

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 3RD DAY OF AUGUST, NINETEEN HUNDRED NINETY-TWO, AT 7:08 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District (Absent)
David L. Sisk, Roberts District (Absent)
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION

1. Planning Commission FY 91-92 Annual Report

Mr. Alexander Kuras, Chairman of the Planning Commission, briefly described the past year's accomplishments including update of the Zoning Ordinance to support the Comprehensive Plan. He expressed appreciation to the Planning Commission and staff for their dedication and effectiveness.

Mr. Edwards conveyed the Board's appreciation to Mr. Kuras for the Commission's service to the County and the annual report.

C. MINUTES - July 20, 1992

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

Mr. Taylor made a motion to approve the minutes.

On a roll call, the vote was: AYE: Taylor, Knudson, Edwards (3).
NAY: (0). DePue (ABSENT).

D. CONSENT CALENDAR

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

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

On a roll call, the vote was: AYE: Taylor, Knudson, Edwards (3).
NAY: (0). DePue (ABSENT).

1. Trash and Grass Liens - Torison, Inc. and Mary Watkins

R E S O L U T I O N

CODE VIOLATION LIEN

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Torison, Inc. 133 Waller Mill Road Williamsburg, VA 23185
DESCRIPTION:	500 Carriage Road James City County, Virginia
TAX MAP NO.:	(39-1)(01-0-0055)
AMOUNT DUE:	\$300

R E S O L U T I O N

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WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Mary Watkins 6339 Centerville Road Williamsburg, VA 23185
DESCRIPTION:	426 Carriage Road James City County, Virginia
TAX MAP NO.:	(39-1)(05-0-0006)
AMOUNT DUE:	\$350

E. PUBLIC HEARINGS

1. Case No. SUP-19-92. C. Richard Dobson Builders (Berkeley's Green)

Ms. Elizabeth R. Sullivan, Senior Planner, stated that Mr. Michael Armentrout had applied on behalf of C. Richard Dobson Builders for an amendment to allow deletion of a condition, required connection of John Rolfe Lane to Greensprings Road through Berkeley's Green Subdivision, attached to Special Use Permit 1-87, and had proposed an emergency access road rather than connector street.

The Berkeley's Green Subdivision is located southwest of the intersection of Greensprings Road and John Tyler Highway, further identified as Parcel (1-5) on James City County Real Estate Tax Map No. (45-2).

In accordance with staff, the Planning Commission voted 7-1 to recommend denial of the request for the following reasons: 1) The proposal is inconsistent with the Comprehensive Plan which supports interconnections between subdivisions; 2) The James City County Fire and Police Departments have stated that the road connection provided an important emergency access way which cannot be equally provided by an emergency access road; and, 3) Without such a connection, additional vehicle trips would be added to both Greensprings Road and John Tyler Highway, both operating at or above vehicle capacity in the future.

Mr. DePue arrived at 7:18 p.m.

Mr. Edwards opened the public hearing.

1. Mr. Michael Armentrout, applicant, stated that an alternate was being presented that would provide a pedestrian trail and emergency vehicle access excluding a gate.

2. Mr. Steve Romeo, Langley & McDonald Engineers, stated the 4-foot wide aggregate path for pedestrians and bicycles would be stabilized on each side by grass for emergency vehicle traffic from John Rolfe Lane to Berkeley's Green.

3. Ms. Deborah Lencenski, Langley & McDonald Engineers, stated the pedestrian/bike trail would give access to emergency vehicles; a full access road would impact the traffic volume on Greensprings Road.

4. Mr. Richard Malamphy, 3020 Camrose Drive, stated that in a telephone survey of 77 houses asking what type of access road would be preferred, 75 of those contacted supported an emergency access, not a through street.

5. Mr. C. R. Williams, resident of Heritage Landing, stated that the First Colony Homeowners Association had taken a stand in opposition to a full access paved road for safety reasons.

The Board questioned whether the Planning Commission had seen alternate plan; if alternate plan would be acceptable to Fire Department; and, the status of the Virginia Department of Transportation's requirement of a gate for limited access.

Without objection, Mr. Edwards continued the public hearing and deferred Case No. SUP-19-92 until the September 8, 1992, Board of Supervisors' meeting.

2. Case No. Z0-9-92. Zoning Ordinance Amendments - Follow-up Review

Mr. Trenton L. Funkhouser, Senior Planner, stated that the Ordinance amendments would revise and clarify language affecting the Industrial zoning districts and sanitary landfills.

Mr. Edwards 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: DePue, Taylor, Knudson, Edwards (4). NAY: (0).

3. Ordinance Amendment, Chapter 18, Article IV, Taxation, Transient Lodging Tax

Mr. Frank M. Morton, III, County Attorney, stated that the Ordinance amendment would clarify the distinction between person and individual.

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

Mr. Edwards made a motion to approve the Ordinance amendment.

On a roll call, the vote was: AYE: DePue, Taylor, Knudson, Edwards (4). NAY: (0).

F. BOARD CONSIDERATIONS

1. Fire Pumper Bid

Mr. Richard Miller, Fire Chief, stated that bids were received and staff recommended approval of a contract with Fire X Corporation in the amount of \$393,278 as the lowest responsible/responsive bid for the purchase of two Emergency One Cyclone Fire Pumpers.

Ms. Knudson made a motion to approve the resolution.

On a roll call, the vote was: AYE: DePue, Taylor, Knudson, Edwards (4). NAY: (0).

R E S O L U T I O N

FIRE PUMPERS CONTRACT

WHEREAS, funds are appropriated in the FY 93 Capital Improvements Project Budget to purchase two replacement fire pumpers; and

WHEREAS, requests for bids were issued, responses evaluated and the lowest bid meeting the critical specifications was determined; and

WHEREAS, it has been determined that the bid submitted by Fire X Corporation for two Emergency One Cyclone Fire Pumpers in the amount of \$393,120 (total cost bid) meets the critical specifications and was the lowest responsible/responsive bid.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into a contract with Fire X Corporation for the purchase of two Emergency One Cyclone Fire Pumpers for the sum of \$393,278.

G. PUBLIC COMMENT

Mr. R. M. Hazelwood, Toano, spoke of his concern about the 3-month time period required to get a septic tank permit issued by the Health Department, and asked the Board for its assistance in solving the problem.

The Board discussed Health Department appropriated funds, role of State/County employees, length of time required for a person to qualify as an inspector, and informing the County's State delegate and senator of the matter.

Mr. Edwards requested that staff schedule a meeting with State Health Department officials as soon as possible to discuss environmental health services.

Mr. Taylor stated that a public meeting might be needed if the private meeting was unproductive.

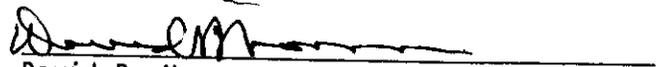
H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES - None

Mr. Taylor made a motion to adjourn.

On a roll call, the vote was: AYE: DePue, Taylor, Knudson, Edwards (4). NAY: (0).

The Board adjourned at 8:20 p.m.


David B. Norman
Clerk to the Board

2244w

AUG 8 1992

ORDINANCE NO. 31A-146

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 1, GENERALLY, SECTION 20-97, SPECIAL REQUIREMENTS FOR SANITARY LANDFILLS; DIVISION 13, LIMITED BUSINESS-INDUSTRIAL DISTRICT, M-1, SECTION 20-350, PERMITTED USES; SECTION 20-351, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 14, GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 20-375, PERMITTED USES; SECTION 20-376, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 15, LIMITED INDUSTRIAL DISTRICT, M-3, SECTION 20-389, PERMITTED USES, SECTION 20-390, USES PERMITTED BY SPECIAL USE PERMIT ONLY; TO REVISE THE ZONING ORDINANCE BY CLARIFYING THE ABOVE SECTIONS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF JAMES CITY COUNTY BY ENSURING THAT THE TERMS USED IN THE ZONING ORDINANCE ARE CLEAR, CONSISTENT AND CONCISE.

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 Article IV, Districts, Division 1, Generally, Section 20-97, Special requirements for sanitary landfills; Division 13, Limited Business-Industrial District, M-1, Section 20-350, Permitted uses; Section 20-351, Uses permitted by special use permit only; Division 14, General Industrial District, M-2, Section 20-375, Permitted uses; Section 20-376, Use permitted by special use permit only; Division 15, Limited Industrial District, M-3, Section 20-389, Permitted uses; Section 20-390, Uses permitted by special use permit only; to

revise the Zoning Ordinance by clarifying the above sections to protect the health, safety and welfare of the residents of James City County by ensuring that the terms used in the Zoning Ordinance are clear, consistent and concise.

Chapter 20. Zoning
Article IV. Districts
Division 1. Generally

Section 20-97. Special Requirements for Sanitary Landfills.

Sanitary landfills shall comply with the following requirements:

- (a) Refuse shall be placed in an excavation or in an area which can readily receive cover material and *each lift shall be* thoroughly compacted to a depth not greater than two feet.
- (b) An adequate amount of the proper type equipment shall be provided to move ~~the~~, compact and ~~to~~ cover the refuse at ~~least every twenty-four hours~~ *the end of each operating day*, regardless of machinery breakdown.
- (c) All solid waste received shall be buried each day with the exception of bulky materials (e.g., tree stumps).

- (d) A daily cover of not less than six inches shall be applied. and ~~at~~ completion of ~~the fill~~ a cell or section of the landfill at least two feet of earth shall cover the cell or section at a grade no ~~greater~~ less than 2 5 percent.
- (e) No burning of garbage or refuse containing garbage shall be allowed ~~and all such~~ . Any other burning allowed shall be as prescribed by the Air Pollution Control Board.
- (f) Adequate provisions shall also be made for adequate supervision of the landfill operation to prevent blowing paper, plastic bags, and other debris, to control dust, and to provide insect and rodent control measures.

Division 13. Limited Business-Industrial District, M-1

Section 20-350. Permitted Uses.

- Banks, ~~credit unions~~, and other similar financial institutions.
- Barber ~~shops~~ and beauty shops.
- ~~Corporate~~, ~~b~~Business, professional and governmental offices.
- Hotels, motels ~~and conference~~ or convention centers with accessory retail sales, barber shops and beauty shops located within the hotel, motel ~~and conference~~ or convention center for the principal benefit of the resident guest.
- Indoor sports facilities, health clubs, and exercise clubs, and fitness centers.

~~Off-street parking as required by Section 20-12 of this Chapter.~~

~~Water impoundments, new or expansion of, less than fifty acres and with dam heights of less than twenty-five feet.~~

Section 20-351. Uses Permitted by Special Use Permit Only.

Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same, if fuel is sold, then in accordance with Section 20-89.

Water impoundments, new or expansion of, of fifty acres or more and or with a dam heights of twenty-five feet or more.

Division 14. General Industrial District, M-2

Section 20-375. Permitted Uses.

Banks, and other similar financial institutions as an accessory use to other permitted uses.

~~Corporate,~~ Business, professional, and governmental offices.

Day care and child care centers as an accessory use to other permitted uses.

~~Off-street parking as required by Section 20-12 of this Chapter.~~

~~Marine or~~ waterfront businesses to include the receipt, storage and tank transshipment of waterborne commerce, or seafood receiving, packing and or distribution.

~~Printing, lithographing, engraving, photocopying, blue printing,~~
and publishing establishments.

Research, development, and design facilities, or laboratories.

Restaurants as an accessory use to other permitted uses.

Water impoundments, new or expansion of, less than fifty acres and with dam heights of less than twenty-five feet.

Section 20-376. Uses Permitted by Special Use Permit Only.

Water impoundments, new or expansion of, ~~for public or private use,~~ of fifty acres or more and or a with dam heights of twenty-five feet or more.

Division 15. Limited Industrial District, M-3

Section 20-389. Permitted Uses.

Banks and other similar financial institutions as an accessory use to other permitted uses.

Clinics as an accessory use to other permitted uses.

Data processing centers as an accessory use to other permitted uses.

Day care and child care centers as an accessory use to other permitted uses.

Off-street parking as required by Section 20-12 ~~this Chapter.~~

Printing, lithographing, ~~engraving,~~ photocopying, ~~blueprinting,~~ and publishing establishments.

Research, development, and design facilities, or laboratories.

Restaurants as an accessory use to other permitted uses.

Water impoundments, new or expansion of, less than fifty acres and with dam heights of less than twenty-five feet.

Section 20-390. Uses Permitted by ~~e~~Special ~~u~~Use ~~p~~Permit ~~e~~Only.

Marinas, docks, piers, yacht clubs, boat basins and servicing areas for same, if fuel is sold, then in accordance with Section 20-89.

Water impoundments, new or expansion of, ~~for public or private use~~ of fifty acres or more ~~and a~~ or with dam heights of twenty-five feet or more.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST: c



David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
DEPUE	AYE
TAYLOR	AYE
SISK	ABSENT
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day of August, 1992.

AUG 3 1992

ORDINANCE NO. 136A-3

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 IV. TRANSIENT LODGING TAX, BY AMENDING SECTION 18-15, DEFINITIONS; AND SECTION 18-22, EXEMPTIONS FROM TAX.

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 18-15, Definitions; and Section 18-22, Exemptions from tax.

Chapter 18. Taxation

Article IV. Transient Lodging Tax

Section 18-15. Definitions.

(f) *Individual.* One or more natural persons.

(f) (g) *Transient.* Any ~~person~~ individual or group of same individuals who, for a period of ~~not more than~~ fewer than thirty (30) consecutive days, either at his own expense, or at the expense of another, obtains lodging at any hotel as defined herein.

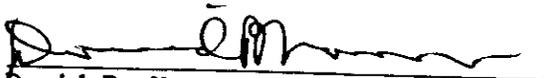
Section 18-22. Exemptions from tax.

No tax shall be payable under this article on charges for lodging paid to any hospital, medical clinic, convalescent home, home for the aged or paid by ~~any person~~ or for any individual or group of same individuals, as defined in Section 18-15 ~~(e)~~ (f) who obtains lodging at any hotel, for a period ~~exceeding~~ of thirty ~~(30)~~ or more consecutive days.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	AYE
SISK	ABSENT
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 3rd day of August, 1992.