

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF DECEMBER, NINETEEN HUNDRED SEVENTY-EIGHT, IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA

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A. ROLL CALL

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

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

B. MINUTES

Mr. Taylor motioned for approval of the minutes of November 25, 1978. The motion carried by unanimous roll call vote.

C. SETTING PUBLIC HEARING DATE

Case No. Z-14-78 - An ordinance to amend Section 20, Permitted Uses, in the R-4 District.

It was the consensus of opinion of the Board of Supervisors that this matter be set for public hearing on January 8, 1978.

D. PUBLIC HEARINGS

1. Vacation of Plat - Toano Terrace, Lots 49, 50, 51 and 52

Mr. William C. Porter, Jr., Director of Planning, presented the matter, stating that Mr. Howard Clayton has applied, on behalf of Country-Farm House, Inc., for the vacating of the above property lines. Mr. Porter said the applicant plans to resubdivide, creating four conforming lots from four which do not conform. He displayed a map to members of the Board of Supervisors.

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

Mr. Taylor motioned for approval of the plat vacation. The motion carried by unanimous roll call vote.

ORDINANCE NO. 124

AN ORDINANCE TO VACATE PROPERTY LINES ON THAT CERTAIN PLAT ENTITLED, "COLONIAL TERRACE, A PLAT OF AND DIVISION OF OPEN LAND SITUATE AT TOANO, VA.," AND MORE PARTICULARLY DESCRIBED AS ALL OR A PORTION OF THE SOUTHERLY, NORTHERLY AND EASTERLY LINES OF LOTS 49, 50, 51 and 52, AS SHOWN ON A PLAT ENTITLED, "A RESUBDIVISION OF TOANO TERRACE, LOTS 49, 50, 51 and 52."

WHEREAS, application has been made by Howard V. Clayton, President of Country-Farm House Inc., on behalf of Country-Farm House, Inc.-Owner/Developer of Colonial Terrace, to vacate certain property lines of Colonial Terrace, as more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 11 day of December, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That all or a portion of the southerly, northerly and easterly lines of lots 49, 50, 51 and 52 as shown on that plat entitled, "Colonial Terrace, A Plat of and Division of a Certain Piece of Open Land Situate in James City County, Va.," dated September 25, 1915, prepared by A. Smith, Surveyor for York County, Va., and recorded in Plat Book 2, Page 29 in the Clerk's Office of the City of Williamsburg and County of James City, Va., and more particularly described on the plat attached hereto and made a part hereof entitled, "A Resubdivision of Toano Terrace, Lots 49, 50, 51 and 52," be and the same are, hereby, vacated.
2. That said plat entitled "A Resubdivision of Toano Terrace, Lots 49, 50, 51 and 52, Country-Farm House, Inc.-Owner/Developer, Stonehouse District, James City County, Va.," be put to record in the Clerk's Office for the City of Williamsburg and County of James City, Va."

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

2. Vacation of Plat - Eustis Terrace, Lots 6, 7 and 8

Mr. Porter presented the matter, stating that Mr. Oliver Tabb has applied for the vacation of certain property lines in order to create one large lot.

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

Mr. Donaldson motioned for approval of the plat vacation. The motion carried by unanimous roll call vote.

ORDINANCE NO. 123

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "EUSTIS TERRACE SUBDIVISION, OWNED AND DEVELOPED BY CYNTHIA HILL, SITUATED IN JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA".

WHEREAS, application has been made by Mr. Roger D. Spearman, Certified Land Surveyor, on behalf of Mr. Oliver Tabb, owner of lots 6, 7 and 8, to vacate certain property lines, as more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and Section 15.1-431 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 11 day of December, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That the common lot line dividing Lots 6 and 7, and the common lot line dividing Lots 7 and 8 as shown on that certain plat entitled, "Eustis Terrace Subdivision, owned and developed by Cynthia Hill, situated in Jamestown District, James City County, Virginia", prepared by V. D. McManus, Certified Surveyor, and recorded in Plat Book 9, page 43 in the Clerk's office of the City of Williamsburg and County of James City, Virginia, be and the same are hereby vacated.
2. That a new plat entitled, "Plat of property standing in the name of Oliver Tabb showing lines to be vacated between Lots 6 and 7 and between 7 and 8, Eustis Terrace Subdivision in Roberts District, James City County, Virginia", dated November 3, 1978 and prepared by Roger D. Spearman, Certified Land Surveyor, be put to record in the Clerk's office for the City of Williamsburg and County of James City, Virginia.

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

3. Case No. Z-15-78 - Artstone Investors, Inc.

Mr. Porter presented the matter, stating that Mr. J. F. Phillips, Jr., on behalf of the applicant, has applied to rezone 35.4 acres of a 43.3 parcel from M-2, General Industrial, to M-1, Limited Industrial. Mr. Porter stated that approximately one-half of the 35.4 acres is already zoned as M-1, Industrial. He indicated that the Land Use Concept Map shows the area to be designated as Limited Industrial and Commercial. Mr. Porter said the proposed rezoning is in agreement with the Comprehensive Plan.

Mr. Edwards asked Mr. Porter if the uses were to be commercial and Mr. Porter advised they would.

Mr. Edwards opened the public hearing.

Mr. Jack Lee stated that he felt the land use was impractical because it might be 40 years before the use would develop into reality.

Mr. J. F. Phillips stated that the property will probably be developed in connection with the Pottery, but there are no specific plans at this time for such development.

Mr. Edwards asked if anyone else wished to speak. No one wished to speak and the public hearing was closed.

Mr. Donaldson stated that because of a relationship with the applicant, he would abstain from voting.

Mr. Ware motioned for approval of the rezoning. The motion carried by majority roll call vote Mr. Donaldson abstained.

4. Amendments to Chapter 9, Licenses, and Chapter 18, Taxation, of the Code of the County of James City, Virginia - Ordinances, Amendment to Chapter 18, Taxation, Section 18-4, assessment of new buildings and computation of tax thereon, when penalty accrues for non-payment, An ordinance to amend Chapter 18, Taxation, Section 18-7.3, penalties for late application or filing. An ordinance to amend Chapter 18, Taxation, Section 18.7-4, penalties and interest for late payment of taxes.

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Mr. Morton made the presentation on this matter, stating that in order to increase the tax collection process recommendation is made that penalties on real and personal property be increased from 5% to 10%, that the interest remain the same at a fixed 8%, but the levy of the interest be accelerated. He said interest would be charged after one month instead of six months and penalties established for failure to file applications for licenses and personal property returns. Mr. Morton said the amendments he was proposing would not become effective until December 5, 1979. He said the percentage of delinquent taxes has been increasing in recent years.

Mr. Edwards opened the public hearing.

Mrs. Frances Waltrip, Commissioner of Revenue, requested that no action be taken on the Chapter 9 amendment until she had an opportunity to discuss it with Mr. Morton.

Mr. Edwards asked if anyone else wished to speak. No one wished to speak and the public hearing was closed.

Mr. Donaldson motioned for approval of three of the four proposed amendments, requesting that no action be taken on the Chapter 9 amendment, in accordance with Mrs. Waltrip's request.

Mr. Taylor stated that he did not support the 10% penalty. He said he presumed a person who cannot pay their taxes also cannot pay a penalty.

On Mr. Donaldson's motion, a vote on the three amendments was taken, with Chapter 9 being continued. The motion carried 4-1, with Mr. Taylor voting no.

ORDINANCE NO. 125

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING A NEW SECTION, SECTION 18-7.3, ENTITLED PENALTIES FOR LATE APPLICATION OR FILING.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 18, Taxation, of the Code of the County of James City be and the same is, hereby, amended and reordained by adding a new section, Section 18-7.3, entitled, "Penalties for Late Application or Filing."

CHAPTER 18

TAXATION

Article 1. In General.

Section 18-7.3. Penalties for late application or filing.

Pursuant to section 58-847 of the Code of Virginia, 1950, as amended, the Board of Supervisors hereby imposes the following penalties for failure to file applications for local license taxes and returns for personal property taxes.

Each person failing to file an application or return for county levies on or before the first day of May shall incur a penalty thereon of ten percent or ten dollars, whichever shall be the greater. Said penalty shall be added to the amount due from such taxpayer on the day after such return or application is due and said penalty shall be accounted for in the settlement when the tax is collected by the treasurer; provided, however, that no penalty shall be incurred for failure to file a return for personal property taxes if such failure was not in any way the fault of the taxpayer.

The assessment of such penalty shall not be deemed a defense to any criminal prosecution for failing to make an application for a local license as required by section 9-4 of this code.

This ordinance shall be in full force and effect from and after December 5, 1979.

ORDINANCE NO. 41A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING SECTION 18-4, ASSESSMENT OF NEW BUILDINGS AND COMPUTATION OF TAX THEREON: WHEN PENALTY ACCRUES FOR NONPAYMENT

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 18, Taxation, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending Section 18-4, Assessment of New Buildings and Computation of Tax Thereon; When Penalty Accrues for Nonpayment to read as follows:

CHAPTER 18.

TAXATION.

Article I. In General.

Section 18-4. Assessment of new buildings and computation of tax thereon; when penalty accrues for nonpayment.

The board of supervisors hereby resolves that all new buildings in the county shall be assessed when substantially completed and fit for occupancy and enjoyment, and the commissioner of the revenue of the county shall enter in the books the fair market value of such building; provided, that no such partial assessment shall become effective until information as to the date and amount of such assessment is recorded in the office of the official authorized to collect taxes on real property and made available for public inspection. The tax on such new building shall be computed according to the ratio which the portion of the year such building is fit for use, occupancy and enjoyment bears to the entire year, and with respect to any assessment made under this section after September first of any year the ten percent penalty for nonpayment by December fifth shall be extended to February fifth of the succeeding year.

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

ORDINANCE NO. 126

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING A NEW SECTION, SECTION 18-7.4, ENTITLED PENALTIES AND INTEREST FOR LATE PAYMENT OF TAXES.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 18, Taxation, of the Code of the County of James City be and the same is, hereby, amended and reordained by adding a new section, Section 18-7.4, entitled, "Penalties and Interest for Late Payment of Taxes."

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CHAPTER 18

TAXATION

Article 1. In General.

Section 18-7.4. Penalties and interest for late payment of taxes.

Pursuant to section 58-847 of the Code of Virginia, 1950, as amended, the Board of Supervisors hereby imposes the following penalties and interest for the late payment of county levies.

Each person failing to remit county levies on or before the fifth day of December shall incur a penalty thereon of ten percent or ten dollars, whichever is greater, which shall be added to the amount due from such person, which, when collected by the treasurer, shall be accounted for in said person's settlements; in addition thereto interest in the amount of eight percent per annum shall commence the first day of the month following the month in which such taxes are due.

This ordinance shall be in full force and effect from and after December 5, 1979.

5. Amendment to Chapter 18, Taxation, Section 18-7.1, Subparagraph 1, of the Code of the County of James City, Virginia.

Mr. Morton said that in connection with an ordinance amended by the Board of Supervisors on July 10, 1978, a subarticle 1(d) was inadvertently omitted. He asked for consideration of the amendment.

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

Mr. Donaldson stated that although he would vote affirmatively for this amendment, it was a matter of public record that he is opposed to land use assessment ordinances.

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

ORDINANCE NO. 80A-3

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 18-7.1, LAND USE ASSESSMENT, SUBPARAGRAPH 1., APPLICATION BY PROPERTY OWNER OF ANY REAL ESTATE.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 18, Taxation, of the Code of the County of James City, Virginia, be and the same is, hereby, amended and reordained by amending Section 18-7.1., Subparagraph 1., entitled, "Application by Property Owner of Any Real Estate."

CHAPTER 18

TAXATION

Article 1. In General.

Section 18-7.1. Land use assessment.

The County of James City declares that the preservation of real estate devoted to agricultural, horticultural or forestry uses within its boundaries is in the public interest; and therefore, such qualifying real estate shall be taxed in accordance with the provisions of Article 1.1 of Chapter 15 of Title 58 of the Code of Virginia, 1950, as amended, (hereinafter referred to as the Code) and pursuant to the terms of this ordinance.

1. Application by property owner of any real estate.
 - a. The owner as defined in Section 58-769.8 of the Code, meeting the criteria set forth in sections 58-769.5(a) or (b) and 58-769.7 (b)(1) of the code, may on or before November 1, of each year, apply to the commissioner of the revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in section 58-769.9 of the code. Such application shall be on forms provided by the state department of taxation and supplied by the commissioner of the revenue and shall include such additional schedules, photographs and drawings as may be required by the commissioner of the revenue.
 - b. Each application shall be accompanied by a fee of ten dollars (\$10.00) per parcel plus ten cents (\$0.10) per acre or portion thereof contained in such parcel. For purposes of this paragraph contiguous parcels owned by the same applicant or applicants shall be treated as a single application.
 - c. A separate application shall be filed for each parcel listed in the land book.
 - d. No fee shall be levied for those reapplications by the same owner made in subsequent years for property previously processed under this section.

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

E. PRESENTATIONS

1. Presentation on Expansion Plans of Patrick Henry International Airport by Timothy L. Campbell and Dr. Charles L. Quittmeyer.

Dr. Quittmeyer introduced Mr. Campbell, Executive Director of Patrick Henry International Airport, who made a brief presentation on the expansion plans and progress of the Airport.

2. Presentation on Regional Youth Services Committee by James N. McCord, Jr., Chairman

Mr. McCord, Chairman of the Regional Youth Services Committee, made a presentation, requesting that an advisory board be created, with Williamsburg and York County participating. He stated that the creation of such a board was recommended last spring by an authorized committee. Mr. McCord said such a board would assess needs and services to youth, advise the governing bodies and assist in setting budget priorities, serve as a community forum and establish a Council of Youth, which in turn involve youth in programs directly affecting them.

Mr. Donaldson stated that on the assumption a more formal document than the attached report would be forthcoming, the motion for approval of an advisory board be made now, subject to the concurrence of Williamsburg and York County. The motion carried by unanimous roll call vote.

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F. BOARD CONSIDERATIONS

1. Anti-Recession Funds

Mr. Oliver made the presentation, stating that the County has received federal anti-recession funds which it has used to expand tax mapping and utility development programs. He said this fiscal year \$18,900 has been received which must be appropriated or forfeited. Mr. Oliver said the growth of County clerical personnel has been restricted through organizational arrangements. He said some secretaries have been shifted to pool arrangements, the Building Inspections and Planning Departments have been combined, and one secretarial position has been omitted.

Mr. Oliver requested permission: To lease an MTST (Magnetic Tape Selectric Typewriter), the leasing of which would cost \$3,201; the hiring of an administrative analyst to assist in the examination of effectiveness and efficiency of County services, at a salary of \$12,500; fringe benefits \$1,625; and cost of producing the annual report \$1,574. Total cost: \$18,900.

Mr. Ware stated that the matter was ludicrous, bearing the title "Anti-Recession Funds" when it involved spending funds, and said he was opposed to it.

Mr. Frink stated that he objected to the MTST and that he preferred to table the matter.

Mr. Taylor said he would like to see the items voted on separately.

Mr. Donaldson moved for a vote on the resolution. The motion failed 3-2, with Mr. Donaldson and Mr. Edwards voting affirmatively and Messrs. Ware, Taylor and Frink voting no.

Mr. Donaldson then moved for a vote on the personnel position. The motion passed 3-2, with Mr. Donaldson, Mr. Edwards and Mr. Frink voting for the position and Mr. Ware and Mr. Taylor voting no.

Mr. Donaldson then moved for a vote on the MTST and the annual report. The motion passed, with Messrs. Donaldson, Edwards and Taylor voting affirmatively and Mr. Ware and Mr. Frink voting no.

R E S O L U T I O N

WHEREAS, an entitlement payment has been received in the Anti-Recession Fund in the amount of \$18,900,

BE IT RESOLVED, that the Board of Supervisors hereby authorizes the appropriation of \$18,900 to create the following budget:

Personnel Expenses:

Salary, full time	\$12,500
Fringe Benefits	1,625
	<u>\$14,125</u>

Non-Personnel Expenses:

MTST Typewriter Rental	\$ 3,201
Annual Report	1,574
	<u>\$ 4,775</u>

Total	<u>\$18,900</u>
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2. Howard Johnson's Restaurant - Dance Hall Permit

Mr. Oliver said an application had been filed requesting a dance hall permit, as required by the County Code. He said the Fire Marshal, Sheriff and Planning Director had reviewed the request and recommended the issuance of the permit.

Mr. Donaldson motioned for approval. The motion carried by unanimous roll call vote.

3. Sanitary District No. 1 - Liens

Mr. Oliver presented this proposed resolution certifying 17 delinquent sewer accounts and directing charges be entered in the Lien Docket.

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

RESOLUTION

Sanitary District No. 1 - Liens

WHEREAS, the Manager of the James-York Joint Sanitary Board has certified to the Board of Supervisors of the County of James City that the following list of sewer accounts in James City County Sanitary District No. 1 are delinquent and unpaid, and

WHEREAS, such unpaid or delinquent charges are a lien against the real property on which the use of such systems are made and for which the charge was imposed;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 21-118.4 paragraph E of the Code of Virginia, 1950, as amended, the Board of Supervisors directs the following attached delinquent charges for use of the Sanitary Sewer System in James City County Sanitary District No. 1 be entered in the Judgment Lien Docket of the Clerk's Office of James City County, Virginia.

4. County Insurance Program

Mr. Oliver said this matter is an interim report. He stated that administrative action was taken last spring to cut costs on the County insurance program and that local agents' offers had been considered with a view to matching or improving the program. A review of the proposals, he said, indicates Johnson & Higgins services should be continued.

It was the consensus of opinion of the Board of Supervisors to continue using the firm of Johnson & Higgins for the County insurance program.

5. Agreement to Subordinate County Advances to the Service Authority - Toano Construction Finance.

Mr. Oliver presented a proposed resolution in connection with a loan agreement presented to the Board of Directors of the James City Service Authority containing a provision requesting the subordination of County advances and loans to the notes issued for construction financing of the Toano Sewer, as follows:

Advance for Toano Step II (1977)	\$115,000
Balance of loan made for Powhatan (1975)	<u>53,900</u>
	<u>\$168,900</u>

Mr. Donaldson motioned approval of the resolution. The motion was approved by unanimous roll call vote.

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R E S O L U T I O N

JAMES CITY COUNTY CONSTRUCTION FINANCING
TOANO/ROUTE 60 WEST SEWER

WHEREAS, the Board of Supervisors of James City County considers the completion of the Toano/Route 60 West Sewer Construction Project to be in the best interest of the County; and

WHEREAS, the Board of Directors of the James City Service Authority has petitioned this Board to allow them to obtain construction financing with the condition that James City County subordinate its claims to the reimbursement of advances and loans made to the Authority;

THEREFORE, BE IT RESOLVED, that the Chairman or Vice-Chairman of the Board of Supervisors be authorized to act on its behalf in closing the short-term financing for the James City Service Authority Toano/Route 60 West Sewer Project under the provisions indicated in the attached Loan Agreement.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County does agree to subordinate its claims to the reimbursement of outstanding advances and loans due from the James City Service Authority to the County under the conditions indicated in the attached Loan Agreement.

6. Certification of Warrants

Mr. Edwards read the Certificate of Warrants and motioned for its approval. The motion carried by unanimous roll call vote.

GENERAL FUND	Checks #6098 - 6300 Totalling \$801,185.43
GENERAL FUND PAYROLL	Checks #14,253 - 14,623 Totalling \$111,444.60
SANITARY DISTRICT NUMBER 1	- 0 -
SANITARY DISTRICT NUMBER 2	Checks #5 - 8 Totalling \$737.03
SANITARY DISTRICT NUMBER 3	Checks #720 - 731 Totalling \$2,495.24
SUBDIVISION ESCROW	- 0 -
REVENUE SHARING	Checks #504 - 515 Totalling \$20,383.30
ANTI-RECESSION	- 0 -
TOANO WATER CONSTRUCTION	- 0 -
JCC BOND SINKING FUND	Check - 0 - Totalling
REGIONAL JAIL CONSTRUCTION	Check #2 Totalling \$19,589.00

7. Resolution Requesting Virginia Department of Highways and Transportation Accept Norman Davis Drive in the Secondary System

Mr. Oliver stated that improvements on Norman Davis Drive are nearly complete and tentative approval has been obtained from the Virginia Department of Highways and Transportation. He requested approval of a resolution formally requesting the Department of Highways to accept Norman Davis Drive into their road system. Mr. Oliver said this is the final road scheduled for construction in the County's dirt street program. He said County personnel, using rented equipment, paved the road for \$33,000, while earlier estimates from the Highway Department were \$48,000 and would have subsequently increased approximately 20%.

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

RESOLUTION

WHEREAS, by resolution of agreement adopted by the James City County Board of Supervisors on June 12, 1978, funds have been committed for the improvement of certain roads in James City County, Virginia and,

WHEREAS, the Board of Supervisors desires a road in Temple Hall Estates to be included in the State Secondary Highway System, providing this road meets with the requirements of the Virginia Department of Highways and providing that any alterations, corrections or other matters that might be found desirable by the Virginia Department of Highways are made within a ninety (90) day period from the day that the Department of Highways makes its final inspection,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia in accordance with the above referenced agreement, that the Department of Highways be, and it hereby is respectfully requested, contingent upon the above, to include the following street in Temple Hall Estates Stonehouse Magisterial District, James City County in the State Secondary Highway System.

Description: Norman Davis Drive
From: State Route 645
To: Dead End
Distance: 0.42 miles

A right-of-way of fifty feet is guaranteed as evidenced by plat of record, entitled Temple Hall Estates, Sections I and II, Plat Book 18, Page 12, dated 3/18/60 and Plat Book 20, Page 47, dated 5/7/63.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Resident Engineer of the Department of Highways.

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8. Resolution Requesting Virginia Department of Highways and Transportation Accept Sand Drive in the Secondary System

Mr. Porter introduced a resolution requesting acceptance of one street into the State Secondary Road System.

Mr. Donaldson motioned approval. The motion carried by unanimous roll call vote.

RESOLUTION

DEDICATION OF STREETS INTO
STATE SECONDARY ROAD SYSTEM

WHEREAS, the developer of Sand Hill Subdivision, Section II, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System, and

WHEREAS, the Board of Supervisors desires these roads to be included in the State Secondary Highway System, providing these roads meet with the requirements of the Virginia Department of Highways and Transportation and providing that any alterations, corrections or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a ninety (90) day period from the day that the Department of Highways and Transportation makes its final inspection;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Department of Highways and Transportation be, and it hereby is respectfully requested, contingent upon the above, to include the following streets in Sand Hill Subdivision, Section II, James City County in the State Secondary Highway System.

Description:

Sand Drive - From: Route 751	0.12 Mi.
To: 0.12 Mi. E. to End Cul-de-sac	50' R/W

A right-of-way of 50 feet as shown above is guaranteed as evidenced by plat of record, entitled Sand Hill Subdivision, Section II, Plat Book 34, Page 76.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the developer of Sand Hill Subdivision, Section II, and the Resident Engineer of the Department of Highways and Transportation.

9. Sanitary District No. 2 User Charge - Emergency Ordinances

Mr. Oliver stated that the current ordinance contains a quarterly minimum water charge. He said the proposed ordinances would set minimum water and sewer charges in accordance with the water meter size. Mr. Oliver said adoption of these ordinances would bring Sanitary District No. 2 in line with Authority project areas.

Mr. Edwards asked if there was any discussion on this matter. There was no discussion and Mr. Donaldson motioned for emergency adoption and public hearing of the Emergency Ordinances on January 8, 1979. The motion passed by unanimous roll call vote.

EMERGENCY ORDINANCE No. 127

AN ORDINANCE TO ESTABLISH A USER CHARGE SYSTEM

FOR WATER SERVICES

SANITARY DISTRICT NO. 2

JAMES CITY COUNTY, VIRGINIA

SECTION I

FEEES

1-1 Water Service Charges

1-1-1 City of Newport News Service Charges

All users of the Sanitary District water system shall pay water service charges to the City of Newport News at their established rates. In addition, the District shall levy a quarterly charge to each user of the water system adequate to pay all expenses in connection with the water system, including the cost of amortizing any capital expenditures by the District for water facilities.

The quarterly charge by the District shall be in addition to and separate from the water charges by the City of Newport News. The District charges shall be called "Amortization Charge" to distinguish this charge from that of the City of Newport News.

The District users will be required to make direct payment to the City of Newport News at their prevailing rates at all times.

1-1-2 District Service Charges

The District Water System bills (called, "Amortization Charge") shall be rendered by the District to each water user quarterly. The District quarterly charges for water service shall be as follows:

Minimum Quarterly Water Amortization Charge

<u>Water Meter Size</u>	<u>Quarterly Charge</u>
5/8"	\$ 9.25
3/4"	13.90
1"	23.00
1 1/2"	46.00
2"	74.00
3"	148.00
4"	231.00
6"	740.00

Where a single water meter is used to serve multi-unit users the quarterly charge shall be computed as indicated below but shall not be less than the minimum charge set forth above.

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<u>Description</u>	<u>Quarterly Charge</u>	<u>Unit</u>
Residential	\$ 9.25	Each Unit
Motels and Hotels	5.00	Room
Restaurants	1.00	Seat
Mobile Home Parks	8.25	Each Unit
Manufacturing and Others	To Be Negotiated	

1-2 Water Connection Charges

1-2-1 City of Newport News Connection Charges

All users of the District water system shall pay water connection charges to the City of Newport News in accordance with their established policies. In addition, the Sanitary District No. 2 shall collect a connection fee from each user of the water system.

The connection charge by the District shall be in addition to and separate from the water connection charge by the City of Newport News. The District charges shall be called an "Availability Charge" to distinguish this charge from that of the City of Newport News.

1-2-2 Water Availability Charges

- a) Existing Structures - There shall be a water availability charge. The charges shall be payable to the District at the time application is made for connection to the water system.
- b) Proposed Structures - The charges shall be payable to the District prior to a building permit being issued.

The Availability Charges shall be as follows:

The water availability charge for apartment, condominiums and town-houses shall be \$225 per unit. The water availability charge for all other users shall be determined by the size of the domestic water meter as follows:

<u>Domestic Water Meter Size-In.</u>	<u>Sanitary District No. 2 Availability Charge</u>
5/8"	\$ 250
3/4"	375
1"	675
1 1/2"	1350
2"	2000
3"	4000

1-3 Billing, Penalty, and Pro Rata Bills

1-3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Water and/or sewer service shall be discontinued by the District if Sanitary District No. 2 bills are not paid within thirty days of the mailing date.

In all cases where there are delinquent charges, including disconnection and/or reconnection costs, due the District, the owner of record of the property shall be held responsible or liable for payment of these outstanding accounts.

1-3-2 Penalty

All unpaid water charges shall become a lien on land or property served by the water line as provided in the Code of Virginia, Section 21-118.4(e).

1-3-3 Pro Rata Bills

Customers requesting discontinuance or establishing new accounts for service shall be billed by the District on the number of months or part thereof in the billing period when service was provided. Customers that do not give notice to the District of discontinuance during a quarter shall be responsible for all bills rendered until such notice is given.

An emergency is hereby declared to exist and this ordinance shall be in full force and effect beginning January 1, 1979.

EMERGENCY ORDINANCE No. 128

AN ORDINANCE TO ESTABLISH A USER CHARGE SYSTEM

FOR SEWER SERVICES

SANITARY DISTRICT NO. 2

JAMES CITY COUNTY, VIRGINIA

SECTION I

FEEES

1-1 Sewer Service Charges

1-1-1 Hampton Roads Sanitation District (H.R.S.D.C.) Service Charges.

All users of the sewer system shall pay sewer service charges to the Hampton Roads Sanitation District at their established rates. In addition, Sanitary District No. 2 shall levy a quarterly charge to each user of the sewer system, including the cost of amortizing any capital expenditures for sewerage facilities.

The quarterly charge by the District shall be in addition to and separate from the sewer charges by the Hampton Roads Sanitation District. The Sanitary District No. 2 charges shall be called "Amortization Charge" to distinguish this charge from that of the Hampton Roads Sanitation District.

The Sanitary District No. 2 users will be required to make direct payment to the Hampton Roads Sanitation District at their prevailing rates at all times.

1-1-2 Sanitary District No. 2 Service Charges

The District Sewer System bills (called, "Amortization Charge") shall be rendered by the Sanitary District to each sewer user quarterly. The initial District minimum quarterly charges for sewer service shall be as follows:

Single-Family Residence	\$13.25 /	Family Unit
Multiple-Family Residence	13.25 /	Living Unit
Mobile Home Parks	11.25 /	Unit
Hotels and Motels	12.50 /	First Unit and
	5.00 /	Each Additional Room
Restaurants	18.75 /	Minimum Plus
	1.00 /	Seat
Commercial		

AA0798

<u>Water Meter Size</u>	<u>Quarterly Charge</u>
5/8"	\$ 13.25
3/4"	20.00
1"	33.00
1 1/2"	66.00
2"	106.00
3"	212.00

Manufacturing and others to be determined when needed.

1-2 Sewer Connection Charges

1-2-1 Hampton Roads Sanitation District Connection Charges

All users of the Sanitary District No. 2 sewer system shall pay sewer connection charges to the Hampton Roads Sanitation District in accordance with their established policies. In addition, Sanitary District No. 2 shall collect a connection fee from each user of the sanitary sewer system.

The connection charge by Sanitary District No. 2 shall be in addition to and separate from the sewer connection charge by the Hampton Roads Sanitation District. Sanitary District No. 2 charges shall be called "Availability Charge" to distinguish this charge from that of the Hampton Roads Sanitation District.

1-2-2 Sewer Availability Charges

- a) Existing Structures - There shall be a sewer availability charge. The charges shall be payable to Sanitary District No. 2 at the time application is made for connection to the sewerage system.
- b) Proposed Structures - The charges shall be payable to Sanitary District No. 2 prior to a building permit being issued.

The Availability Charges shall be as follows:

For apartments, condominiums and townhouses, the sewer availability charge shall be \$300 per unit.

The Sewer Availability Charge for all other users shall be based on water meter size as follows:

<u>Domestic Water Meter Size-in.</u>	<u>Sanitary District No. 2 Availability Charge</u>
5/8"	\$ 400
3/4"	600
1"	1000
1 1/2"	2000
2"	3200
3"	6400

All other categories to be established when needed.

1-3 Billing, Penalty, and Pro Rata Bills

1-3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Water and/or sewer service shall be discontinued by the District if Sanitary District No. 2 bills are not paid within thirty days of the mailing date.

In all cases where there are delinquent charges, including disconnection and/or reconnection costs, due the District, the owner of record of the property shall be held responsible or liable for payment of these outstanding accounts.

1-3-2 Penalty

All unpaid sewer charges shall become a lien on land or property served by the sewer line as provided in the Code of Virginia, Section 21-118.4(e).

1-3-3 Pro Rata Bills

Customers requesting discontinuance or establishing new accounts for service shall be billed by Sanitary District No. 2 on the number of months or part thereof in the billing period when service was provided. Customers that do not give notice to the District of discontinuance during a quarter shall be responsible for all bills rendered until such notice is given.

An emergency is hereby declared to exist and this ordinance shall be in full force and effect beginning January 1, 1979.

10. Central Communications

Mr. Watkins presented a proposed resolution which would adopt a central communications network for the County which would tie together fire, emergency medical and police calls. He estimated the savings from not duplicating dispatchers would amount to approximately \$40,000 annually. Mr. Watkins said the County will seek a three-digit number, such as 911, for all emergency calls when a central system is installed.

Mr. Frink motioned for approval. The motion passed by unanimous roll call vote.

R E S O L U T I O N

BE IT RESOLVED, that the Board of Supervisors of James City County does hereby authorize and direct that all County emergency communications be centralized and administered in the best interest of the safety and welfare of the citizens of James City County, Virginia.

AAC795

December 11, 1978

11. Staggered Terms for Members of the Board of Supervisors

Mr. Morton stated that this proposed resolution was prepared in order to stagger board terms by resolution or referendum. He said if either method was adopted, the electoral board would select by lot, two members for two-year terms and three members for four-year terms.

After discussion, it was the consensus of opinion of the Board of Supervisors to set a public hearing on the proposal for January 8, 1979.

12. Purchase of Replacement School Bus

Mr. Oliver requested authorization to replace a school bus which had been demolished in an accident on October 18, 1978.

Mr. Donaldson motioned for approval of authorization to disburse the requested amount, \$14,400, from the County's capital replacement fund. The motion carried by unanimous roll call vote.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. Title Information - Circuit Court Clerk's Office

Mr. Oliver gave a brief summation of this matter pertaining to a dual record-keeping system (at the Courthouse and at the Government Center).

2. Appointments

Mr. Oliver requested the matter of appointments be discussed in executive session.

3. Authorized Personnel - Sanitary District No. 3

Mr. Oliver said this report covered payroll reporting, personnel policy and insurance classification problems regarding three positions in Sanitary District No. 3 (two equipment operators and one clerk-typist) and a "paper" transfer was requested to transfer these classifications from Sanitary District No. 3 to the Public Works Department.

It was the consensus of opinion of the members of the Board of Supervisors that such transfer be made.

Mr. Ware stated that he wished to thank and commend the staff for money saved on the roadwork, as in Norman Davis Drive.

Mr. Ware said he would appreciate having ample time to consider some agenda items prior to meetings and suggested a meeting be considered in some instances.

Mr. Ware said thought should be given to putting a ceiling on the budget, particularly since he felt a recession is imminent. He said such a ceiling would be a framework for the staff which could be changed by the Board of Supervisors during budget deliberations. Mr. Taylor said setting a ceiling might not be a good idea because if it was not set low enough, the set ceiling might be reached.

Mr. Ware said projections are based on real estate assessment and if the value of land rises 10%, then revenue projections also increase that much. He said he felt the burden of inflation has been passed on to the taxpayers.

Mr. Donaldson said similar public sentiment might be expressed at the January 8, 1979 pre-budget hearing.

Mr. Taylor motioned to adjourn to executive session to discuss personnel and legal matters. The motion carried by unanimous vote.

The meeting convened to executive session at 9:35 P.M.

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE ELEVENTH DAY OF DECEMBER, NINETEEN HUNDRED AND SEVENTY-EIGHT

AA07388

A. ROLL CALL

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

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

B. LEGISLATIVE PROGRAM - 1979

After general discussion, Mr. Donaldson motioned for approval of two resolutions which suggest changes to the state code. The motion passed by unanimous roll call vote.

RESOLUTION REQUESTING AMENDMENT OF SECTION 18.2-287.1, TRANSPORTING A LOADED RIFLE OR SHOTGUN, OF THE CODE OF THE STATE OF VIRGINIA.

BE IT RESOLVED, by the Board of Supervisors of James City County that Section 18.2-287.1 be amended by the General Assembly to include the term "firearm" in place of the terms "Shotgun" and "rifle".

RESOLUTION REQUESTING AMENDMENT OF SECTION 24.1-43, APPOINTMENT, QUALIFICATIONS OATH AND COMPENSATION OF GENERAL REGISTRAR; OFFICE TO BE FURNISHED: PROHIBITIVE AS TO OFFICE HOLDING, OF THE CODE OF THE STATE OF VIRGINIA.

BE IT RESOLVED, by the Board of Supervisors of James City County that Section 24.1-43 be amended by the General Assembly to permit local governing bodies to supplement the salaries of registrars.

C. APPOINTMENTS

Board of Plumbing Examiners

Mr. Ware motioned to reappoint Carl F. Roy to a three-year term, effective January 1, 1979. The motion passed by unanimous roll call vote.

Board of Electrical Examiners

Mr. Ware motioned to reappoint James B. Bowry to a three-year term, effective January 1, 1979. The motion passed by unanimous roll call vote.

Colonial Mental Health Retardation Services Board

Mr. Donaldson motioned to reappoint Dr. Neill P. Watson to a three-year term, effective January 1, 1979. The motion passed by unanimous roll call vote.

Mr. Taylor moved to adjourn the meeting. The motion carried by unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 10:50 P.M.

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



MEMORANDUM


Date: May 12, 2015
To: Records Management
From: The Board of Supervisors
Subject: Board of Supervisors Minutes: December 11, 1978 and November 27, 1978

This memorandum serves to acknowledge a typo in the December 11, 1978, Board of Supervisors minutes of James City County.

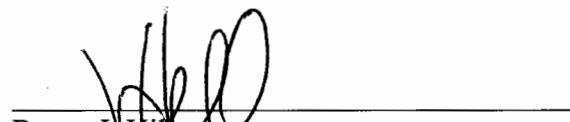
Section B. Minutes.

The date of minutes listed for approval is November 25, 1978. These minutes should actually be November 27, 1978.

Please accept this correction into the official record with the minutes.



Michael J. Hipple
Chairman



Bryan J. Hill
Clerk

MEMOtypo-1978