument network for all new subdivisions within one mile of an existing County monument.

The Planning Commission unanimously approved the amendment and staff recommended approval.

Mr. Norment 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: DePue, Edwards, Knudson, Norment  
(4). NAY: Taylor (1).

E. BOARD CONSIDERATIONS

1. Ordinance Amendment, Chapter 8, Health and Sanitation, Landfill, User Charges

Mr. Larry M. Foster, General Manager, James City Service Authority, stated that a public hearing was held on April 15, 1991, and the proposed amendment would increase the landfill tipping fee from \$25 to \$33 per ton, which would cover the landfill's operating costs. He further stated the increase was comparable with area localities.

Ms. Knudson made a motion to approve the ordinance.

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

2. FY 1992 Resolution of Appropriation

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the resolution of appropriation contained the proposed budget considered during the work sessions.

Staff recommended approval of the resolution.

Mr. Norment made a motion to remove \$335,000 from Capital Contingency to be designated as Road Matching Funds.

Mr. Taylor noted that he preferred monies, in the amount of \$90,000 for Dirt Street Program and \$500,000 Road Matching Funds moved to Capital Contingency, be restored for road projects, which the County needed.

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

Ms. Knudson made a motion to approve the amended resolution.

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

The Board commended staff for an excellent job of responsible fiscal restraint, and expressed its appreciation to all who were involved in making this a harmonious budget process.

## R E S O L U T I O N

### RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1991, and ending June 30, 1992, for information and fiscal planning purposes only; and

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

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

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

#### GENERAL FUND EXPENDITURES

Legislative Services	\$ 505,850
Administrative Services	659,069
Elections	142,086
Financial Administration	1,466,371
General Services	1,262,496
Development Management	1,974,634
Judicial Administration	520,702
Public Safety	6,007,234
Community Services	1,612,891
Education	23,009,309
Public Health and Welfare	1,085,741
Contributions	878,643
Nondepartmental	430,000
Contributions - Capital Projects	<u>1,070,000</u>
Total General Fund Expenditures	<u>\$40,625,026</u>

The appropriation for education includes \$19,741,903 as a contribution to the Williamsburg-James City County Schools.

GENERAL FUND REVENUES

General Property Taxes	\$25,757,368
Other Local Taxes	6,928,500
Licenses, Permits and Fees	2,855,345
Fines and Forfeitures	145,550
Revenue from Use of Money and Property	1,063,100
Revenue from the Commonwealth	3,763,937
Revenue from the Federal Government	2,100
Charges for Current Services	57,200
Miscellaneous Revenues	<u>51,926</u>
Total General Fund Revenues	<u>\$40,625,026</u>

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

TAX RATES

Real Estate on each \$100 Assessed Value	\$ .71
Tangible Personal Property on each \$100 Assessed Value	4.00
Machinery and Tools on each \$100 Assessed Value	4.00

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

CAPITAL PROJECTS FUND

Revenues:

Contribution - General Fund	\$1,070,000
Proceeds From Sale of Property	56,000
Prior Year Contingency Balance	1,835,000
Bonded Indebtedness	<u>6,400,000</u>

Total Capital Projects Fund Revenues \$9,361,000

Expenditures:

Schools	\$6,502,600
Recreation	50,000
Public Safety	170,000
Development Projects	1,874,500
Community Services	470,000
General	<u>293,900</u>

Total Capital Projects Fund Expenditures \$9,361,000

DEBT SERVICE FUND

Beginning Fund Balance	<u>\$4,721,949</u>
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Revenues:

From General Fund - General	\$ 30,000
From General Fund - Schools	3,250,556
Interest on Bond Proceeds	<u>315,000</u>

Total Debt Service Fund Revenues	<u>3,595,556</u>
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Total Revenues and Fund Balance	<u>\$8,317,505</u>
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Current Year Expenditures	<u>\$3,185,556</u>
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Ending Fund Balance	<u>\$5,131,949</u>
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VIRGINIA PUBLIC ASSISTANCE FUNDRevenues:

From the Federal Government/Commonwealth	\$1,093,494
From the General Fund	469,256
Grant	21,462
Fund Balance	<u>62,108</u>

Total Virginia Public Assistance Fund Revenues	<u>\$1,646,320</u>
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Expenditures:

Administration and Assistance	<u>\$1,646,320</u>
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Total Virginia Public Assistance Fund Expenditures	<u>\$1,646,320</u>
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COMMUNITY DEVELOPMENT FUNDRevenues:

General Fund	\$ 146,578
Grants	648,792
Generated Program Income	<u>63,815</u>

Total Community Development Fund Revenues	<u>\$ 859,185</u>
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Expenditures:

Administration and Programs	<u>\$ 859,185</u>
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Total Community Development Fund Expenditures	<u>\$ 859,185</u>
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4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be no general employee salary and wage increase granted effective July 1, 1991. No merit increase will be granted to employees in Fiscal Year 1992.

3. River Drive Road Improvements - Dirt Street Program

Mr. Horne stated that on May 16, 1988, the Board had authorized Dirt Street Capital Improvement Funds to improve a portion of River Drive which involved upgrading an existing dam to meet VDOT standards, contingent upon a surety agreement with the Cypress Point Civic Association. Staff had been contacted in writing by the Cypress Point Civic Association that such an agreement was unattainable.

Staff recommended that that portion of River Drive be removed from the Dirt Street funding schedule until adequate surety was posted by the Cypress Point Civic Association.

Board questions included: who owned dam embankment property; were funds available for both sections of River Drive; and, VDOT responsible for road but not dam maintenance.

1. Mr. Ron Rothwell, P.O. Box 98, Toano, asked that the Board consider approval of completion of the south section of the road.

2. Mr. Phil Hatcher, President, Cypress Point Civic Association, asked that River Drive be retained on the Dirt Street Program, and stated that he would prepare a letter for homeowners' signatures relieving the Board of Supervisors of any responsibility for dam embankment maintenance.

Mr. Taylor made a motion to postpone until the June 17, 1991, Board of Supervisors meeting to allow time for Mr. Hatcher to bring back his proposal.

Mr. Norment remarked that legal counsel for the County and the Homeowners Association should be consulted before drafting any type of correspondence, and that the decision could potentially affect all parts of the County.

With Board consensus, Mr. Norment declared that action be delayed on all sections of River Drive until the June 17, 1991, meeting.

4. Agricultural and Forestal District Application Fee

Mr. Horne stated that the proposed fee changes listed in the resolution would recover more of the administrative costs of this program. He noted that there was no current fee, and none proposed, for term review or renewal of districts.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O N

ADOPTION OF APPLICATION FEE FOR  
AGRICULTURAL AND FORESTAL DISTRICTS

WHEREAS, it is the policy of the Board that fees be charged to offset the costs incident to the processing and review of applications involving Agricultural and Forestal Districts; and

WHEREAS, Virginia Code Section 15.1-1509 authorizes that such fees may be required by a governing body; and

WHEREAS, the Board finds the fee to be reasonable and necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, effective May 6, 1991, hereby increases the current application fee from \$50 to \$100 charged and collected at the time of application for the creation or addition to an Agricultural and Forestal District.

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby establishes an application fee of \$50 for withdrawals from an Agricultural and Forestal District.

## F. PUBLIC COMMENT

1. Mr. Edwin Riley, 611 Tam-O-Shanter, distributed and commented on a letter published in the Richmond News Leader on its editorial page, which gave additional information on Lyme disease.

2. Mr. Ed Oyer, 139 Indian Circle, spoke in favor of testing water for safety. He reported on the number of chemicals that persons were subjected to in their daily life; the County needs to continue proposing budgets with restraint in future years; and, on recycling, newspaper "slicks" are now recyclable in some areas.

3. Mr. John Leonard, P.O. Box 174, Toano, asked the status of an animal claim, of shoats killed by dogs, which he had submitted earlier.

Mr. Norment requested that the claim be brought forward at the next Board of Supervisors' meeting.

G. REPORTS OF THE COUNTY ADMINISTRATOR - None

H. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards asked when the approved redistricting ordinance would become effective.

Mr. Morton responded that the ordinance became effective when approved on this date and would be implemented when the Department of Justice precleared the plan and the next election was held.

Mr. Taylor questioned whether election petitions could be circulated.

Mr. Morton responded that district boundaries have been established.

Ms. Knudson asked how citizens who are affected by the change in voting districts would be notified.

Mr. Morton stated that as soon as the Justice Department gave clearance, the notification of election district would be mailed, which was a State law requirement.

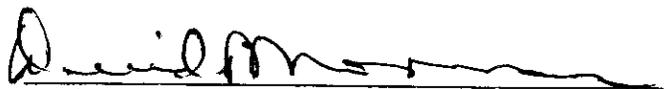
Mr. Edwards explained the reason for the increase in landfill fees was to become self-sufficient in the operation of the landfill.

Mr. Norment reported that he and Mr. Norman had met with Secretary of Transportation John G. Milliken, who indicated that the James River Crossing issue would not be on the Commonwealth Transportation Board's agenda of May 16, 1991. Mr. Norment stated that Secretary Milliken emphasized that the decision would not be a political one; James City County would be invited to offer input as to the scheduling of the issue on the CTB agenda; and, he gave assurance that no decision had been made on a recommendation to the CTB.

Mr. Taylor 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 10:00 p.m.



David B. Norman  
Clerk to the Board

MAY 6 1991

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 55A-12

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS AND ELECTION PRECINCTS, BY AMENDING SECTION 2-5. ELECTION DISTRICT BOUNDARIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-5. Election district boundaries.

Chapter 2. Administration

Article II. Magisterial District, Election Districts  
and Election Precincts

Section 2-5. Election district boundaries.

Berkeley Election District. Beginning at a point where State Route 5 intersects the Williamsburg city limits; thence northerly following the Williamsburg city limits to the point at which they intersect the York County line; thence northerly following the York County line to a point on State Route 603 1,400 feet north of State Route 645; thence westerly along the southern property line of parcel (33-3)(1-10); thence projecting the southern property line of Parcel (33-3)(1-10) across the CSXT Railroad main line; and U.S. Route 60 where the projected line intersects State Route 658; thence following the centerline of State Route 658 to State Route 612; thence following the centerline of Powhatan Creek to its intersection with State Route 613; thence westerly along the centerline of State Route 613 to its

intersection with State Route 614; thence southerly along State Route 614 to a point 6,000 feet north of State Route 5; thence westerly to Shell Bank Creek; thence following the centerline of Shell Bank Creek to the point where it intersects State Route 5; thence easterly following the centerline of State Route 5 to a point where it intersects State Route 614; thence southerly following the centerline of State Route 614 to the point where it intersects State Route 31; thence easterly following the centerline of State Route 31 to its intersection with State Route 681; thence northerly along the centerline of State Route 681 to its intersection with State Route 615; thence northerly along State Route 615 to its intersection with State Route 629; thence easterly along the centerline of State Route 629 to its intersection with State Route 5; thence easterly following the centerline of State Route 5 to the point of beginning.

Jamestown Election District A. Beginning at a point where State Route 5 intersects the Williamsburg city limits; thence westerly following the centerline of State Route 5 to its intersection with State Route 629; thence westerly along the centerline of State Route 629 to its intersection with State Route 615; thence southerly along State Route 615 to its intersection with State Route 681; thence southerly along the centerline of State Route 681 to its intersection with State Route 31; thence following the centerline of State Route 31 to the point where it intersects with State Route 614; thence northerly following the centerline of State Route 614 to the point where it intersects with State Route 5; thence westerly following the centerline of State Route 5 to the point where it intersects Shell Bank Creek; thence southerly following the centerline of Shell Bank Creek extended to the centerline of the James River; thence easterly following the centerline of the James River and the James City County-Surry County line to a point where it intersects the centerline of College Creek; thence northerly following the centerline of College Creek to its intersection with the Colonial Parkway; thence following the centerline of the Colonial Parkway to its intersection with Halfway Creek; thence following the centerline of Halfway Creek to its confluence with Tutter's Neck Creek; thence following the centerline of Tutter's Neck Creek to its intersection with the Williamsburg City limits; thence northerly following the Williamsburg City limits to the point of beginning.

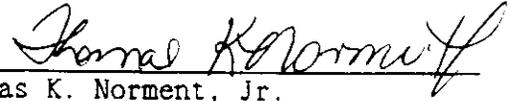
Jamestown Election District B. Beginning at the Williamsburg City limits on State Route 641; thence proceeding easterly along the York County line to its intersection with the CSXT Railroad spur line; thence westerly along the CSXT Railroad spur line to the CSXT Railroad main line; thence northerly along the centerline of the CSXT Railroad to the Williamsburg City limits; thence easterly along the Williamsburg City limits to the point of beginning.

Powhatan Election District. Beginning at the intersection of State Route 646 and U.S. Route 60 (West); thence northerly following the centerline of U.S. Route 60 (West) to a point 600 feet west of State Route 607 to an unnamed tributary of Yarmouth Creek; thence southerly following the centerline of that tributary to Yarmouth Creek; thence following the centerline of Yarmouth Creek to Shipyard Creek; thence following the centerline of Shipyard Creek to the Chickahominy River; thence southerly following the centerline of the Chickahominy River and the James City County-Charles City County line to

the centerline of the James River; thence easterly following the centerline of the James River and the James City County-Surry County line to Shell Bank Creek; thence northerly following Shell Bank Creek to the point closest to State Route 614, located 6,000 feet north of State Route 5; thence due east to State Route 614, thence due north following the centerline of State Route 614 to its intersection with State Route 613; thence easterly along the centerline of State Route 613 to its intersection with Powhatan Creek; thence northerly following the centerline of Powhatan Creek to the point where it intersects Longhill Swamp; thence easterly to the intersection of State Routes 612 and 658; thence northerly following the centerline of State Route 658 to its intersection with U.S. Route 60; projecting the centerline of State Route 658 easterly to its intersection with the southwest corner of parcel (33-3)(1-10); thence easterly along the southern property line of parcel (33-3)(1-10) to the York County limits; thence northerly along the York County limit to the point of beginning.

Roberts Election District. Beginning at a point where the centerline of State Route 199 intersects the York County line; thence easterly following the James City County-York County line to the junction with the Newport News city line, thence southerly with the James City County-Newport News line to the centerline of the James River and the James City County-Surry County line; thence northerly following the centerline of the James River to a point where College Creek intersects the James River; thence northerly following the centerline of College Creek to a point where it intersects the Colonial Parkway; thence northerly following the centerline of the Colonial Parkway to its intersection with Halfway Creek; thence following the centerline of Halfway Creek to the confluence of Tutter's Neck Creek; thence northerly along the centerline of Tutter's Neck Creek to its intersection with the Williamsburg City limits; thence easterly and northerly along the Williamsburg City limit to the centerline of the CSXT Railroad mainline; thence southerly along the centerline of the CSXT Railroad mainline to its intersection with the CSXT Railroad spur line; thence easterly along the centerline of the CSXT spur line of the York County line; thence southerly along the York line to the point of beginning.

Stonehouse Election District. Beginning at the intersection of State Route 646 and U.S. Route 60 (West); thence westerly following the centerline of U.S. Route 60 (West) to a point 600 feet west of State Route 607 to an unnamed tributary of Yarmouth Creek; thence southerly following the centerline of that tributary to Yarmouth Creek; thence following the centerline of Yarmouth Creek to Shipyard Creek; thence following the centerline of Shipyard Creek to the Chickahominy River; thence northerly following the Chickahominy River and the James City County-Charles City County line to a point being the corner of the New Kent County-James City County boundary lines; thence northerly following the New Kent County-James City County line to the centerline of the York River; thence easterly following the centerline of the York River and the James City County line to a point being the corner of the James City County-York County boundary lines; thence southerly following the James City County-York County line to the point of beginning.



Thomas K. Norment, Jr.  
Chairman, Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of May, 1991.

0344U

MAY 6 1991

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 31A-130

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-6. ADMINISTRATIVE FEES; ARTICLE II, SITE PLAN, BY ADDING SECTION 20-52. ADMINISTRATIVE REVIEW FEES; BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-217. SAME--ADMINISTRATIVE REVIEW FEE; AND ARTICLE VIII, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-473. SAME--ADMINISTRATIVE REVIEW FEE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-6. Administrative Fees; by adding Section 20-52. Administrative Review Fees; by amending Section 20-217. Same--Administrative Review Fee; and Section 20-473. Same--Administrative Review Fee.

Chapter 20. Zoning

Article I. In General

Section 20-6. Administrative Fees.

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing

of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

	<u>Procedure</u>	<u>Fee</u>
1.	Application for Amendments to the Zoning Map	
a.	Rezoning for 10 acres or less	\$ 300
b.	Rezoning for more than 10 acres but less than 50 acres	\$ 600
c.	Rezoning for 50 acres or more but less than 100 acres	\$ 900
d.	Rezoning for 100 acres or more but less than 400 acres	\$1,200
e.	Rezoning for 400 acres or more	\$1,500
2.	Applications for Special Use Permits	
a.	Generally	\$ 400
b.	Manufactured home on an individual lot	\$ 100
c.	Family Subdivision under Section 20-112	\$ 100
d.	Reservoir Protection Overlay District	\$ 100
e.	Amendment to a special use permit	\$ 200
3.	Master Plan Review	
a.	Initial review of any Residential Cluster or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only)	\$ 200
b.	Revision of approved plan	
	1) Residential Cluster	\$ 75
	2) R-4, PUD	\$ 150
4.	Site Plan Review	
a.	Administrative review	
	1) Residential structures or improvements	\$100 plus \$30 per residential unit

	2)	Nonresidential structures or improvements	\$100 plus \$30 for each 2,500 sq. ft. of building coverage
b.		Planning Commission review	
	1)	Residential structures or improvements	\$300 plus \$30 per residential unit
	2)	Nonresidential structures or improvements	\$300 plus \$30 for each 2,500 sq. ft. of building coverage
c.		Amendment to an approved plan	
	1)	Residential structures or improvements	\$100 plus \$10 per residential unit
	2)	Nonresidential structures or improvements	\$100 plus \$10 for each 2,500 sq. ft. of building coverage
	3)	Residential or nonresidential structures or improvements where the number of dwelling units or area of building coverage, pavement, or open space is not changed more than 15 percent	\$100
d.		Zoning Administrator and Fire Department Review only	\$ 20
5.		Sign Permits	\$3 per square foot of gross sign area
6.		Appeals to the Board of Zoning Appeals	\$100

## Article II. Site Plan

### Section 20-52. Administrative Review Fees

Submittal of a site plan and subsequent revisions proposed by the applicant shall be accompanied by a fee as specified in Section 20-6.

## Article IV. Districts

### Division 7. Residential Planned Community District, R-4

#### Section 20-217. Same--Administrative Review Fee

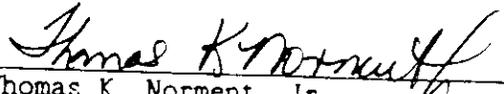
Submittals of a site plan or preliminary subdivision plat to implement any portion of an approved master plan shall be accompanied by a fee in accord with Section 20-6 or Section 17-15.

Article VIII. Planned Unit Development Districts

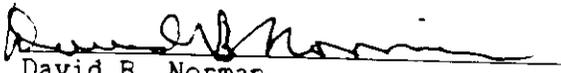
Section 20-473. Same--Administrative Review Fee

Submittals of a site plan or preliminary subdivision plat implementing any portion of an approved master plan shall be accompanied by a fee in accord with Section 20-6 or Section 17-15.

Ordinance to Amend and Reordain  
Chapter 20. Zoning  
Page 5

  
Thomas K. Norment, Jr.  
Chairman, Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

SUPERVISOR VOTE

DEPUE	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of May, 1991.

0336U

MAY 6 1991

ORDINANCE NO. 30A-20

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 17-15. FEES; AND ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 17-62. INSPECTION OF PUBLIC WATER AND SEWER SYSTEM.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Subdivisions, is hereby amended and reordained by amending Section 17-15. Fees; and Section 17-62. Inspection of public water and sewer system.

Chapter 17. Subdivisions

Article I. General Provisions

Section 17-15. Fees.

Fees shall be charged to offset the cost of reviewing plats and plans, making inspections, and other expenses incident to the administration of this chapter. The following fees shall be charged and collected as provided below:

1. General Plan Review.

There shall be a fee for the examination of every plan reviewed by the agent or commission. For all subdivisions that do not require public improvements, the fee for a major or minor subdivision shall be thirty-five dollars per plan plus twenty dollars per lot for each lot over two lots in the subdivision

plat. For all subdivisions that require public improvements, the fee for a major or minor subdivision shall be one hundred thirty-five dollars per plan plus twenty dollars per lot for each lot over two lots in the subdivision plat. The fee for townhouse or condominium subdivisions which have undergone site plan review shall be fifty dollars. The fee shall be submitted to the agent at the time of filing the plat for review. Any check shall be payable to the treasurer.

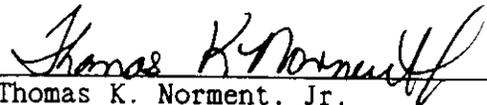
2. Inspection Fee for Water and Sewer Lines.

There shall be a fee for the inspection by the Service Authority of public water and sewer system installations. Such fee shall be sixty-two cents per foot for every foot of sewer main or water main constructed, and shall be submitted at the time of filing an application for a land disturbance permit.

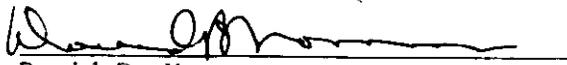
Article III. Requirements for Design and Minimum Improvements

Section 17-62. Inspection of public water and sewer system.

Inspection of public water or sewer system installations shall be the responsibility of the service authority. Any subdivider of a subdivision shall obtain a certificate to construct sewer or water lines and facilities from the division of code compliance prior to either extending existing facilities or building new facilities. Certificates to construct shall not be issued until the subdivider has paid to the county inspection fees in accord with Section 17-15 of this chapter. A certificate to construct shall be required prior to final approval of the subdivision plat.

  
\_\_\_\_\_  
Thomas K. Norment, Jr.  
Chairman, Board of Supervisors

ATTEST:

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

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of May, 1991.

MAY 6 1991

ORDINANCE NO. 30A-21

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE III. REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 17-34. LOCATIONS AND SPECIFICATIONS FOR MONUMENTS, SECTION 17-35. LOT CORNER MONUMENTS, AND SECTION 17-36. MONUMENTS-GENERAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Subdivisions, is hereby amended and reordained by amending Section 17-34. Locations and Specifications for Monuments, Section 17-35. Lot Corner Monuments, and Section 17-36. Monuments-General Requirements.

Chapter 17. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Section-17-34. Locations and Specifications for Monuments.

Monuments shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the subdivision, and at right-angle points and at the beginning and end points of curve along each street. Minimum requirements for monument material and installation shall be the same requirements contained in Section 17-35 below. Alternate types of monuments may be used if approved by the Division of Code Compliance prior to installation.

At least two (2) new or existing monuments at exterior subdivision boundaries shall be referenced to the county geodetic control network. Control monuments other than those installed by James City County may be used provided that the other monuments were installed by York County or the City of Newport News Waterworks and also provided that the precision of other monuments used is at least equal to that of James City County control monuments. Subdivision plats must show the coordinate values in U.S. survey feet of two (2) or more monuments so referenced. Additionally, the geodetic control monument from which the coordinate values are derived shall be referenced including its published coordinate values.

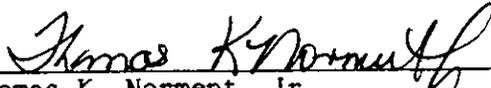
This requirement shall apply to all subdivisions provided a County Geodetic Control Monument exists within one (1) mile of any exterior subdivision boundary. Surveying connecting to the James City control monument network shall be conducted with a precision of 1:10,000. Surveyors may be required to submit coordinate value computations and supporting data to the County engineer.

Section 17-35. Lot Corner Monuments.

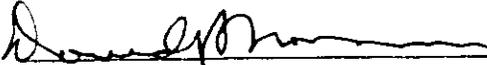
All lot corners shall be marked with an iron pipe monument not less than three-fourth's inch in diameter and twenty four inches long or a five-eighths inch in diameter reinforcing bar monument twenty-four inches long. Such monuments shall be driven flush with the adjacent ground grade. When rock is encountered, a hole shall be drilled four inches deep in the rock into which shall be cemented a steel rod one-half inch in diameter. The top of the rod shall be flush with the finished adjacent ground grade. Alternate types of monuments may be used if approved by the Division of Code Compliance prior to installation.

Section 17-36. Monuments - General Requirements.

Upon completion of subdivision streets, sewers, waterlines and other improvements, all monuments required by this chapter shall be clearly visible for inspection and use. The subdivider shall be responsible for replacing any monument which is damaged, disturbed or destroyed during construction. Prior to final release of the surety required for a subdivision, the subdivider shall provide certification from an engineer or surveyor that monuments required by this chapter have been properly placed.

  
\_\_\_\_\_  
Thomas K. Norment, Jr.  
Chairman, Board of Supervisors

ATTEST:

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

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of May, 1991.

0339U

ORDINANCE NO. 116A-21

MAY 6 1991

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, BY AMENDING ARTICLE II, LANDFILL ORDINANCE, SECTION 8-9. HOUSEHOLD WASTE; SECTION 8-10. INDUSTRIAL REFUSE; AND SECTION 8-13. USER CHARGES BY VOLUME.

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

Chapter 8. Health and Sanitation.

Article II. Landfill Ordinance.

Section 8-9. Household waste.

(a) Individuals using an automobile, station wagon, half-ton panel truck or half-ton pickup truck, with a valid county motor vehicle tag, decal or sticker, for the purpose of disposing of household refuse at the county landfill shall not be required to pay for disposal of refuse, provided, that the refuse being disposed of was neither collected nor hauled for a fee, and provided that certain recyclable materials have been separated by the individual prior to bringing the household refuse to the Landfill for disposal. The materials to be separated shall include aluminum cans, glass containers and newsprint. It shall be unlawful for an individual to dispose of household refuse from their home at the County Landfill unless the specified materials have been separated. Commercial haulers, under contract with the county to service county refuse containers, shall not be required to pay for disposal of refuse collected from county refuse containers.

(b) Commercial, industrial and governmental waste generators who bring their own refuse to the landfill, and commercial refuse operators-haulers regardless of the origin of the refuse shall pay the following fees:

Thirty-three dollars (\$33.00) per ton, computed on the basis of thirty-three cents (\$0.33) per each twenty (20) pounds or fraction thereof. Such charge shall be computed to the next highest one cent (\$0.01). The minimum charge shall be two dollars and fifty cents (\$2.50) per load.

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

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

(d) Tires. Whenever more than two (2) passenger car tires are disposed of on any occasion at the county landfill by any person, firm or corporation, a separate fee of seventy-five cents (\$0.75) shall be charged for each tire above two (2). The manager may at his discretion authorize the disposal of tires other than passenger car tires, at a charge per tire to be determined by the manager. The charge shall be based on the cost to handle and dispose of the tires.

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

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

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

(c) The disposal charge for industrial wastes requiring separate disposal locations shall be a minimum of thirty-three dollars (\$33.00) per ton but may be higher as determined by the manager. In establishing the fee for disposal of a specific waste requiring separate disposal, the manager shall determine the costs to maintain the separate disposal and for special handling requirements, the potential for damage to landfill equipment, environmental effects the refuse may have, state and federal rules and regulations regarding the waste, and other factors determined to be appropriate for the specialized handling of such waste.

(d) Separate contracts. The administrator may negotiate separate contracts for industrial refuse with large waste generators if it is determined that the volume is predictable and the wastes involved require minimal handling. Such contracts shall guarantee negotiated payments to the county annually, and may be offered to generators that exceed eight thousand (8,000) tons per year. No such contract shall guarantee the county less than two hundred sixty-four thousand dollars (\$264,000.00) per year.

Section 8-13. User charges by volume.

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

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

- (1) Uncompacted refuse, three dollars and thirty cents (\$3.30) per cubic yard of truck capacity.
- (2) Compacted refuse, eight dollars and twenty-five cents (\$8.25) per cubic yard of truck capacity.
- (3) The minimum fee for refuse charged for on a volume basis shall be two dollars and fifty cents (\$2.50) per load.

This ordinance shall be effective on and after July 1, 1991.

  
Thomas K. Norment, Jr.  
Chairman, Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of May, 1991.

0253H