

October 23, 1978

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, A WORKSESSION WAS HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTY-THIRD DAY OF OCTOBER, NINETEEN HUNDRED SEVENTY-EIGHT AT TWELVE-THIRTY P.M.

Mr. James B. Oliver, Jr., County Administrator, introduced those Board members in attendance, as follows:

Jack D. Edwards, Chairman, Berkeley District
 Stewart U. Taylor, Vice Chairman, Stonehouse District
 John E. Donaldson, Jamestown District
 Abram Frink, Jr., Roberts District

It was noted that David W. Ware, Jr., of Powhatan District, was absent from the meeting because he was out of town.

The following persons were also present:

John W. Watkins, Assistant to the Administrator
 John E. McDonald, Assistant to Administrator/Finance
 Robert M. Murphy, Assistant to Administrator/Projects
 Frank M. Morton, III, County Attorney
 Wayland N. Bass, Director of Public Works
 William C. Porter, Director of Planning
 Eric E. Zicht, Civil Engineer/Planner
 Agnes Turchiano, Administrative Secretary

The following guests were present:

Charles Baker, Henningson Durham & Richardson, Inc.
 Dr. Gerald Johnson, Prof. Geology, College of William and Mary
 Dr. John Harsh, Engineer, U.S. Geological Survey
 Rick Brower, Division of Surveillance and Field Studies,
 State Water Control Board

The matter of reviewing groundwater problems in James City County and data pertinent thereto was presented.

Mr. Donaldson moved to recess into Executive Session to discuss legal matters. The Board members voted unanimously and convened into Executive Session at 12:35 P.M.

Upon completion of the Executive Session, the Board adjourned into its Regular Meeting scheduled for 3:00 P.M.

AAC795

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-THIRD DAY OF OCTOBER, NINETEEN HUNDRED SEVENTY-EIGHT, AT 3:10 P.M., AT THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA

A. ROLL CALL

Mr. Jack D. Edwards, Chairman, Berkeley District
 Mr. Stewart U. Taylor, Vice Chairman, Stonehouse District
 Mr. John E. Donaldson, Jamestown District
 Mr. Abram Frink, Jr., Roberts District
 Mr. David W. Ware, Jr., Powhatan District (absent)

Mr. James B. Oliver, Jr., County Administrator
 Mr. John W. Watkins, Assistant to the County Administrator
 Mr. Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Donaldson motioned for approval of the minutes of the meeting of October 9, 1978. The motion carried by unanimous roll call vote.

C. PRESENTATION OF CERTIFICATES OF SERVICE AND APPRECIATION

Certificates of service and appreciation were awarded to the following persons who were present:

Terry Frank	5 years
Frank Morton	5 years
Frances Waltrip	5 years

A certificate of service and appreciation was also awarded to Phyllis Gardner, who was not present, for five years' service.

D. HIGHWAY MATTERS

Mr. Edwards called upon Mr. Frank Hall, Resident Engineer.

Mr. Hall said ditching operations were almost completed in the Grove area and also work had begun on Carriage Road. He said he had received a letter stating that a speed study will be undertaken in the Route 31-Lakewood area. Mr. Hall said much winter equipment, such as salt and sand, had been delivered.

Mr. Taylor inquired about the signal light at the Pottery, which continues to change signals in the late evening hours when traffic is not emerging from the Pottery. Mr. Hall said he would check on this matter.

Mr. Donaldson asked when the speed study on Route 31 from the city limits to Lakewood would be completed. Mr. Hall said it should be completed in about a week and a half.

Mr. Oliver asked Mr. Hall if anything was being done about traffic signs in the Lakewood area. Mr. Hall said "E" signs, which are large in size, and signs to reduce speed will be posted.

Mr. Frink expressed appreciation to Mr. Hall on behalf of the Grove residents for handling satisfactorily several of Grove's ditching problems.

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E. SETTING PUBLIC HEARING DATES-Vacation of Plats

1. Elmwood, Section One, Lots 53 and 54-An ordinance to vacate a portion of that certain plat entitled, "Elmwood, Section 1, James City County, Virginia," and more particularly described as that common lot line of Lots 53 and 54 and the northern property line of Lot 54, as shown on said plat.
2. Pine Dell, Section A-An ordinance to vacate a certain property line described as the westerly line "A"- "B" on a survey of a plat conveying 1.764 acres in Pine Dell, Section A, lying in the Berkeley District, James City County, Virginia, to Peter L. Paluzzay.
3. Riverview-An ordinance to vacate portions of Riverview Plantation, Sections Two, Three and Four, and more particularly described as a plat showing Parcels 1, 2 and 3 to be vacated by Yorkview Plantation, Inc., located in Stonehouse District, James City County, Virginia.
4. Busch Properties and Louis G. Goodfarb-An ordinance to vacate a portion of that certain plat entitled, "Plat of property north of Packets Court, Site 20A, for Phase II development to be conveyed to Louis C. Goodfarb from Busch Properties, Inc., James City County, Virginia," and more particularly described as "Plat showing utility easement on former John Jefferson Road at Busch Corporate Center-Williamsburg to be abandoned by James City Service Authority."

Mr. Oliver requested that these matters be advertised for the November 27, 1978 meeting of the Board of Supervisors.

Mr. Donaldson requested that the Planning Department check the Riverview matter to insure it is not controversial.

The Board of Supervisors concurred with Mr. Oliver's request that the above matters be heard at the meeting of November 27, 1978.

F. PUBLIC HEARING - Amendments-Chapter 11, Motor Vehicles and Traffic

Mr. Morton made a presentation on amendments to the Code, which had not been updated since 1975. He stated that the amendments would bring Chapter 11 of the Code up to date.

Mr. Edwards opened the matter to public hearing. No one wished to speak, and Mr. Edwards closed the public hearing.

Mr. Donaldson moved for approval of the amendments to the Code. The motion carried by unanimous roll call vote.

ORDINANCE NO. 66A-5

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, BY AMENDING THE FOLLOWING SECTIONS, TO WIT: ARTICLE I, IN GENERAL, SECTION 11-15, GLASS, ETC., TO BE REMOVED FROM HIGHWAY AT TIME WRECKED VEHICLE REMOVED: SECTION 11-22, DUTY OF DRIVER TO STOP, ETC., IN EVENT OF ACCIDENT: DUTY OF OCCUPANT; REPORTS ADDITIONAL TO OTHER ACCIDENT REPORTS REQUIRED BY STATE LAW: SECTION 11-27, PENALTIES NOT ELSEWHERE PROVIDED FOR CERTAIN VIOLATIONS WHICH ALSO CONSTITUTE MISDEMEANORS UNDER STATE MOTOR VEHICLE LAW: ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER INFLUENCE OF ANY DRUG: SECTION 11-28, DRIVING AUTOMOBILE, ENGINE, ETC., WHILE UNDER THE INFLUENCE OF WHISKEYS, DRUGS, ETC., PROHIBITED: SECTION 11-32, SAME, PENALTY, GENERALLY, SUBSEQUENT OFFENSE: PRIOR CONVICTION: SECTION 11-34, DRIVING AFTER FORFEITURE OF LICENSE: ARTICLE III, STOPPING, STANDING AND PARKING: SECTION 11-47, REMOVAL AND DISPOSITION OF UNATTENDED VEHICLES GENERALLY: ARTICLE IV, VEHICLE LICENSES, SECTION 11-60, PERSONS EXEMPTED.

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BE IT ORDAINED by the Board of Supervisors of James City County, that the Code of the County of James City be and the same is, hereby, amended and reordained by amending Chapter 11, Motor Vehicles and Traffic, by amending and reordaining the following sections, to wit: Article I, In General, Section 11-15, Glass, etc., to be removed from highway at time wrecked vehicle removed; Section 11-22, Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports required by state law; Section 11-27, Penalties not elsewhere provided for certain violations which also constitute misdemeanors under state motor vehicle law; Article II, Driving automobiles, etc., while intoxicated or under influence of any drug; Section 11-28, Driving automobile, engine, etc., while under the influence of whiskeys, drugs, etc., prohibited; Section 11-32, Same, penalty, generally, subsequent offense; prior conviction; Section 11-34, Driving after forfeiture of license; Article III, Stopping, standing and parking; Section 11-47, Removal and disposition of unattended vehicles generally; Article IV, Vehicle licenses, Section 11-60, Persons exempted.

ORDINANCE NO. 66A-5

MOTOR VEHICLES AND TRAFFIC

Article I. In General

Section 11-15. REPEALED.

Section 11-22. Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports required by state law.

(a) The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic and report forthwith to the sheriff's office, and, in addition, to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property, his name, address, operator's or chauffeur's license number and the registration number of his vehicle. The driver shall also render reasonable assistance to any person injured in such accident, including the carrying of such injured person to a physician, surgeon or hospital for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

Where, as a result of the injuries sustained in the accident, the driver is prevented from complying with the above provisions, the driver shall, as soon as reasonably possible, make the required report to the police authority and make a reasonable effort to locate the person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the damaged property and report to such person or persons his name, address, operator's or chauffeur's license number and the registration number of his vehicle.

(b) If the driver fails to stop and make the report required by subsection (a) of this section, any person in the vehicle with the driver at the time of the accident who has knowledge of the accident shall report within twenty-four hours from the time of the accident to the sheriff's office, giving his name, address and such other information within his knowledge as the driver must report pursuant to subsection (a) of this section

(c) The driver of any vehicle involved in an accident in which no person is killed or injured but in which an unattended vehicle or other unattended property is damaged shall make a reasonable effort to find the owner or custodian of such property and shall report to the owner or custodian the information which the driver must report pursuant to subsection (a) of this section if such owner or custodian is found. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note in a conspicuous place at the scene of the accident and shall report the accident in writing within twenty-four hours to the sheriff's office. Such note and written report shall contain the information which the driver must report pursuant to subsection (a) of this section and such written report shall state in addition to the date, time and place of the accident and the driver's estimate of the property damage.

Where, as a result of the injuries sustained in the accident, the driver is prevented from complying with the above provisions, the driver shall, as soon as reasonably possible, make the required report to the sheriff's office and make a reasonable effort to find the owner or custodian of the unattended vehicle or property and report to such person or persons such information as is required to be reported pursuant to paragraph (c) of this section.

(d) If the driver fails to stop and make a reasonable search for the owner or custodian of an unattended vehicle or property or to leave a note for such owner or custodian as required by subsection (c) of this section, any person in the vehicle with the driver at the time of the accident who has knowledge of the accident shall report within twenty-four hours from the time of the accident to the sheriff's office, his name, address and other such facts within his knowledge as are required by subsection (c) of this section to be reported by the driver.

(e) The reports required by this section are in addition to other accident reports required by state law and shall be made irrespective of the amount of property damage involved.

(f) The provisions of this section shall apply irrespective of whether such accident occurs on the public streets or highways or on private property.

Section 11-27. Penalties not elsewhere provided for certain violations which also constitute misdemeanors under state motor vehicle law.

Any person convicted of an act or omission in violation of any provision of this chapter, which act or omission also constitutes a misdemeanor under any provision of chapters 1 through 4, inclusive, of title 46.1 of the Code of Virginia, and for which no other penalty is provided in this chapter or in title 46.1 of the Code of Virginia, shall be deemed guilty of a traffic infraction punishable by a fine of not more than one hundred dollars.

Article II, Driving Automobiles, Etc.,
While Intoxicated or Under
Influence of Any Drug.

Section 11-28. Driving motor vehicle while intoxicated.

It shall be unlawful for any person to drive or operate any motor vehicle while under the influence of alcohol, or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature. For purposes of this section, the term "motor vehicle" shall include automobiles, trucks, engines, trains, motorcycles, and pedal bicycles with helper motors, while operated on the public highways.

Section 11-32. Same -- Penalty -- Generally; subsequent offense; prior conviction.

Any person violating any provision of section 11-28 shall be guilty of a misdemeanor and shall be punished, for a first offense by a fine of not less than two hundred dollars nor more than five hundred dollars or by confinement in jail for not less than one month nor more than six months, either or both in the discretion of the jury or the court trying the case without a jury.

Any person convicted within any period of ten years of a second or subsequent offense under section 11-28 shall be punishable by a fine of not less than two hundred dollars nor more than one thousand dollars and by confinement in jail for not less than one month nor more than one year. For the purposes of this section, a conviction or finding of not innocent in the case of a juvenile under the provisions of section 11-28 of this code or section 18.2-266 of the Code of Virginia, (former §18.1-54, former §18-75), or the ordinance of any county, city or town in this state or the laws of any other state substantially similar to the provisions of section 18.2-266 of the Code of Virginia shall be considered a prior conviction.

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Section 11-34. Same -- Same -- Driving after forfeiture of license.

If any person convicted pursuant to sections 11-32 and 11-33 shall, during the time for which he is deprived of his right to do so, drive or operate any motor vehicle or self-propelled machine or equipment in this county, he shall for the first offense be confined in jail not less than ten days nor more than six months; and may in addition be fined not less than one hundred dollars nor more than two hundred dollars; and for the second or any subsequent offense be confined in jail not less than two months nor more than one year; and may in addition be fined not less than two hundred dollars nor more than one thousand dollars. The court shall not suspend the entire jail sentence in any case, but may in its discretion suspend a portion thereof, provided that this provision, in the discretion of the court, shall not apply if the operation of the motor vehicle was due to an emergency involving danger to the health or life of any person, or to property; and provided further that the court may in its discretion prescribe that the jail sentence shall be served at such time or times as the court may direct after considering the circumstances of the person convicted of violating sections 11-32 or 11-33.

In addition, the court shall suspend or revoke such person's license, permit or privilege to drive for the same period for which it had been previously suspended or revoked when such person violated this section. In the event such person has violated this section by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend or revoke such person's license, permit or privilege to drive for an additional period not to exceed ninety days. Any additional suspension ordered under the provisions of this section shall commence upon the expiration of the previous suspension or revocation unless such previous suspension or revocation has expired prior to the ordering of an additional suspension or revocation.

Article III. Stopping, Standing and Parking.

Section 11-47. Removal and disposition of unattended vehicles generally.

(a) It shall be unlawful for any person to leave any motor vehicle, trailer or semitrailer, or part thereof, on the paved or improved surface of any highway or adjacent thereto, unaccompanied by the owner or operator thereof, if such motor vehicle, trailer or semitrailer constitutes a hazard in the use of the highway by reason of its position thereon, or has been unattended longer than twenty-four hours. The sheriff discovering or having a report of same shall remove it or have it removed to the nearest storage garage for safekeeping, and that fact shall be immediately reported to the division of motor vehicles (division) or some officer or agent of the division and to the owner of such motor vehicle, trailer or semitrailer, as promptly as possible, and such owner, before obtaining the possession of such motor vehicle, trailer or semitrailer, shall pay to the parties entitled thereto all reasonable, necessary costs incidental to the removal or storage of such motor vehicle, trailer or semitrailer. In any case of a violation of the provisions of this section the owner of such motor vehicle, trailer or semitrailer, or part thereof, shall be presumed to be the person committing the violation; provided that such presumption shall be rebuttable by competent evidence; provided further that where it is shown to the satisfaction of the court that such vehicle was stolen or illegally used by a person other than the owner without authorization of the owner thereof, expressed or implied, such vehicle shall be forthwith returned to its innocent owner who shall be relieved of any costs under the requirements of this section. In any case in which the identity of the person violating this section cannot be determined, or where it is found by a court of competent jurisdiction that this section was not violated, the costs incidental to the removal and storage of such vehicle shall be paid out of the county treasury. Should any owner found guilty of violating this section fail or refuse to pay such costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made or after notice to such owner at his address as indicated by the records of the division and to the holder of any lien of record in the principal office of the division against such motor vehicle, trailer or semitrailer, the sheriff or other officer designed by the governing body of the county may, after thirty days and after having the value of such motor vehicle, trailer or semitrailer determined by three disinterested dealers or garagemen dispose of the same by public or private sale and the proceeds accruing from such sale shall be forthwith paid by him into the county treasury. The treasurer shall pay from the proceeds of the sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

(b) If no claim has been made by the owner for the proceeds of such sale, after the payment of the abovementioned costs, the funds may be deposited to the general fund or any special fund of the county. Any such owner shall be entitled to apply to the county within three years from the date of such sale and if timely application is made therefor, the county shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.

(c) It shall be presumed that any such motor vehicle, trailer or semi-trailer, or part thereof, is abandoned if (1) it does not bear a current license plate or a valid state inspection certificate or sticker and (2) it has been in a specific location for ten days without being moved.

(d) Whenever any motor vehicle, trailer or semitrailer, part thereof, is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations, on the paved or improved surface of any highway or right-of-way, the sheriff upon discovering or having a report of same may move or have such vehicle removed to some reasonably accessible portion of the adjacent right-of-way; handling and disposition thereafter shall be affected by the authorities, and pursuant to the conditions, provided by the provisions of subsection (a) of this section.

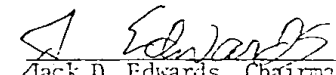
Article IV. Vehicle Licenses.

Section 11-60. Persons exempted.


Every licensed dealer in motor vehicles shall be exempt from the tax for such vehicles as are used solely for demonstration purposes, and every non-domiciliary member of the armed forces residing in this county in compliance with military or naval orders are exempt from the tax.

No license fee shall be imposed for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the division of motor vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in section 46.1-149.1 of the Code of Virginia.

This ordinance shall be in full force and effect from the date of its adoption.


 Jack D. Edwards, Chairman
 Board of Supervisors

ATTEST:


 James B. Oliver, Jr.
 Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on this 23rd day of October, 1978.

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G. PRESENTATION ON THE EMERGENCY MEDICAL SERVICES
 BY RUSSELL L. LOWRY, JR., EMS COORDINATOR

Mr. Russ Lowry, Coordinator from James City County Emergency Medical Services, made a presentation, which was in effect an annual report of the program and its accomplishments.

H. BOARD CONSIDERATIONS

1. Group Home/Colonial Mental Health Services

Gilbert A. Bartlett, an attorney representing Colonial Health Services Board, presented the matter, stating that Colonial Mental Health Services Board recommends that a group home be established on property of Eastern State Hospital. It was proposed that James City County accept ownership of the site and lease it to Colonial Services Board. Mr. Bartlett said the cost to the County would be nominal and the County was merely being asked to serve as a vehicle to take title to land on which the group residence would be built.

Mr. Donaldson asked about the additional cost of operating the home. Mr. Bartlett said there would be no additional local contributions as a result of operating the home.

Mrs. Phoebe Harcum stated that there had been a residential program in the budget for the past two years, which was approved by the James City County Board of Supervisors previously.

Mr. John E. McDonald, Assistant to the Administrator/Finance, said operating funds for the group home were eliminated from the 1978-1979 budget after four participating jurisdictions approved less money than requested.

No formal action was taken and it was the consensus of the members of the Board of Supervisors that the local level of funding commitment for all mental health activities should not exceed the current level of \$94,500.

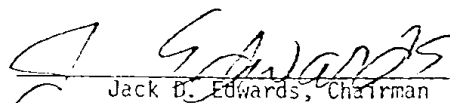
2. Contingency Transfer for Blue Cross and Blue Shield Insurance.

Mr. Oliver stated that a significant increase, amounting to approximately 50%, is required by Blue Cross/Blue Shield. He said a contingency transfer of \$21,000 is necessary to support the present program and presented a resolution in that connection.

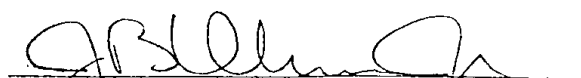
Mr. Donaldson motioned approval of the resolution, which carried by unanimous roll call vote.

R E S O L U T I O N

BE IT RESOLVED, by the Board of Supervisors of James City County that the sum of Twenty One Thousand Dollars (\$21,000.00) be transferred from contingency to Insurance/Hospitalization in order to meet increases in costs of the administration of the Blue Cross/Blue Shield program.


 Jack D. Edwards, Chairman
 Board of Supervisors

ATTEST:


 James B. Oliver, Jr.
 Clerk to the Board

Adopted by the Board of Supervisors, James City County,
 this 23rd day of October, 1978.

3. Case File No. Z-12-78-Water Impoundments

Mr. Oliver presented the matter of small farm ponds and other small impoundments not being required to obtain a Conditional Use Permit prior to construction. He stated that the language of the proposed amendment had been revised to require water impoundments over 50 acres and dams of 25 feet in height or more to obtain a Special Use Permit.

Mr. Frink motioned for approval of the amendment. The motion carried by unanimous roll call vote.

ORDINANCE NO. 31A-47

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE IV, DISTRICTS, SECTIONS 20-29, 20-36, 20-43, 20-51, 20-59, 20-88 and 20-96, PERMITTED USES, BY ADDING "WATER IMPOUNDMENTS".

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 20, Zoning, of the Code of the County of James City, Article IV, Districts, Sections 20-29, 20-36, 20-43, 20-51, 20-59, 20-88 and 20-96, Permitted Uses, be and the same is, hereby, amended and reordained by adding "Water Impoundments".

CHAPTER 20

ZONING

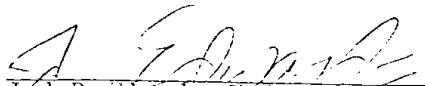
- Division 2, Agricultural, General, District A-1.
- Division 3, Agricultural, Limited, District A-2.
- Division 4, Residential, Limited, District R-1.
- Division 5, Residential, Limited, District R-2.
- Division 6, Residential, Limited, District R-3.
- Division 9, Industrial, Limited, District M-1.
- Division 10, Industrial, General, District M-2.

- Section 20-29. Permitted uses.
- Section 20-36. Permitted uses.
- Section 20-43. Permitted uses.
- Section 20-51. Permitted uses.
- Section 20-59. Permitted uses.
- Section 20-88. Permitted uses.
- Section 20-96. Permitted uses.

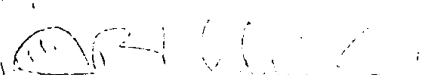
ADD:

Water impoundments of 50 acres or more or dams with a height of 25 feet or more for public or private use with a special use permit.

This ordinance shall be in full force and effect from the date of its adoption.


 Jack D. Edwards, Chairman
 Board of Supervisors

ATTEST:


 James B. Oliver, Jr.
 Clerk to the Board

Adopted by the Board of Supervisors this 23rd day of October, 1978.

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4. Case File No. Z-7-78-Amendment to the A-1, A-2, R-1, R-2 and R-3 Districts.

At the request of Mr. Ware, who was absent, this matter was deferred until the next meeting.

5. Case File No. CUP-37-78-American Road Museum

Mr. William C. Porter, Jr., Planning Director, presented this matter of an application for a Conditional Use Permit for the operation of an amusement arcade and miniature golf course located on the American Road Museum site on Route 60-West. Mr. Porter said the site is presently under review and is located in a commercial area. Mr. Porter said approval should be given, providing the amusement arcade area be limited to the 1,200 square feet of the existing building and that all parking areas be developed to present County standards.

Mr. Oliver called upon Mr. Smith, attorney for the applicant, Jerrold A. Levinson, who stated that all requirements would be met.

Mr. Taylor motioned for approval, which carried by unanimous roll call vote.

6. Amendment to Subdivision Ordinance; Definition of Subdivide

Mr. Morton presented the matter of subdividing, stating that the definition now refers to the recording of lot lines rather than creating leaseholds.

Mr. Donaldson motioned for approval of the amendment to the Subdivision Ordinance. The motion carried by unanimous roll call vote.

ORDINANCE NO. 30A-5

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY, CHAPTER 17, SUBDIVISIONS, ARTICLE I, IN GENERAL, SECTION 17-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 17, Subdivision, Article I, In General, be and the same is, hereby, amended and reordained by amending Section 17-2, Definitions.

CHAPTER 17

SUBDIVISIONS.

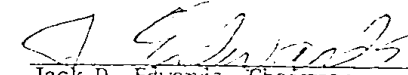
ARTICLE I. IN GENERAL.

Section 17-2 Definitions.

Subdivide. The division of any tract, parcel or lot of land into two or more parts for the purpose of transfer of ownership or building development or any such division of land regardless of purpose which involves the creation of a new street or the recordation of lot lines; provided, however, that the agent may permit the separation of five or less parcels from a tract of land without complying with all the requirements of this chapter if it: (1) does not conflict with the general purpose of this chapter, (2) requires no new streets to serve the parcel(s) and (3) meets the minimum area and minimum frontage requirements as stated in the zoning ordinance.

The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined hereafter in this section.

This ordinance shall be in full force and effect from the day of its adoption.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:

James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia on the 23rd day of October, 1978.

7. Resolution to Extend Bond Anticipation Notes for Sanitary District No. 3.

Mr. McDonald presented the resolution for the extension of the bond anticipation notes until April 30, 1979, which he said in effect is a rollover. He said the interest rate was appropriate at 5.33% per annum, taking into consideration the prime rate.

Mr. Frink motioned approval of the resolution. The motion carried by unanimous roll call vote.

RESOLUTION

At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 23rd day of October, 1978, at which the following members were present:

PRESENT

- Jack D. Edwards, Chairman
- John E. Donaldson
- Stewart U. Taylor, Vice Chairman
- Abram Frink, Jr.

ABSENT

- David W. Ware, Jr.

the following resolution was adopted by a majority of all members of the Board of Supervisors by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as follows:

<u>MEMBER</u>	<u>VOTE</u>
Jack D. Edwards, Chairman	Aye
John E. Donaldson	Aye
Stewart U. Taylor, Vice Chairman	Aye
Abram Frink, Jr.	Aye

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,120,000 BOND ANTICIPATION NOTES OF THE JAMES CITY COUNTY SANITARY DISTRICT NUMBER 3

AAC795

WHEREAS, the Board of Supervisors on July 28, 1975, adopted a resolution authorizing the issuance and sale of \$2,120,000 Sewer Bonds, Series of 197 , of the James City County Sanitary District Number 3 (the District) which were authorized at an election held in the District on June 6, 1972, and further authorized the Chairman or Vice-Chairman and Clerk to the Board to borrow money in anticipation of the issuance and sale of such bonds; and

WHEREAS, pursuant to such resolution the Chairman and Clerk have borrowed \$2,120,000 from the United Virginia Bank evidenced by the District's \$2,120,000 Sewer Bond Anticipation Note No. 29 dated July 31, 1978; and

WHEREAS, it is now necessary and expedient to issue notes in the authorized amount of \$2,120,000 in anticipation of the issuance and sale of such sewer bonds in order to retire the \$2,120,000 Bond Anticipation Note No. 29 and for the purpose for which such bonds have been authorized; and

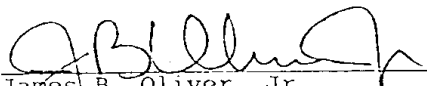
WHEREAS, there has been submitted to this meeting a proposal from the United Virginia Bank, Williamsburg, Virginia, to purchase a \$2,120,000 note to be dated October 30, 1978, to mature April 30, 1979, with right of prior redemption and to bear interest at the rate of 5.33 percent, payable at maturity.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. It is hereby determined to be in the best interest of James City County Sanitary District Number 3 to accept the aforesaid proposal of the United Virginia Bank and to issue and sell a bond anticipation note in the amount of \$2,120,000 under the terms and conditions set forth in such proposal which proposal is hereby accepted.
2. The Chairman or Vice-Chairman and Clerk are hereby authorized to see to the preparation of such note, to execute and deliver such note to the United Virginia Bank upon receipt of \$2,120,000, and to use the entire proceeds to retire Bond Anticipation Note No. 29.

The undersigned Clerk to the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct excerpt from the minutes of a regular meeting of the Board of Supervisors held on the 23rd day of October, 1978, and of the whole thereof so far as applicable to the matters referred to in such excerpt.

WITNESS my hand and the seal of the Board of Supervisors of James City County, Virginia, this 23rd day of October, 1978.



 James B. Oliver, Jr.
 Clerk

Adopted by the Board of Supervisors, James City County, Virginia, this 23rd day of October, 1978.

I. MATTERS OF SPECIAL PRIVILEGE

None

J. REPORTS OF THE COUNTY ADMINISTRATOR

1. Virginia Commission of the Arts and Humanities Grant-Resolution

Mr. Oliver presented the matter of awarding \$4,000 for the support of the upcoming season of the Williamsburg Players, which award was granted through a state project to match additional contributions made by localities. Mr. Oliver recommended accepting the grant.

Mr. Frink motioned approval of the resolution. The motion carried by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, James City County and the City of Williamsburg have been awarded \$4,000 for the support of the Williamsburg Players from the Virginia Commission of the Arts and Humanities, and;

WHEREAS, the City Council of the City of Williamsburg has authorized James City County to receive and disperse the Williamsburg share to the Players on the behalf of the City;

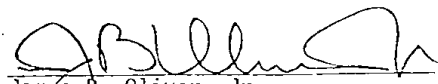
NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors accepts the \$4,000 awarded by the Virginia Commission of Arts and Humanities for the purpose of supporting the production costs of the Williamsburg Players.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County authorizes the amount budgeted for the Williamsburg Players in the 1978-79 annual budget to be increased to \$6,000.



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:


James R. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors,
James City County, Virginia,
this 23rd day of October, 1978.

AAC795

2. James City County Hydrologic Test Well-Resolution

Mr. Oliver presented the matter of requesting authorization for the drilling of a deep well to determine the qualities and capacity of the principal aquifer underlying the region. He said in this year's budget \$90,000 has been appropriated in a utility improvement fund which was based on anticipation of a federal grant. Mr. Oliver said a \$42,000 grant has been obtained from the Coastal Zone Management Board and recommended authorization to review bids and negotiate contracts for services not to exceed \$72,000.

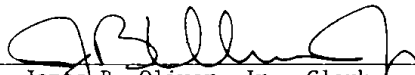
Mr. Taylor stated that he would prefer to postpone the matter until the next meeting, when Mr. Ware would be present, and also use the interim period for Board members to study the matter.

It was the consensus of opinion of the Board that the matter be deferred to the next meeting.

A discussion followed regarding the date for the next meeting of the Board of Supervisors, inasmuch as the Virginia Association of Counties Conference date would conflict with the November 13th meeting date. It was the consensus of opinion of the members of the Board that the next meeting date be Wednesday, November 15, 1978, at 7:30 P.M.

Mr. Frink motioned to adjourn the meeting. The motion passed by unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 4:45 P.M.



James B. Oliver, Jr., Clerk
Board of Supervisors