

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SIXTEENTH DAY OF NOVEMBER, NINETEEN HUNDRED EIGHTY-ONE AT 7:30 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
 Abram Frink, Jr., Vice-Chairman, Roberts District
 Gilbert A. Bartlett, Jamestown District
 Perry M. DePue, Powhatan District
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator
 John E. McDonald, Assistant to the County Administrator

B. MINUTES

Mr. Bartlett moved to approve the Minutes of the regularly scheduled meeting of October 26, 1981. The motion carried by a 5-0 roll call vote.

C. PUBLIC HEARINGS

1. Proposed Amendments to Chapter 11, Motor Vehicle Code.
A public hearing to consider revising certain sections of the County Code relating to abandoned or unattended motor vehicles, trailers or semi-trailers. These revisions are of a house-cleaning nature in order to bring our Code up-to-date.

Mr. Oliver explained that in the absence of the County Attorney, he would present the revised motor vehicle ordinance to the Board. He said that the revised ordinance is a housekeeping item aimed at bringing the County Code into compliance with the State Code. Basically, he said, abandoned automobiles will now be retained for 40 days rather than 30 days as heretofore; and should a vehicle remain unclaimed, the revised ordinance outlines the required procedure for selling.

A citizen, Mr. George Douglas, requested more information about the code in question which Mr. Oliver supplied.

Mr. Edwards asked if anybody in the audience wished to speak to the ordinance; there being no reply, the public hearing was declared closed.

Mr. Bartlett moved that the proposed amendment to Chapter II of the Motor Vehicle Code be approved. The motion carried by a 5-0 roll call vote.

ORDINANCE NO. 66A-8 BOARD OF SUPERVISORS
 JAMES CITY COUNTY

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER II, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING THE FOLLOWING DIVISIONS OF ARTICLE III, STOPPING, STANDING AND PARKING: SECTION II-47, REMOVAL AND DISPOSITION OF UNATTENDED VEHICLES GENERALLY: SECTION II-48, CONTRACTS WITH PRIVATE PERSONS FOR

REMOVAL, ETC., OF VEHICLES UNDER PRECEDING SECTION; SECTION 11-49.1 (NEWLY ADDED) REMOVAL OR IMMOBILIZATION OF MOTOR VEHICLES AGAINST WHICH THERE ARE OUTSTANDING PARKING VIOLATIONS; SECTION 11-49.2 (NEWLY ADDED) TEMPORARY REMOVAL AND DISPOSITION OF VEHICLES INVOLVED IN ACCIDENTS.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 11, Motor Vehicles and Traffic, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending and adding the following divisions of Article III, Stopping, Standing and Parking: Section 11-47, Removal and Disposition of Unattended Vehicles Generally; Section 11-48, Contracts with Private Persons for Removal, Etc. of Vehicles under Preceding Section; Section 11-49.1, Removal or Immobilization of Motor Vehicles Against Which There Are Outstanding Parking Violations; Section 11-49.2, Temporary Removal and Disposition of Vehicles Involved in Accidents.

CHAPTER 11

MOTOR VEHICLES AND TRAFFIC

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 or on public grounds, 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 (24) hours. Additionally, it shall be unlawful for any person to abandon any motor vehicle, trailer or semitrailer, or part thereof on such highway, surfaces or public grounds. 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 of 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

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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 payment of 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 designated by the governing body of the County may, after forty (40) days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the County Treasurer, provided, that if the value of such motor vehicle, trailer or semitrailer be determined by three (3) disinterested dealers or garagemen to be less than one hundred fifty dollars (\$150) it may be disposed of by private sale or junked. 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 (3) 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 (3) years from the date of such sale.

(c) It shall be presumed that any such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if:

(1) It does not bear a current license plate or a current County sticker or a valid state inspection certificate or sticker, and

(2) It has been in a specific location for ten (10) days without being moved.

(d) Whenever any motor vehicle, trailer, semitrailer or part thereof is stalled or rendered immobile as the result of adverse weather conditions or other emergency conditions, 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.

Section 11-48, Contracts With Private Persons for Removal, Etc., of Vehicles Under Preceding Section.

The County Administrator shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in the preceding section. The contracts shall provide for the payment by the County of reasonable charges for the removal and storage of such vehicles. Said contracts shall also require such owners or operators to deliver such vehicles to the owners thereof, or their agents, upon furnishment of satisfactory evidence of identity, ownership (or agency) and payment of all charges resulting from the prior removal and storage of the vehicle involved. The owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damages thereto resulting from the negligent removal or storage thereof; such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnification.

Section 11-49.1, Removal or Immobilization of Motor Vehicles Against Which There Are Outstanding Parking Violations.

(a) Any motor vehicle found parked upon the public streets or highways or public grounds against which there are three (3) or more outstanding unpaid or otherwise unsettled parking violation notices may be removed or conveyed to a place designated by the sheriff for the temporary storage of such vehicles, or such vehicles may be immobilized in such manner as to prevent its removal or operation except by authorized officers or members of the sheriff's office. Such a removal, conveyance or immobilization shall be by, or under, the direction of an officer or member of the sheriff's office.

(b) It shall be the duty of the officer or member of the sheriff's office removing or immobilizing such motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable, the owner of the removed or immobilized vehicle or the nature and circumstances of the prior unsettled parking violation notices, for which or on account of which, such vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed in such vehicle, in a conspicuous manner, a notice warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto.

(c) The owner of an immobilized vehicle or any duly authorized person shall be allowed twenty-four (24) hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within this time period shall result in the removal of such vehicle to a storage area for safekeeping under the direction of a member or officer of the sheriff's office.

(d) The owner of such removal or immobilized motor vehicle, or any duly authorized person, shall be permitted to repossess or secure the release of the vehicle by payment of outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown or unascertainable, such vehicle may be disposed of in accordance with subsection (a) of Section 11-47.

Section 11-49.2, Temporary Removal and Disposition of Vehicles Involved in Accidents.

Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon the highways or streets and is so located as to impede the orderly flow of traffic, the sheriff's office may, at no cost to the owner or operator, remove such motor vehicle, trailer or semitrailer from the highways or streets to some point in the vicinity where such motor vehicle, trailer or semitrailer will not impede the flow of traffic.

2. CASE NO. SUP-7-81. A public hearing on the application for a Special Use Permit for a psychiatric and alcoholism treatment center. The center will be constructed on 12.4 acres located on Route 658 between The Hamlet Subdivision and the County Fire Station.

Mr. William C. Porter, Jr., Director of Planning, presented this matter to the Board saying that this 12-acre site under consideration was part of a 35-acre site rezoned to R-3 in 1979 for a larger psychiatric facility. The facility under consideration has now been downscaled from 180 beds to 60 beds. Because the facility has been downscaled, the impact on the surrounding communities will be reduced.

Mr. Porter explained that under the present plan, as well as the earlier one, structures would be set back from the street approximately 200 feet and would be no higher than 35 feet or two stories.

It is expected that the traffic generated by this hospital will be around 250 trips a day, about the same as would be developed by a 40-lot subdivision. Mr. Porter also pointed out that existing zoning permits a 60-lot subdivision which would generate more traffic than the proposed project.

Mr. Porter also explained that the developer will construct a left and right turn lane which will be built according to State standards. He noted that a detailed landscaping plan will be submitted to the Site Plan Review Committee before construction, and also that any expansion of this facility can only occur by amendment to the Special Use Permit. Construction must begin before 24 months have elapsed.

Mr. Edwards opened the public hearing, and Mr. George White came before the Board to speak about this facility.

Mr. White said that he represented the corporation proposing to construct this facility and would be glad to answer any questions that may be raised.

Mr. Edwards asked if the Colonial Health and Mental Retardation Services Board is in favor of this project, and Mr. White replied that this Board is in favor of the project.

Mr. Edwards then asked if they had favored this facility in 1979; to which Mr. White replied that they had not.

Mr. Edwards asked if there were any other questions. There being none, he declared the public hearing closed.

Mr. Taylor moved to approve a Special Use Permit for the Americare Corporation. The motion carried by a 5-0 roll call vote.

approval of Case No. SUP-7-81 with the following conditions:

1. The permit is valid only on the 12.4 acres of parcel 1-26 and 1-26A on Real Estate Tax Map 32-4, described in application SUP-7-81 by Mr. Philip O. Richardson.
2. All structures and parking areas are to be set back at least 200 feet from the right-of-way of Route 658 and all parking to be set back at least 100 feet from the right-of-way of Route 658.
3. All structures are to be set back at least 75 feet from all side and rear property.
4. No structures are to exceed 35 feet in height and two stories.
5. A left and a right turn lane are to be constructed by the developer on Route 658 to serve this development. These turn lanes are to be built to standards approved by the Virginia Department of Highways and Transportation.
6. A detailed landscaping plan be submitted to the Site Plan Review Committee for approval prior to construction of the facility.
7. A minimum of 75 parking spaces be provided.
8. The number and location of on-site fire hydrants be established by the Fire Marshal and installed by the developer.
9. The facility be connected to both public water and public sewer.
10. A detailed site plan, including erosion and sedimentation controls, storm water management, utility plans, entrance design details, landscaping, and other construction details are to be approved by the Site Plan Review Committee. Bonds may be required to secure certain improvements.
11. Expansion of the facility over a capacity of 60 beds or a change in the use from a psychiatric and alcoholism treatment facility must be approved by amendment to this permit. Amendments will be processed as a new application, including any required fees.
12. Construction of the facility must begin within 24 months or this permit is void.

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3. CASE NO. SUP-6-81. A public hearing concerning the application of Mr. Oliver S. Tabb for a Special Use Permit to allow the construction of two structures containing four dwelling units each in the R-3 General Residential District. The site lies in the Eustis Terrace Subdivision and fronts on the western side of Route 60.

Mr. William C. Porter, Director of the Planning Department, presented this matter before the Board.

He explained that this request is a modification of an earlier Special Use Permit for three different structures, but is now scaled down to two structures with a total of eight dwelling units. The two important conditions that have been added are submission of a landscape plan, and erection of a privacy fence to maximize buffering from adjacent single-family uses and to reduce esthetic conflict with existing buildings.

Mr. Edwards opened the public hearing by asking if anyone wished to speak to this matter.

Mr. Robert Magoon, architect, was present to answer questions on behalf of Mr. Oliver Tabb, the applicant.

A question was asked if these units would be for sale or for rent, and Mr. Magoon replied that they would be for rent.

There being no further questions, the public hearing was closed.

Mr. Frink asked if the surrounding property owners had been notified about this application, and Mr. Porter replied that they had. Mr. Frink noted that he would support the Special Use Permit because young people in the area have been going to Newport News for apartments because of a scarcity of housing in James City County. He added that a Community Development Grant will soon provide opportunities for housing development in the community.

Mr. Frink then moved for approval of the Special Use Permit. Motion carried by a 5-0 roll call vote.

recommend approval of Case No. SUP-6-81 subject to the following conditions:

1. The entrances to the site must be constructed according to VDH&T standards, including compliance with any requirements for tapered lanes.
2. Design, selection of construction materials for, and siting of, the privacy fence shall be done so as to maximize buffering of adjacent single family uses and to minimize esthetic conflict with the character of the existing single family development. The construction materials shall be of either wood or masonry, and the height shall be approximately six feet.
3. The applicant shall submit a landscaping site plan which landscapes perimeter areas bordering or visible to adjacent properties in an effective and esthetically pleasing manner which makes a distinct contribution to the landscaped character of the existing neighborhood.
4. The rear wall of each structure must be no closer than fifteen feet to the side boundary line of the subject parcel.
5. Development of, and land uses on, the site must comply with all the regulations applicable to uses permitted by right in the R-3 zone.

4. Business, Professional, Occupational License Revision.
A public hearing to discuss the impacts of the proposed
ordinance amendments as prepared by Frances Waltrip,
Commissioner of the Revenue.

Mrs. Frances Waltrip, Commissioner of the Revenue, presented this matter to the Board. She said that House Bill 696 which amended Section 58-266.1 of the Code of Virginia placed ceilings on local license taxes. The amended section of the code classified all businesses into four categories: Contractors; Retail Sales, Financial, Real Estate and Professional Services; and Repair, Personal and Business Services. State law requires local ordinances be revised by January 1, 1983, and rates fall within certain guidelines. Amusements which have not been classified up to now, will be placed under the fourth classification-- Repair, Personal and Business Services. Busch Gardens, Kingsmill Golf Course and the two water slides within the County will be taxed under this amendment. Mrs. Waltrip said that if the amendment is approved, James City County would receive approximately \$60,000 in additional revenues.

Mr. Edwards opened the public hearing.

Mr. David Otey representing Busch Gardens desired to speak. He requested that the County postpone levying this tax until January 1, 1983 as Busch Gardens had completed budget arrangements for the coming year, and payment of this tax would be an unexpected financial burden.

Mr. DePue suggested striking a compromise and making this new fee effective on July 1, 1982 rather than January 1, 1982. Mrs. Waltrip countered by explaining that all licenses are issued on January 1st of each year. Mrs. Waltrip also pointed out she had supplied Busch officials with the proposed ordinance in early October, even prior to providing the Board of Supervisors, so that Busch officials might have the material in a timely way.

Since there were no other speakers, Mr. Edwards closed the public hearing.

Mr. Bartlett moved to approve the ordinance as recommended by the Commissioner of Revenue.

Mr. Taylor felt that Busch Gardens' request was not unreasonable. He said that he did not believe in imposing more taxes unless absolutely necessary.

Mr. Frink said that we could not make an exception for Busch Gardens but would have to delay the whole ordinance if we wanted to comply with their desire.

Motion carried in a 4-1 roll call vote with Mr. Taylor voting against the ordinance.

ORDINANCE 16A-7

ARTICLE II. SPECIFIC BUSINESSES AND ACTIVITIES.

Section 9-26. Repealed.

Section 9-27. Repealed.

Section 9-28. Alcoholic beverages.

Every person engaged in dispensing alcoholic beverages shall become liable of license taxes as follows:

- (a) For each wholesale beer distributor's license, the annual license tax shall be two hundred fifty dollars.
- (b) For each wholesale wine distributor's license, the annual license tax shall be one hundred dollars.

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- (c) For each retail on-premise wine license, the annual license tax shall be fifteen dollars.
- (d) For each retail on-premise beer license, the annual license tax shall be thirty dollars.
- (e) For each retail off-premise wine and beer license, or wine or beer license, the annual license tax shall be forty dollars.
- (f) For each retail on and off-premise wine and beer license, or beer license, the annual license tax shall be fifty dollars.
- (g) Mixed alcoholic beverages.
 - (1) For each restaurant dispensing mixed alcoholic beverages, with a seating capacity at tables for fifty to one hundred persons, the annual license tax shall be two hundred dollars.
 - (2) For each restaurant dispensing mixed alcoholic beverages, with a seating capacity at tables for more than one hundred, but not more than one hundred fifty persons, the annual license tax shall be three hundred fifty dollars.
 - (3) For each restaurant dispensing mixed alcoholic beverages, with a seating capacity at tables for more than one hundred fifty persons, the annual license tax shall be five hundred fifty dollars.
 - (4) For a private non-profit club operating a restaurant located on premises of such club, the annual license tax shall be three hundred fifty dollars.

The aforesaid licenses shall be as respectively defined by the act of the general assembly of Virginia, as heretofore and hereafter amended, known as "The Alcoholic Beverage Control Act" and the terms "alcoholic beverage," "alcohol," "spirits," "beer," "wine," and "mixed alcoholic beverage," wherever used in this section shall have the meanings respectively ascribed to them by that act.

As to "the Alcoholic Beverage Control Act", see Code of Va., Section 4-33.1 et seq.

No license shall be issued under this section to any person unless such person shall hold or shall secure simultaneously therewith the proper state license required by the "Alcoholic Beverage Control Act", which state license shall be exhibited to the commissioner of the revenue.

Any such license may be amended to show a change in the place of business within the county. Any such license may be transferred from one person to another, provided the person to whom transferred holds at the same time a similar license from the state alcoholic beverage control board. (12-31-71, Section 28.)

For state license tax on alcoholic beverage dispensers, see Code of Va., Section 4-33.

Section 9-29. Repealed.

Section 9-30. Repealed.

Section 9-31. Repealed.

Section 9-32. Repealed.

Section 9-33. Repealed.

Section 9-34. Repealed.

Section 9-35. Repealed.

Section 9-36. Repealed.

Section 9-37. Repealed.

Section 9-38. Repealed.

Section 9-39. Repealed.**Section 9-40. Repealed.****Section 9-41. Bondsmen, professional, and their agents.**

Every person who shall, for compensation, become or furnish surety for any person or persons charged with a felony or misdemeanor or with violation of any county ordinance or state law, shall pay a license tax of thirty dollars or thirty cents per one hundred dollars of gross receipts, whichever is the greater amount. Such license shall not be transferable.

No professional bondsman licensed under the provisions of this section shall designate any person, association, firm, partnership or corporation as his agent to act in his behalf in furnishing surety for any person or persons.

Nothing in this section shall be construed to conflict with regulatory laws governing conduct, practice or fees of professional bondsmen.

No license shall be issued hereunder for any professional bondsman unless and until there is presented to the commissioner of the revenue a certificate from a judge of the circuit court of James City County permitting the operation of this business and that the professional bondsman is entitled to be so licensed. (12-31-71, Section 41.)

For state law as to state licenses for bondsmen, see Code of Va., Section 58-371.2)

Section 9-42. Repealed.**Section 9-43. Repealed.****Section 9-44. Repealed.****Section 9-45. Repealed.****Section 9-46. Repealed.****Section 9-47. Carnivals, circuses and trained animal shows - Generally**

(a) Carnivals. Every person who, in this county, exhibits performances in a carnival, as defined in section 58-277 of the Code of Virginia, shall pay a license tax of one thousand dollars for each week or part thereof that such carnival exhibits in the county.

(b) Circuses. Every person who exhibits performances of a circus or circuses and menagerie or wild west show in this county shall pay a license tax of one hundred dollars per day that such circus exhibits in the county.

(c) Trained animal shows - Local. Every person, firm or corporation that is in the business of exhibiting performances of trained animal shows in this county and that has a permanent place of business within the county shall pay a license tax of two hundred dollars per year that such trained animal shows exhibit in the county.

(d) Same - Nonlocal. Every person, firm or corporation that is in the business of exhibiting performances of trained animal shows without a permanent place of business within the county shall pay a license tax of fifty dollars per day that such trained animal show exhibit in the county.

(e) Bond. Each person, firm or corporation that exhibits performances as described in this section without maintaining a permanent place of business within the county shall, before beginning operation in this county, post a surety bond in the amount of one thousand dollars, which bond shall assure faithful compliance by the licensee with all of the laws of the county pertaining to revenue and regulation. (12-31-71, Section 45; 5-12-75.)

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Section 9-47.1. Same - Sponsored by nonprofit organizations.

No license tax shall be assessed or charged for any activity set forth in section 9-47; provided, that such activity is sponsored, supervised and controlled by a nonprofit organization; and provided further, that such organization shall first obtain a license for the privilege of doing business in the county.

No license shall be issued under this section until the county administrator has first made or caused to be made an investigation of the organization involved and the nature of the sponsorship, supervision and control of the show or amusement and the county administrator is satisfied that:

(a) The organization is in fact a bona fide nonprofit organization not authorized to distribute its income to its members by charter, constitution or bylaws.

(b) The show is under the direct sponsorship, supervision and control of the nonprofit organization.

(c) If any person, firm or corporation connected with, pertaining to or in any manner involved with the activity involved herein receives compensation of any nature for services rendered, such compensation must be paid directly by the nonprofit organization or an affiliate organization of which it is a member.

(d) No arrangement exists for sharing the profits, net income or gross receipts from such show with any person, firm or corporation; provided however, such profits may be shared with either or both of the following:

(1) An affiliated organization of which the nonprofit organization is a member,

(2) A property owner providing property upon which such show will be conducted. (5-12-75.)

For state law as to state license for carnivals, shows, circuses and menageries, see Code of Va., Section 58-276.

Section 9-48. Repealed.**Section 9-49. Repealed****Section 9-50. Repealed.****Section 9-51. Repealed****Section 9-52. Contractors, and persons constructing for their own account for sale-**

- 1) The license tax imposed upon a person engaged in contracting and persons constructing for their own account for sale is thirty dollars or ten cents per one hundred dollars of gross receipts, whichever is greater.¹
- 2) Contractor - A contractor, for purposes of this classification, is any person who accepts or offers to accept:
 - a) orders or contracts for doing any work on or in any building or structure, requiring the use of paint, stone, brick, mortar, wood, cement, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, or other metal or any other building material;
 - b) contracts to do any paving, curbing or other work on sidewalks, streets, alleys or highways, on public or private property, using asphalt, brick, stone, cement, concrete, wood or any composition;
 - c) an order for or contract to excavate earth, rock or other material for foundation or any other purpose, or for cutting, trimming or maintaining rights-of-way;
 - d) an order or contract to construct any sewer of stone, brick, terracotta or other material;

- e) orders or contracts for doing any work on or in any building or premises involving the erecting, installing, altering, repairing, servicing or maintaining of electric wiring; or the erecting, installing, repairing or maintaining of lines for the transmission or distribution of electric light and power or other utility services;
- f) an order or contract to remodel, repair, wreck or demolish a building;
- g) an order or contract to bore or dig a well;
- h) an order or contract to install, maintain or repair air-conditioning apparatus or equipment.

Section 58-299 of the Code of Virginia provides - "When a contractor, electrical contractor or a plumbing and steam fitting contractor shall have paid the ... (required) State license and any local license required by the city, town or county in which his principal office and any branch office or offices may be located, no further license shall be required by the State or the city, town or county for conducting any such business within the confines of this State, except where the amount of business done by such contractor in any other city, town or county exceeds the sum of twenty-five thousand dollars in any year such other city, town or county may require of such contractor a local license, and the amount of business done in such other city, town or county in which a license tax is paid may be deducted by the contractor from the gross revenue reported to the city, town or county in which the principal office or any branch office of the contractor is located, and except further that qualification under Section 32-61 (regulation of plumbing and sewer connections) may be required of contractors doing plumbing business."

- 3) Contracting generally includes, but is not limited to, persons engaged in the following occupations, businesses or trades:

Air-conditioning
 Brick contracting and other masonry
 Building
 Cementing
 Dredging
 Electrical contracting
 Elevator installation
 Erecting signs which are assessed as realty
 Floor scraping or finishing
 Foundations
 House moving
 Paint and paper decorating
 Plastering
 Plumbing, heating, steamfitting
 Refrigeration
 Road, street, bridge, sidewalk or curb and gutter construction
 Roofing and tinning
 Sewer drilling and well digging
 Sign painting
 Structural metal work
 Tile, glass, flooring and floor covering installation
 Wrecking, moving or excavating

- 4) A person is not a contractor if he is engaged in the business of selling and installing air conditioning units that are placed in windows or other openings with frames and require no ducts. The permanent installation of a unit in the wall of the building is contracting.
- 5) Any person engaged in the business of selling and erecting or erecting tombstones is not a contractor, but is engaged in either retail or wholesale sales.
- 6) Any person engaged in the business of wrecking or demolishing a building and who then sells the materials obtained is engaged in retail or wholesale sales as to the sale of the materials.
- 7) Soliciting business for a contractor is not contracting but is a business service.
- 8) Every contractor, whether a general contractor or a subcontractor, is a contractor for purposes of local license taxation. The imposition of a license tax on the gross receipts of a general contractor and also a subcontractor is not double taxation. Each is engaged in business in his own right and licensable accordingly.

- 9) A person who merely sells a prefabricated building or structure is not a contractor, but if the person or a subcontractor for that person erects the building or structure, then the seller is a contractor.
- 10) Any person who sells floor coverings and furnishes and installs the floor covering under a contract with a general contractor (whether the covering be carpet, linoleum, tile or other covering) is a contractor. If floor coverings are sold at retail and installed as part of or incidental to the sale, then the transaction is not contracting but a retail sale.
- 11) If the installation of an appliance requires the running of electrical, water or gas lines or service outlets, or the performance of any other function previously defined as contracting, then the installation is contracting.
- 12) The mere hauling of sand, gravel and dirt is not contracting but is a business service.
- 13) Whether a person is a contractor or employed as a laborer depends on the facts in each case. The elements to be considered in making the distinction include, but are not limited to, the method of compensation, who supplies the materials and primarily who has the right of control.
- 14) Persons constructing for their own account for sale shall be included in the contracting category for the purpose of calculating the business license tax and this category shall include speculative builders.

Section 9-53. Repealed.

Section 9-54. Dance halls, etc., open to public

Every person engaged in the operation of a dance hall or any commercial hall open to the general public where dancing is permitted, to which an admission fee is charged or for which compensation is in any manner received, either directly or indirectly, by cover charge or otherwise, shall pay a license tax of thirty dollars per \$100.00 gross receipts or thirty cents whichever is the greater amount.

No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a permit issued pursuant to chapter 4A, "Dance Halls" from the county administrator permitting or authorizing the operation of this business. (12-31-71, Section 49; 12-22-75.)

Section 9-54.1 Dances sponsored by nonprofit organizations.

No license tax shall be assessed or charged for any activity set forth in section 9-54; provided, that such dance is sponsored, supervised and controlled by a nonprofit organization; and provided further, that such organization shall first obtain a license for the privilege of doing business in the county.

No license shall be issued under this section until the county administrator has first made or caused to be made an investigation of the organization involved and the nature of the sponsorship, supervision and control of the show or amusement and the county administrator is satisfied that:

- a) The organization is in fact a bona fide nonprofit organization not authorized to distribute its income to its members by charter, constitution or bylaws.
- b) The show is under the direct sponsorship, supervision and control of the nonprofit organization.
- c) If any person, firm or corporation connected with, pertaining to or in any manner involved with the activity involved herein receives compensation of any nature for services rendered, such compensation must be paid directly by the nonprofit organization or an affiliate organization of which it is a member.
- d) No arrangement exists for sharing the profits, net income or gross receipts from such show with any person, firm or corporation; provided however, such profits may be shared with either or both of the following:

- 1) An affiliated organization of which the nonprofit organization is a member,
- 2) A property owner providing property upon which such show will be conducted. (12-22-75.)

Section 9-55. Detective agencies and watchmen.

- (a) Every person operating a detective agency, or engaged in a business as a detective, shall pay an annual license tax of thirty dollars or thirty cents per one hundred dollars of gross receipts, whichever is the greater amount.

No license shall be issued hereunder unless and until there is presented to the commissioner of revenue a certificate or permit from the sheriff of this county, recommending the applicant as a person of good moral character with no police record.

- (b) Every person operating a business or agency furnishing watchmen, including ship watching for compensation, shall pay an annual license tax of thirty dollars or thirty ~~cents~~ cents per one hundred dollars of gross receipts, whichever is the greater amount.

Section 9-56. Distributing houses.

For every distributing house or place in this county, other than the house or place of manufacture, operated by any person engaged in the business of a merchant for the purpose of distributing goods, wares and merchandise among his retail stores, or who purchases or orders for his retail stores goods, wares or merchandise to be shipped or delivered directly to these stores, a separate license shall be required and the goods, wares and merchandise distributed, purchased or ordered through such distributing houses or places, shall be regarded as purchases for the purpose of measuring the license tax. The tax shall be the same as the license tax imposed on a wholesale merchant in this chapter. (12-31-71, Section 97.)

Section 9-57. Electric light and power, heat and gas.

Every person engaged in the business of furnishing heat, light and power, and gas for domestic, commercial and industrial consumption in this county, shall pay for the privilege an annual license tax of one-half of one per centum of the gross receipts derived from business within this county, excluding, however, such service furnished federal, state and local public authorities, its offices or agencies and sales for resale to other electric utilities. (12-31-71, Section 51.)

For state law as to local taxation of water or heat, light and power companies, see Code of Va., Subsection 58-603, 58-606.

Section 9-57.1. Private Water Companies

Every person engaged in the business of furnishing water from private water sources for domestic, commercial and industrial consumption in this country, shall pay for the privilege an annual license tax of one-half of one per centum of the gross receipts derived from business within this county, excluding, however, such service furnished federal, state and local public authorities, its offices or agencies and sales for resale to other water companies.

For state law as to local taxation of water or heat, light and power companies, see Code of Va., Subsection 58-603, 58-606.

Section 9-58. Repealed.

Section 9-58.1. Financial, Real Estate and Professional Services

- (1) The maximum rate for local license taxes imposed on a person engaged in a financial, real estate or professional service is thirty dollars or fifty cents per one hundred dollars of gross receipts, whichever is greater.
- (2) **Financial Service** - Any person rendering a service for compensation in the form of a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange is providing a financial service, unless such service is specifically provided for under another section of this code.

- (a) Those engaged in rendering financial services include, but are not limited to, the following:

Buying installment receivables
 Chattel mortgage financing
 Consumer financing
 Credit care services
 Credit unions¹
 Factors
 Financing accounts receivable
 Industrial loan companies
 Installment financing
 Inventory financing
 Loan or mortgage brokers
 Loan or mortgage companies
 Safety deposit box companies
 Security and commodity brokers and services
 Stockbroker
 Working capital financing _____

- (b) Any person other than a national bank or bank or trust company organized under the laws of this state, or duly licensed and practicing attorney at law, that engages in the business of buying or selling for others on commission or for other compensation, shares in any corporation, bonds, notes or other evidences of debt is a stockbroker. The fact that orders are taken subject to approval by a main office does not relieve the broker from local license taxation. Also, an insurance company engaged in selling mutual funds is a broker as to that portion of its business.

- (3) Real Estate Service - Any person rendering a service for compensation as lessor, buyer, seller, agent or broker is providing a real estate service, unless the service is specifically provided for under another section.

- (a) Those rendering real estate services include, but are not limited to, the following:

Appraisers of real estate
 Escrow agents, real estate
 Fiduciaries, real estate
 Lessors of real property
 Real estate agents, brokers and managers
 Real estate selling agents
 Rental agents for real estate

- (4) Professional Service - A person is engaged in providing a professional service if engaged in rendering any service specifically enumerated below or engaged in any occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study is used by its practical application to the affairs of others, either advising, guiding, or teaching them, and in serving their interests or welfare in the practice of an art or science founded on it. The word profession implies attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others as a vocation.

- (a) Those engaged in rendering a professional service include, but are not limited to the following:

Architects
 Attorneys-at-law
 Certified public accounts
 Dentists
 Engineers
 Land surveyors
 Pharmacists
 Practitioners of the healing arts (as defined in Section 54-273(2))²
 Surgeons
 Veterinarians

¹Federal credit unions are not subject to state or local license taxation under the Federal Credit Union Act. 12 USC Section 1768.

²The 'healing arts' means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities; and has the same meaning as 'medicine' when the latter term is used in its comprehensive sense." Va. Code Section 54-273(2).

- (b) The performing of services dealing with the conduct of business itself, including the promotion of sales or services of such business and consulting services, do not constitute the practice of a profession, even though the services involve the application of a specialized knowledge.
- (c-1) Certification as a professional by itself is not sufficient to establish liability for local license taxation. Also, the fact that a professional is compensated by means of a salary is not sufficient by itself to relieve that professional from local license tax liability.
- (c-2) Gross receipts for purposes of local license taxation as a professional include only those gross receipts obtained from the practice of that profession as a business, whether it be on a full or part-time basis, in corporate, partnership, sole proprietorship or association form.

Section 9-59. Fortune tellers, clairvoyants and practitioners of palmistry, phrenology and handwriting analysis.

Any and every person who, for compensation, shall pretend to tell fortunes or assume to act as a clairvoyant or to practice palmistry, phrenology or handwriting analysis, shall pay a license tax of three thousand dollars per annum.

This license shall not be proratable or transferable. (12-31-71, Section 53.)

For state law as to corresponding state license, see Code of Va., Section 58-377. As to authority of county to require similar license, and penalty for doing business without license, see Code of Va., Section 58-377.1.

Section 9-60. Repealed.

Section 9-61. Repealed.

Section 9-62. Goods stored in public warehouses.

Any person who maintains no place of business in this county, and who shall store goods, wares and merchandise in a public warehouse or public warehouses in this county, for ultimate distribution to wholesalers only, or to the federal or state government, or to any agency of either such government, shall not be deemed to be a wholesale merchant and, therefore, is not subject to a license tax as such. (12-31-71, Section 98.)

Section 9-63. Repealed.

Section 9-64. Repealed.

Section 9-65. Repealed.

Section 9-66. Repealed.

Section 9-67. Repealed.

Section 9-67.1. Merchants - Retail Sales

- (1) The maximum rate for a local license tax imposed on a person engaged in retail sales is thirty dollars or twenty cents per one hundred dollars of gross receipts, whichever is greater.
- (2) Definitions
 - a. Retail Sale - The sale of goods, wares and merchandise for any purpose other than resale, but not including sales at wholesale to institutional, commercial and industrial users.

- b. Retail Merchant - Any person who makes retail sales.
 - c. Peddler - Any person who carries from place to place any goods, wares or merchandise and offers to sell or actually sells and delivers at the same time is a peddler. Any person who does not keep a regular place of business, whether it be a house or a vacant lot or elsewhere, with regular business hours, but at that place offers to sell goods, wares and merchandise, is a peddler. Any person who keeps a regular place of business, with regular business hours at the same place, who other than at that regular place of business, personally or through agents offers for sale or sells and, at the time of such offering for sale, delivers goods, wares and merchandise is a peddler.
 - d. Itinerant Merchant - See Section 9-99.
- (3) When a merchant conducts both a wholesale and a retail business, the merchant is subject to the retail license tax on the retail portion of the business and subject to the wholesale license tax on the wholesale portion of the business. However, the locality may permit but not require the merchant to pay the license tax as a retailer on both the retail and wholesale portions of the business.
 - (4) Any person engaged in repair service who sells parts in addition to or as part of the repair service, is engaged in retail or wholesale sales as to the sales of the repair parts.
 - (5) Banks and Savings and Loan Associations that sell promotional items are engaged in retail sales as to the sales of the promotional items and are not exempt from local license taxation as to those sales.
 - (6) In the sale of blank checks, a bank is not engaged in retail sales as to the sales of blank checks if the customer places an order for the checks directly with the printer and authorizes the bank to collect for the printer by charging his account, and the bank is not obligated to pay for the checks except insofar as it honors the customer's authorization. If, however, the customer places his order with the bank, and the bank contracts with the printer and is liable to the printer, whether or not the bank actually collects from the customer, then the bank is engaged in retail sales.
 - (7) Any hotel, motel, boarding house or lodging house which also furnishes or sells food or merchandise for compensation is engaged in retail sales as to the sales of the good or merchandise.
 - (8) A person is not subject to a local license tax if his business in this state is limited solely to the solicitation of orders by catalogs mailed from outside this state to mail-order buyers in this state and who fills orders from outside this state. However, if the catalogs are distributed by a Virginia resident by mail or in person or if the person engaged in the mail-order business has a definite place of business in this state at which mail orders are received or filled, the mail order business shall be treated the same as any other retail or wholesale business for purposes of local license taxes.
 - (9) Any person who merely fills prescriptions for or fits corrective lenses and eyeglass frames is a retail merchant. However, any practitioner who examines eyes is engaged in rendering a professional service.
 - (10) Any practitioner of a profession who sells goods, wares or merchandise in connection with the practice of the profession shall be engaged in making retail sales depending on the nature of the products sold and the service performed.

Examples in this area are as follows:

- a. A medical doctor who engages in the sale of drugs or other goods, wares or merchandise as well as the practice of medicine is a merchant as to those sales. However, a medical doctor is not a merchant as to the drugs used in giving an immunization to a patient.
 - b. A chiropodist who sells shoes in connection with his practice is a retail merchant as to such sales.
- (11) A job printer is a manufacturer and is engaged in either retail or wholesale sales as to the sales of the items printed.

- (12) The sales price alone is not determinative of whether the sale is at retail or wholesale. The fact that a person sells goods, wares or merchandise at wholesale prices, at cost or at less than cost does not prevent the person from being classified as a retail merchant if the sales fall within the definition of a retail sale.
- (13) Any person who purchases rough stone already cut and who then polishes, glazes and cuts lettering in the stone is not a manufacturer and is engaged in either retail or wholesale sales.
- (14) Any person who sells goods at retail through a commission merchant, may be held liable for a local license tax as to such sales based on commissions and not gross receipts.

Section 9-68. Same - Wholesale.

Every person engaged in the selling of goods, wares and merchandise, to others for resale only, or, who sells to institutional, commercial or industrial users in wholesale quantities and at wholesale prices, shall be deemed a wholesale merchant and shall pay an annual license tax of thirty dollars or five cents per one hundred dollars whichever is the greater amount.

The word "purchases," as used in this section, shall be construed to include all goods, wares and merchandise received for sale at each definite place of business of every wholesale merchant. The word so used shall not be construed to exempt any goods, wares and merchandise otherwise coming within the meaning of the word. All goods, wares and merchandise manufactured by any wholesale merchant and sold or offered for sale in this county as merchandise shall be considered as purchases within the meaning of this section. But this section shall not be construed as applying to manufacturers who offer for sale at the place of manufacture, goods, wares and merchandise manufactured by them. (12-31-71, Section 96.)

Section 9-69. Repealed.

Section 9-70. Repealed.

Section 9-71. Repealed.

Section 99-72. Pawnbrokers.

Every person engaging in the business of a pawnbroker shall pay an annual license tax of thirty dollars or thirty cents per one hundred dollars of gross receipts, whichever is the greater amount.

For the purpose of this section a pawnbroker shall be deemed to mean any person who shall in any manner lend or advance money or other things or profit on the pledge and possession of personal property or other valuable things other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Every person displaying to the public by painted, or otherwise, the three balls commonly used to designate the pawnbrokers business shall be deemed a pawnbroker and be subject to the license tax required in this section.

No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a certificate from the circuit court permitting the operation of this business.

No license issued under this section shall be proratable or transferable. (12-31-71, Section 61.)

For state law as to state pawnbrokers licenses, see Code of Va., Section 58-392.

Section 9-73. Repealed.

Section 9-74. Repealed.

Section 9-75. Repealed.

Section 9-76. Repealed.

Section 9-77. Repealed.

Section 9-78. Repealed.

Section 9-78.1. Repair, Personal, Business and Other Services

- (1) The maximum rate for a local license tax imposed upon a person engaged in a repair, personal or business service or any other business or occupation not specifically listed or excepted from Section 58-266.1 is thirty dollars or thirty cents per one hundred dollars of gross receipts, whichever is greater.
- (2) Repair Service - The repairing, renovating, cleaning or servicing of some article or item of personal property for compensation is a repair service, unless the service is specifically provided for under another section.
- (3) Personal Service - Any service rendered for compensation either upon or for persons, animals or personal effects is a personal service, unless the service is specifically provided for under another section.
- (4) Business Service - Any service rendered for compensation to any business, trade, occupation or governmental agency is a business service, unless the service is specifically provided for under another section.
- (5) Those rendering a repair, personal or business service of other service as provided for under another section, but are not limited to, the following:

Advertising agencies.

Airports.

Ambulance services.

Amusements and recreation services (all types).

Animal hospitals, grooming services, kennels or stables.

Auctioneers and common criers.

Automobile driving schools.

Barber shops, beauty parlors, and hairdressing establishments, schools and services.

Bid or building reporting service.

Billiard or pool establishments or parlors

Blacksmith or wheelwright

Bondsman.

Booking agents or concert managers.

Bottle exchanges.

Bowling alleys.

Brokers and commission merchants other than real estate or financial brokers.

Business research and consulting services.

Chartered clubs.

Child care attendants or schools.

Collection agents or agencies.

Commercial photography, art and graphics.

Commercial sports.

Dance halls, studios and schools.

Data processing, computer and systems development services.

Developing or enlarging photographs.

Detective agency and protective services.

Drafting services.

Engraving.

Erecting, installing, removing or storing awnings.

Extermination services.

Freight traffic bureaus.
 Fumigating or disinfecting.
 Funeral services and crematories.
 Golf courses, driving ranges and miniature golf courses.
 Hauling of sand, gravel or dirt.
 Hotels, motels, tourist courts, boarding and rooming houses and trailer parks and campsites.
 House cleaning services.
 Information bureaus.
 Instructors, tutors, schools and studios of music, ceramics, art, sewing, sports and the like.
 Interior decorating.
 Janitorial services.
 Laundry cleaning and garment services including laundries, dry cleaners, linen supply, diaper service, coin operated laundries and carpet and upholstery cleaning.
 Mailing, messenger and correspondent services.
 Marinas and boat landings.
 Movie theaters and drive-in theaters.
 Nickel plating, chromizing and electroplating.
 Nurses and physician registries.
 Nursing and personal care facilities including nursing homes, convalescent homes, homes for the retarded, old age homes and rest homes.
 Packing, crating, shipping, hauling or moving goods or chattels or others.
 Parcel delivery services.
 Parking lots, public garages and valet parking.
 Pawnbrokers.
 Personnel services, labor agents and employment bureaus.
 Photographers and photographic services.
 Piano tuning.
 Picture framing and gilding.
 Porter services.
 Press clipping services.
 Private hospitals.
 Promotional agents or agencies.
 Public relations services.
 Realty multiple listing services.
 Renting or leasing any items of tangible personal property.
 Reproduction services.
 Secretarial services.
 Septic tank cleaning.
 Shoe repair, shoe shine and hat repair shops.
 Sign painting.
 Storage - all types.
 Swimming pool maintenance and management.
 Tabulation services.
 Taxidermist.
 Telephone answering services.
 Theaters.
 Theatrical performers, bands and orchestras.
 Towing services.
 Transportation services including buses and taxis.
 Travel bureaus.
 Tree surgeons, trimmers and removal services.
 Turkish, Roman or other like baths or parlors.
 Wake-up services.
 Washing, cleaning or polishing automobiles.

6. Any person buying or selling any kind of goods, wares or merchandise for another on commission is a commission merchant and is engaged in a business service.
7. Photographers who have no place of business in Virginia may be subject to local license taxation so long as the tax is not in excess of the tax imposed on photographers by the State.
8. Sign painting is a service unless the sign is painted on the side of a building or any other structure assessed as realty, in which case the sign painting is contracting.
9. An amusement is a type of entertainment or show for which compensation is received and that is not specifically provided for under another section of these guidelines.

10. For state law as to state licenses for bowling alleys, see Code of Va., Section 58-372.

Section 9-79. Repealed.

Section 9-80. Repealed.

Section 9-81. Repealed.

Section 9-82. Repealed.

Section 9-83. Tattooing.

Every person engaged in the business of tattooing in this country shall pay an annual license tax of thirty dollars or thirty cents per one hundred dollars of gross receipts whichever is the greater, which license shall not be proratable.

No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a certificate from the County Administrator permitting the operation of this business. (12-31-71, Section 68.)

Section 9-84. Tax when going out of business - Wholesale merchants.

If, after the close of the year for which the license is issued, the wholesale merchant should elect not to renew it, but desires the privilege to sell whatever goods, wares and merchandise he may have on hand at the time, it may be lawful for him to do so upon the payment of a license tax upon such goods, wares and merchandise to be regarded as purchases for the purpose of computing the license tax, provided that no purchases may be made after the close of the preceding year by the merchant. (12-31-71, Section 99.)

Section 9-85. Same - Retail merchants.

If, after the close of the year for which the license is issued, the retail merchant should elect not to renew it, but desires the privilege to sell whatever goods, wares and merchandise he may have on hand at the time, it may be lawful for him to do so upon the payment of a license tax measured by the retail sales value of such goods, wares and merchandise, which value shall be estimated by the commissioner of the revenue issuing the license; provided that no purchases may be made by the merchant after the close of the preceding year. (12-31-71, Section 100.)

Section 9-86. Repealed.

Section 9-87. Telegraph companies.

On each and every telegraph company conducting business in this county and delivering messages without additional charge to any point within the county limits, for the business done exclusively within this county and not including any business done to or from points without the state, and not including any business done for the government of the United States, its officers or agents, shall pay an annual license tax equal to one-half of one per centum of the gross receipts of the business accruing to such person in the county. (12-31-71, Section 70.)

For state law as to local taxation of telegraph and telephone companies, see Code of Va., Section 58-578.

Section 9-88. Telephone companies.

On each and every telephone company conducting a telephone exchange in this county, and using and occupying the streets, avenues and alleys in the county, and conducting or maintaining the works of the telephone company, or any part thereof, along, over and under the streets, avenues and alleys in the county shall pay for the privilege an annual license tax of one-half of one per centum of the gross receipts derived from business within this county, excluding, however, such service furnished federal, state and local public authorities, their offices or agencies.

This license is for the privilege of doing business for local services in this county and does not include any license charge for business done to and from points without this state, and does not include any license charge for any business done for the government of the United States, its officers or agents, and does not include any license charge for any interstate business. This license charge is restricted exclusively for local services and is no attempt to tax, regulate or hinder interstate commerce. (12-31-71, Section 71.)

For state law as to local taxation of telegraph and telephone companies, see Code of Va., Section 58-578.

Section 9-89. Repealed.

Section 9-90. Repealed.

Section 9-91. Tobacco retailers.

Every person engaged in the business of retailing tobacco or any of its by-products, shall pay a specific license tax of five dollars per annum, which shall be in addition to the merchant's licenses, or other licenses required to be paid by them under the provisions of this chapter. (12-31-71, Section 74.)

For state law as to state license for tobacco dealers, see Code of Va., Section 58-402.

Section 9-92. Repealed.

Section 9-93. Repealed.

Section 9-94. Repealed.

Section 9-95. Repealed.

Section 9-96. Repealed.

Section 9-97. Repealed - 7-1-81.

Section 9-98. Repealed.

Section 9-99. Vendors, itinerant.

Every person who shall engage in, do or transact any temporary or transient business in this county for the sale of goods, wares and merchandise and who, for the purpose of carrying on such business shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, boat or public room, or any part hereof, including rooms in hotels, lodging houses or houses or private establishments or in any street, alley or other public place, for a period of less than one year, for the exhibition of or sale of such goods, wares or merchandise, shall pay for such privilege, in addition to a merchant's license tax, a specific license tax of fifty dollars.

Every person who has not been licensed for at least one year to sell or offer for sale goods, wares or merchandise under this chapter and who shall apply for a license to offer or sell goods, wares or merchandise within this county shall file with such application an affidavit from the owner of the building, structure, etc., to be used by such applicant, showing for what period of time the property to be used by such applicant has been hired or leased by such applicant, and no license shall be issued unless and until such affidavit is attached to the application; provided, that the commissioner of the revenue may, in lieu of the foregoing affidavit, issue a regular merchant's or regular auctioneer's license to any applicant upon the giving of a bond or security in such amount as will equal the specific tax required by this chapter for a period of one year from the date of the application of such license, and such bond or security shall provide that such amount shall be paid to James City County in the event and at any time during any such year that the commissioner of the revenue shall receive sufficient evidence showing that it was the applicant's intention to engage in or transact a temporary or transient business in this county.

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No person shall be exempt from the payment of the license tax imposed by this section by reason of association temporarily with any local merchant, dealer, trader or auctioneer, or by reason of conducting such temporary or transient business in connection with or as a part of the business in the name of any local merchant, dealer, trader or auctioneer.

The provisions of this section shall not apply to the sale at auction of any wagon, carriage, automobile, mechanics tools, used farming implements, livestock, poultry (dressed or undressed), seafood, vegetables, fruits, melons, berries, flowers, leaf tobacco, or for sale of used household furniture and used household effects when being sold at the residence of the housekeeper desiring to dispose of the same; nor to sales made to dealers by commercial travelers or selling agents to regularly established merchants or of manufacturers selling to the trade by sample for future delivery from their established place of business, not to the sale of products raised upon lands leased or owned by the seller nor the sale of vegetables, fruits or other farm products not to hawkers on the streets nor to the sales of any goods by an assignee, trustee, executor, fiduciary, officer in bankruptcy or other officer appointed by any court of this commonwealth or of the United States, nor to peddlers for whom licenses are otherwise provided by this chapter. (12-31-71, Section 82.)

Section 9-100. Repealed.

Section 9-101. Repealed.

ADOPTED

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ARTICLE III. PEDDLERS.

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

For state law as to state peddlers' licenses, see Code of Va., Subsection 58-340 through 58-345.

Section 9-102. Peddler - defined.

Any person who carries from place to place any goods, wares or merchandise and offers to sell or actually sells and delivers at the same time is a peddler. Any person who does not keep a regular place of business, whether it be a house or a vacant lot or elsewhere, with regular business hours, but at that place offers to sell goods, wares and merchandise, is a peddler. Any person who keeps a regular place of business, with regular business hours at the same place, who other than at that regular place of business, personally or through agents offers for sale or sells and, at the time of such offering for sale, delivers goods, wares and merchandise is a peddler.

Section 9-103. Peddler's license tax.

Every person who engages in the business of peddling as defined in this article shall be deemed a peddler and shall pay an annual license tax of thirty dollars or twenty cents per one hundred dollars of gross receipts, whichever is greater.

Section 9-104. Growers and producers.

No license shall be required from peddlers of market produce, fresh meats or fruits who are bona fide producers or growers of the produce, meats or fruits sold by them; and provided further, that no license shall be required of peddlers of seafoods who are bona fide catchers, producers or growers of seafoods sold by them.

The commissioner of the revenue shall require such bona fide producer or grower of market produce, fruits or fresh meat to file with him a certificate in which shall be given the name and address of the applicant, the location of the land from which his fruits, vegetables and/or other perishables are to be produced, whether the applicant is the owner thereof, or renter, and in the latter case, the name of the landlord or owner and the time from which his lease is to run; also, that the applicant intends to use the sign hereinafter mentioned himself personally, or by agent, for the sale of his own produce only, and will not permit the same to be used by any third party, or for the sale of any produce, except his own. Upon receipt of such certificate, the commissioner of the revenue shall furnish to such bona fide producer a sign of a size and design to be selected by the commissioner of revenue suitable to be displayed on his wagon or truck on which shall be printed "County Grower No." with the "Grows"

The commissioner of the revenue shall issue to each applicant for license to sell fish, oysters, clams or other seafood under this section a license tag of a size and design to be selected by the commissioner of revenue suitable to be displayed on the vendor's wagon, cart or truck, on which shall be printed "Seafood Peddler No. 19" with the license year inserted.

Any license tag or grower's sign issued under this section shall be affixed and displayed by the owner on the left hand side of his cart, wagon, dray, automobile, truck, push cart or other vehicle, on the outside thereof, and in a conspicuous place, so that the same may be readily seen at all times by anyone authorized to inspect the same. A charge of one dollar will be made for each grower's tag issued.

Any person making a false statement in the above mentioned certificate, or permitting the grower's sign above mentioned to be used in the sale of any produce, except produce grown by him on the land described in the certificate, shall be subject to a fine of not less than ten dollars and not more than one hundred dollars. (12-31-71, Section 103.)

Section 9-105. Peddler's license tax.

The commissioner of revenue shall issue to each applicant for peddler's license as imposed under this article, a license tag of a size and design to be selected by the commissioner of the revenue, suitable to be displayed on the vehicle to be used by the peddler in the prosecution of such business. On each tag so issued, there shall be printed the classification of the peddler, the tag number and the license year for which the license is issued.

No license issued under this article shall be proratable or transferable. (12-31-71, Section 104.)

ARTICLE IV. COIN-OPERATED MACHINES.

Division 1. Slot Machines Generally.

For state law as to state licensing of slot machines generally, see Code of Va., Subsection 58-355 through 58-361.1.

Section 9-106. License taxes - Amended

The license tax imposed on any operator, as defined herein, may be imposed in any amount not exceeding the sum of two hundred dollars. The term "operator" means any person, firm or corporation selling, leasing, renting or otherwise furnishing or providing a coin-operated machine or device operated on the coin-in-the-slot principle; provided, however, the term "operator" shall not include a person, firm or corporation owning less than three coin machines and operating such machines on property owned or leased by such person, firm or corporation. Notwithstanding the situs requirements of Section 58-266.5(a), this license tax is imposed on the operator when any such coin-operated machine or device operated on the coin-in-the-slot principle of such operator is located therein.

Any person having anywhere in this county a machine of any description into which are inserted nickels or coins of larger denominations to dispose of articles of merchandise or for the purpose of operating devices that operate on the coin-in-the-slot principle, used for gain except a telephone, shall pay for every such machine or device, a license tax of twenty-five dollars per year, except that:

- (a) For each coin-operated musical machine, the license tax shall be ten dollars per year.

No license shall be imposed on any vending machine under the ownership or supervision of any state commission or state agency. (12-31-71, Section 105.)

ADOPTED

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JAMES CITY COUNTY
VIRGINIA

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Section 9-106.1.

In addition to any tax imposable pursuant to the provisions of this section, James City County shall levy a gross receipts tax on any operator, as defined in Section 9-106, on the gross receipts actually received by the operator from coin machines or devices operated within this county. Gross receipts from machines vending merchandise or postage stamps shall be deemed gross receipts from retail sales for license purposes. Gross receipts from machines vending merchandise or stamps shall be deemed receipts from retail sales, and taxed at the same rate as other retail sales.

Section 9-107. Illegal machines not to be licensed.

Nothing in this division shall be construed as permitting any person to keep, maintain, exhibit or operate any coin operated machine or other device, the operation of which is prohibited by law, nor shall the commissioner of the revenue issue any license under this division which is unlawful under the provisions of the state law.

Section 9-108. Repealed.**Section 9-109. Same - Registration and bond.**

Every person, before engaging in the business of a coin machine operator in this county, shall register with the commissioner of revenue and deposit with him a bond, payable to James City County to insure the keeping of accurate records, the filing of reports in such form and at such times as may be prescribed by the commissioner of revenue, and the proper payment to the treasurer of the county of the taxes imposed by this division. The form of such bond shall be determined by the commissioner of the revenue and the surety thereon shall be approved by him. The amount of the bond shall be five hundred dollars. (12-31-71, Section 108.)

Section 9-110. Name and address of owner of each machine.

Every vending machine operated under the provisions of this chapter shall be plainly marked by the owner thereof with the name, trade name, address of each owner, and section number of this chapter under which such machine is operated or licensed. (12-31-71, Section 112.)

Division 2. Merchants Placing Vendor Machines.

For state law as to state licensing of merchants placing vending machines, see Code of Va., Subsection 58-362 through 58-369.1.

Section 9-111. Repealed.**Section 9-112. Repealed.****Section 9-113. When tobacco retailer's license required.**

The use of cigarette vending machines on premises which are not already covered by a tobacco retailer's license shall require of the person operating or prosecuting the business on the premises on which the vending machine is placed to take out a tobacco retailer's license for that location. (12-31-71, Section 111).

5. Exemption of Fuel for Domestic Consumption from Local Sales Tax. Consideration of an ordinance to exempt the sale of fuel for domestic consumption from the 1% local sales and use tax.

Mr. John E. McDonald presented this item to the Board. He stated that in the 1980 session of the General Assembly, the State moved to exempt domestic fuel from the 3% sales tax. The effective date originally had been January 1, 1982, but the State changed it to October 1, 1981. County staff is now requesting the Board to consider exempting fuel for domestic purposes from the 1% local sales tax to become effective on January 1, 1982.

Mr. Edwards opened the public hearing.

As there were no speakers, Mr. Taylor moved to adopt the ordinance. Motion carried unanimously.

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BOARD OF SUPERVISORS
JAMES CITY

ORDINANCE NO. 136A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING THE FOLLOWING DIVISION OF ARTICLE I, IN GENERAL, SECTION 18-2.1 LOCAL EXEMPTION OF CERTAIN ENERGY SOURCES.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 18, Taxation, of the Code of the County of James City be and the same is hereby amended and reordained by adding the following division of Article I, In General, Section 18-2.1 Local Exemption of Certain Energy Sources.

CHAPTER 18

Taxation

Article I, In General

Section 18-2.1 (Effective January 1, 1982) Local Exemption of Certain Energy Sources.

Notwithstanding the provisions of Section 18.1, General Retail Sales Tax, and notwithstanding the provisions of Section 18.2, Use Tax, and pursuant to Section 58-441.49:3 of the Code of Virginia, the Board of Supervisors hereby exempts from both the general retail sales tax and the use tax, the following: artificial or propane gas, firewood, coal, or home heating oil used for domestic consumption. "Domestic consumption" means the use of artificial or propane gas, firewood, coal or home heating oil by an individual purchaser for other than business, commercial or industrial purposes.

D. CONSENT CALENDAR

Mr. Edwards moved to approve the items on the Consent Calendar. Motion carried unanimously.

1. Data Processing User Assessment Social Services

RESOLUTION

SOCIAL SERVICES DATA PROCESSING ASSESSMENT

WHEREAS, the assessment of the County's data processing user fee for Social Services is included in the State reimbursement for administrative services under an approved cost allocation plan; and

WHEREAS, the previously adopted County budget reflects payment of the charge as a credit to the Data Processing budget rather than a receipt of Revenue:

NOW, THEREFORE BE IT RESOLVED that previous appropriations for the County General Fund for the year ending June 30, 1982 be amended as follows:

Revenue from the Commonwealth Virginia Public Assistance	+6,615
Data Processing User Fees Credit	+6,615

2. Code Violation Liens

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R E S O L U T I O NCODE VIOLATION LIENS

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following bills for services rendered are delinquent and remain unpaid; and

WHEREAS, such unpaid and delinquent charges are and constitute liens against the real property on which the services were performed and for which charges were imposed;

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 that the following delinquent charges for services rendered, to wit:

1. Mow grass and weeds; spray underbrush

Account No:	Chauncey W. Batchelor, Jr. 835 N. Jackson Avenue St. Louis, Missouri 63130	
Description of Property:	Route 60 and Herndon Jenkins Dr. Williamsburg, Virginia Tax Map # (32-2) Parcel # (1-65) Deed Book # 178, Page # 301	
Amount Due:	Labor	\$32.28
	Equipment	<u>18.00</u>
	Total	\$50.28

2. Mow grass and weeds; general cleanup

Account No:	Roy J. Watkins 220 Alesa Drive Williamsburg, Virginia 23185	
Description of Property:	Mildred Drive, Williamsburg, VA Tax Map # (31-1) Parcel # (6-8) Deed Book # 167, Page # 784	
Amount Due:	Labor	\$107.60
	Equipment	86.00
	Landfill User Charge	<u>14.40</u>
	Total	\$208.00

3. Mow grass and weeds; general cleanup

Account No:	Centerville Community Route 3, Box 212A Williamsburg, Virginia 23185	
Description of Property:	Colby Road, Williamsburg, VA Tax Map # (31-1) Parcel # (4-15) Deed Book # 186, Page # 607	
Amount Due:	Labor	\$147.95
	Equipment	94.00
	Landfill User Charge	<u>8.40</u>
	Total	\$250.35

4. Mow grass

Account No:	James T. Hartwright 133 Stanley Drive Williamsburg, Virginia 23185	
Description of Property:	Stanley Drive, Williamsburg, VA Tax Map # (38-4) Parcel # (7-30) Deed Book # 169, Page # 18	
Amount Due:	Labor	\$37.66
	Equipment	<u>21.00</u>
	Total	\$58.66

5. Mow weeds and grass

Account No:	James E. Guilliams 103 Allyson Drive Williamsburg, Virginia 23185	
Description of Property:	Constance Avenue, Williamsburg, VA Tax Map # (47-3) Parcel # (5-1) Deed Book # 179, Page # 10	
Amount Due:	Labor	\$ 8.97
	Equipment	<u>11.80</u>
	Total	\$20.77

6. Mow weeds and grass

Account No:	Bobby G. Morgan 109 Lake Powell Road Williamsburg, Virginia 23185	
Description of Property:	Constance Avenue, Williamsburg, VA Tax Map # (47-3) Parcel # (5-2) Deed Book # 166, Page # 513	
Amount Due:	Labor	\$ 8.97
	Equipment	<u>11.80</u>
	Total	\$20.77

3. CASE NO. SUP-24-81. James Ryland GreenhowR E S O L U T I O NCONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. James Ryland Greenhow
Tax Map ID:	(22-3)(1-43)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

4. CASE NO. CUP-21-81. William B. PiggottR E S O L U T I O NCONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. William B. Piggott, Jr.
Tax Map ID:	(21-1)(1-1)
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	N/A
Further Conditions:	None

5. CASE NO. CUP-25-81. Norge Saddle Club, Inc.

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R E S O L U T I O N
CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Norge Saddle Club, Inc.
Tax Map ID:	(23-2)(1-17)
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	N/A
Further Conditions:	None

6. CASE NO. SUP-9-81. Malcolm F. Martin
Setting date for public hearing.
7. Pre-Budget Public Hearing and Revenue Sharing Public Hearing.
Setting date for public hearing.
8. CASE NO. Z-6-81. Carter Hall, Inc.
Setting date for public hearing.

E. BOARD CONSIDERATIONS

1. Recommendation of Award - Engineering Contract Grove Area, Streets and Drainage Facilities.

Miss Jan Rountree, Director of Community Development, presented this matter to the Board. She explained that they had received a number of proposals from engineering firms to construct streets and drainage facilities in the Grove area of the County. She said that the Buchart-Horn firm was the company recommended by staff to conduct the studies.

Miss Rountree noted that the resolution calls for three things: 1. That a contract for the Grove area Streets and Drainage Facilities be awarded to Buchart-Horn; 2. That a project budget in the amount of \$60,000 be approved; and 3. That the County Administrator be authorized to execute a contract with the engineering firm for soil borings and testings.

Mr. Frink inquired about the need for soil analysis, and Mr. Deward Martin of the Department of Public Works was asked to respond to his question. Mr. Martin explained that the road construction companies do make some of their own tests, but they are not required to do soil testing. Mr. Martin explained that it is important to know what kind of soil a street will be built on. If the soil is unstable, the street can cost much more than budgeted. This has happened in the County on occasion, and it is hoped that soil testing will prevent a recurrence of such problems.

Mr. Bartlett asked if Buchart-Horn had done other work for James City County; and Mr. Martin replied that they had done several other engineering jobs, and the County had always been satisfied with the results.

Mr. Frink moved to approve the resolution which carried with a unanimous roll call vote.

RESOLUTION

ENGINEERING CONTRACT - GROVE AREA STREETS AND DRAINAGE

WHEREAS, James City County has been awarded a Federal Grant in the form of Community Development Block Grant funds to conduct community development activities in the Grove area; and

WHEREAS, engineering proposals for the Streets and Drainage Facilities portion of the project were received and evaluated by members of the County staff; and

WHEREAS, soils testing and related work will be necessary at various stages of the engineering process;

THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. That the engineering contract for the Grove Area Streets and Drainage Facilities be awarded to Buchart-Horn for a total fee of \$30,926.00.
2. That a project budget for the Grove area engineering and related work in the amount of \$60,000.00 be approved; the budget to include:

Engineering contract for Streets & Drainage	\$30,926.00
Allowance for Soils Boring & Testing	15,000.00
Allowance for related costs	<u>14,074.00</u>
 TOTAL AMOUNT	 \$60,000.00
3. That the County Administrator be authorized to execute the engineering agreement, a contract for soils borings and testing, and other necessary related costs within the budget amount.

2. Data Processing Equipment

Mr. McDonald presented this matter before the Board. He explained that we have expanded our data processing system greatly since 1978 when it was first installed. An additional operator had been hired in order to extend the working day with the hope that this would eliminate the need for additional equipment; and the school system, a heavy user, has been forced to do most of their processing at night.

The memory capacity presently stands at 93 percent during the day, and response time has been slowed down to almost 30-40 seconds when it ought to be 2-3 seconds.

The request that is being made at this time should eliminate the need for any new equipment in the central unit for approximately two years, Mr. McDonald told the Board.

As there was no further discussion, Mr. DePue moved that the supplemental appropriation for Data Processing be approved. The motion carried by a unanimous roll call vote.

RESOLUTION

SUPPLEMENTAL APPROPRIATION/DATA PROCESSING

WHEREAS, it has become necessary to procure additional memory for James City County's computer in order to alleviate processing delays, and

WHEREAS, the Data Processing operating budget cannot fund this expenditure,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that it hereby authorizes a transfer from contingency of \$8,000 as follows:

From Contingency:	-\$8,000
To Data Processing New Equipment	+\$8,000

3. 1982 Legislative Package

Mr. Allen Turnbull, Administrative Analyst, presented the legislative package to the Board. He began by stating that he would discuss briefly each item in the package but would spend more time on those items that are new. He also explained that the contents were divided in two ways: Section One contained legislation James City County wished to have introduced, and Section Two referred to legislation introduced by others which the County proposed to support.

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Mr. Turnbull then proceeded to explain all the items in the legislative package.

Mr. Edwards suggested that the Board consider first those items the County proposed to introduce.

Mr. DePue moved to adopt the resolution concerning the Transient Occupancy Tax. This motion carried by a unanimous roll call vote.

RESOLUTION

Transient Occupancy Tax

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal,

NOW, THEREFORE BE IT RESOLVED by the James City County Board of Supervisors that the Board hereby requests the members of the James City County delegation to the 1982 session of the General Assembly to use their good offices to introduce enabling legislation to permit James City County to consider adoption of a transient occupancy tax.

FURTHERMORE BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the James City County delegation to the General Assembly.

Next item to be considered was the Meals and Beverage Tax. Mr. DePue again moved to approve, and the motion carried by a unanimous roll call vote.

RESOLUTION

Meals and Beverages Tax

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal,

NOW, THEREFORE BE IT RESOLVED by the James City County Board of Supervisors that the Board hereby requests the members of the James City County delegation to the 1982 session of the General Assembly to use their good offices to introduce enabling legislation to permit all counties to consider adoption of a tax on meals and beverages.

FURTHERMORE BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the James City County delegation to the General Assembly.

Repeal of House Bill 196 was then considered. At this time, Mr. Turnbull requested Mr. Deward Martin of the Department of Public Works to explain what was entailed in this bill.

Mr. Martin felt that the bill should be repealed because it encourages residents to drill private wells rather than use the public water system. The drilling of private wells could cause excessive drawdown of the water table, according to Mr. Martin. The bill also states that the County can charge residents a non-user fee, if they choose not to hook up to public water. The fee is supposed to be the residents' "fair share" of the water system debt. Fair share is based on the number of users in the system, and since the number changes constantly, residents might contest the fee and sue the County. However, the most serious issue is that the bill takes away the County's right to require homeowners to hook up to public water and sewers.

Mr. Oliver felt that the key issue is "the local control issue." We need to make choices according to the specific needs of an area, and House Bill 196 restrains the County.

Mr. Edwards asked Mr. Turnbull how the legislators felt about the repeal of this bill. Mr. Turnbull replied that Delegate Grayson would like to know more about the County's position, and he is not acquainted with how the other legislators feel about this issue.

Mr. Edwards asked if there were any more questions from the Board, and then Mr. Bartlett made a motion to approve the resolution.

Mr. Taylor said that he would not support this resolution because he liked to see individual citizens have freedom of choice.

This ended the discussion, and consideration was given to Mr. Bartlett's motion. The motion was approved on a 4-1 vote with Mr. Taylor voting against the resolution.

RESOLUTION

Repeal House Bill 196

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal,

NOW, THEREFORE BE IT RESOLVED by the James City County Board of Supervisors that the Board hereby requests the members of the James City County delegation to the 1982 session of the General Assembly to use their good offices to introduce legislation to repeal House Bill 196.

FURTHERMORE BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the James City County delegation to the General Assembly.

Introduction of legislation to Remove Tolls from the Jamestown-Scotland Ferry was considered at this time. Mr. DePue moved in favor of this resolution. Motion carried in a unanimous roll call vote.

RESOLUTION

Removal of Tolls - Jamestown/Scotland Ferry

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal,

NOW, THEREFORE BE IT RESOLVED by the James City County Board of Supervisors that the Board hereby requests the members of the James City County delegation to the 1982 session of the General Assembly to use their good offices to introduce legislation to remove the tolls on the Jamestown/Scotland Ferry.

FURTHERMORE BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the James City County delegation to the General Assembly.

At this point the Board considered the Section Two items. The first was support for State Funding of Significant Cost Overruns of Local Highway Construction.

Mr. Frink moved to approve this item, but Mr. Bartlett interjected that this was only institutionalizing cost overruns in the same manner as the price index institutionalizes inflation. Mr. Bartlett said that the Board ought to wait until the Commissioners have a chance to make their report. Mr. Oliver replied that the County is trying to send a message to Richmond that we need some specific legislation in this regard as the County has had at least two serious cases of cost overruns, and we want to communicate this to the Legislature.

Mr. Edwards noted that he would prefer to use our capital with the legislators on a matter of greater value, and he moved that this motion be tabled. The motion carried in a unanimous roll call vote.

The next item concerned the Annual Audit of the Industrial Authority. Mr. Taylor moved to adopt this resolution. Motion carried in a unanimous roll call vote.

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RESOLUTIONAnnual Audit of the Industrial Development Authority

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal,

NOW, THEREFORE BE IT RESOLVED by the James City County Board of Supervisors that the Board hereby requests the members of the James City County delegation to the 1982 session of the General Assembly to use their good offices to support the amendment of Section 15.1-1377 of the Code of Virginia to make the exceptions and waivers of the annual audit requirement contained in Section 2.1-164 available to Industrial Development Authorities.

FURTHERMORE, BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the James City County delegation to the General Assembly.

The next legislative item was Endorsement of an Increase in the State Basic Operation Costs for the local school system. The resolution proposes an 8 percent increase in State funding for education. We propose to align ourselves with the State Education Association and the Virginia Association of Counties on this matter, Mr. Turnbull added.

Mr. DePue moved for adoption of this resolution, and the motion carried in a unanimous roll call vote.

RESOLUTIONState Education Funding

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal,

NOW, THEREFORE BE IT RESOLVED by the James City County Board of Supervisors that the Board hereby requests the members of the James City County delegation to the 1982 session of the General Assembly to use their good offices to support the establishment of more realistic State funding of education through raising the State contribution per pupil for standards of quality to levels recommended by the State Board of Education, the Virginia Education Association, the Virginia Municipal League and the Virginia Association of Counties.

FURTHERMORE BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the James City County delegation to the General Assembly.

The next items under consideration were both part of the Virginia Municipal League legislative program: Repeal of the Heart and Lung resolution and Developer to Pay his Pro Rata Share of the Road Adjacent to his Development.

Mr. Bartlett moved that the latter resolution be deferred. Motion carried by a 4-1 roll call vote.

Mr. Bartlett then moved to defer action on the Heart and Lung resolution because he felt that this rule had a salutary effect inasmuch as it encourages people and jurisdictions to have employees undergo physical examinations. Motion carried by a 4-1 vote.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Jim Yeager rose to speak on behalf of Peter Pirsch and Sons, a company that submitted the low bid on the County Ladder Truck Proposal. The County proposed to accept the next higher bid due to earlier delivery date, and Mr. Yeager wished to make some remarks concerning the other company.

The County Administrator, Mr. Oliver, interrupted part of Mr. Yeager's remarks by stating that this was not the proper place for the kind of discussion he was initiating.