

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTEENTH DAY OF SEPTEMBER, NINETEEN HUNDRED EIGHTY-TWO AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Abram Frink, Jr., Chairman, Roberts District  
 Perry M. DePue, Vice-Chairman, Powhatan District  
 Jack D. Edwards, Berkeley District  
 Thomas D. Mahone, Jamestown District  
 Stewart U. Taylor, Stonehouse District

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

Mr. DePue made a motion to go into Executive Session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) of the Code of Virginia 1950, as amended.

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

The Board convened into Executive Session at 7:05 P.M. and returned to Public Session at 7:35 P.M.

**B. MINUTES - August 23, 1982 and August 30, 1982**

Mr. Frink asked if there were any corrections or additions to the minutes. Mr. Mahone requested a change on Page 2 of the Minutes of August 23, 1982 as follows: Item D-2, second paragraph to read ". . . and that there was one well and septic system for both." Mr. Mahone moved for the approval of both sets of minutes with the appropriate corrections to the Minutes of August 23, 1982.

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

**C. PUBLIC HEARINGS**

1. Proposed Amendments to Chapter 5, James City County Code - Bingo and Raffles

Mr. John McDonald, Assistant to the County Administrator presented this matter to the Board. He stated that the first amendment proposes to eliminate references to the County Finance Department in auditing the records of an applicant for a Bingo or Raffle Permit, substituting the County Administrator or his designee. The second proposed amendment relates to the audit fees for bingo and raffle financial reports and establishes a one percent

audit fee for organizations reporting gross receipts up to \$10,000 and thereafter a ceiling of \$100 for such fee. Mr. McDonald stated that the ordinance would be changed to be effective on the date of its adoption.

Mr. Frink opened the public hearing.

There being no speakers Mr. Frink closed the public hearing.

Mr. Edwards moved for the approval of the ordinance.

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

#### ORDINANCE NO. 133A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, BINGO AND RAFFLES, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING SECTION 5-7, REPORTS OF GROSS RECEIPTS AND DISBURSEMENTS REQUIRED AND SECTION 5-8, AUDIT REQUIRED, FEE.

BE IT ORDAINED, by the Board of Supervisors of James City County, that Chapter 5, Bingo and Raffles, of the Code of the County of James City be and the same is hereby, amended and reordained by amending Section 5-7, Reports of Gross Receipts and Disbursements Required and Section 5-8, Audit Required, Fee, to read as follows:

#### CHAPTER 5, BINGO AND RAFFLES

Section 5-7. Reports of gross receipts and disbursements required.

Complete records of all receipts and disbursements shall be kept and shall be filed annually under oath with the County Attorney's Office. All annual or quarterly financial reports and other items required to be filed under this section shall be a matter of public record. All such accountings shall be made on or before the first day of November of each calendar year for which a permit has been issued. Such accounting shall include a record of the gross receipts and disbursements of an organization for the year period which commenced on the first day of October of the previous year. Provided, however, any organization whose gross receipts exceed fifty thousand dollars (\$50,000.00) during any calendar quarter shall be required to file an additional accounting of its receipts and disbursements during such quarter no later than sixty (60) days following the last day of such quarter. "Gross receipts", as used in this section, shall mean the total amount of money received from bingo and "instant bingo" operations before the deduction of expenses or prizes.

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All such reports and receipts and disbursements shall be made on a form provided by the County Attorney's Office and acknowledged in the presence of a duly authorized notary public. The failure to file such reports when due shall cause the automatic revocation of the permit and no such organization shall conduct any bingo game or raffle thereafter until such report is properly filed and a new permit is obtained.

Such financial report shall be accompanied by a certificate, verified under oath, by the Board of Directors that the proceeds of any bingo games or raffles have been used for those lawful, religious, charitable, community or educational purposes for which the organization is specifically chartered or organized and that the operation of bingo games or raffles has been in accordance with the provisions of Chapter 5.

Notwithstanding the provisions of this chapter, requiring an annual audit, the provisions of this section shall not be construed so as to prohibit the County Administrator or his designee from performing unannounced audits or restrict any right to secure records required to be maintained by the provisions of this chapter. The County Administrator or his designee shall have the authority to go upon the premises on which any organization is conducting a bingo game for the purpose of carrying out the duties imposed by this chapter. The application for the bingo permit shall constitute permission from, and authority granted by, such organization to any law enforcement officer to enter upon such premises.

The organization shall maintain a record in writing of the dates on which bingo is played, the number of people in attendance on each date and the amount of the receipts and prizes paid on each such day. The organization shall also maintain a record of the name and address of each individual to whom a door prize or jackpot from the playing of bingo is awarded, as well as the amount of such receipts and disbursements; including operating costs and use of proceeds incurred in operating bingo games. (Ord. No. 133, 9-10-79)

Section 5-8. Audit required, fee.

All reports filed pursuant to Section 18-2-340.6 of the Code of Virginia (1950), as amended, shall be audited by the County Administrator or his designee. All such reports shall be a matter of public record.

The audit fee shall be one of per centum of the gross receipts which an organization reports if said gross receipts are no more than \$10,000. If the gross receipts are \$10,000.00 or more, such audit fee shall be \$100.00. Such audit fee shall accompany each annual report and shall be payable to the Treasurer, James City County. (Ord.

2. Proposed Smoke Detector Ordinance

Mr. Frank M. Morton, III, County Attorney, presented this matter to the Board. He stated that a recent session of the General Assembly gave localities the authority to enact requirements for smoke detectors in certain types of existing structures:

1. Multifamily residential buildings containing four (4) or more dwellings
2. Hotels and motels
3. Rooming houses

He stated that the Fire Marshal had expressed his concern regarding the passage of this ordinance, and that the ordinance would become effective April 1, 1983, in order to permit those affected to come into compliance.

Mr. Frink opened the public hearing.

There being no speakers, Mr. Frink closed the public hearing.

Mr. DePue moved for the approval of the ordinance with the effective date of April 1, 1983.

Chief Garland Woody presented some statistical information concerning fires and spoke in support of the smoke alarm system.

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

**ORDINANCE NO. 147**

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF JAMES CITY BY ADDING A NEW CHAPTER, CHAPTER 6A, SMOKE DETECTORS.**

**BE IT ORDAINED** by the Board of Supervisors, that the Code of the County of James City be amended by adding a new chapter, Chapter 6A, Smoke Detectors.

**CHAPTER 6A  
SMOKE DETECTORS**

**Section 6A-1, Smoke Detectors.** In accordance with Section 15.1-29.9, Code of Virginia, smoke detectors shall be installed in the following structures:

- (a) Multifamily residential buildings containing four or more dwelling units.
- (b) Hotels or motels regularly used, offered for, or intended to be used to provide overnight sleeping accommodations, for one or more persons.

(c) Rooming houses, regularly used, offered for, or intended to be used to provide overnight sleeping accommodations and which contain more than four sleeping units.

Section 6A-2, Definitions as used in this Article:

(a) Smoke Detectors: any mechanical device powered by batteries or alternating current capable of sensing visible or invisible particles of combustion and capable of sounding an audible alarm.

(b) Owner: the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendor in possession, assignee of rents, receivers, executor, trustee, lessee, or other person, firm or corporation in control of a building.

(c) Dwelling unit: any single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating cooking and sanitation.

Section 6A-3, Installation Requirements.

(a) The smoke detectors installed must be capable of sensing visible or invisible particles of combustion, providing a suitable alarm, and satisfying the requirements set forth by the Uniform Statewide Building Code.

(b) Appropriate permits as required must be secured for the installation of smoke detectors powered by alternating current.

(c) The smoke detectors shall be installed in locations specified in the applicable section of the Virginia Uniform Statewide Building Code.

Section 6A-4, Owner's Responsibilities in Multifamily Residential Buildings:

(a) The owner or agent of the owner of a multifamily residential building containing four or more dwelling units shall provide smoke detectors, as required herein in hallways, stairwells and other public or common areas and shall maintain such detectors in good working order.

(b) The owner or agent of the owner of a dwelling unit, which is rented or leased in a multi-family residential building containing four or more dwelling units, shall furnish the tenant at the beginning of each tenancy, and at least annually thereafter, with written certification that all smoke detectors required by this Article are present, have been inspected, and are in good working condition.

A copy of all such certificates shall be available for inspection by the County Building Inspector, or his duly authorized representative.

(c) The tenant shall be responsible for maintenance of the smoke detector in the tenant's unit; provided, however, that the owner shall be obligated to service, repair, or replace any malfunctioning smoke detectors within five (5) days of receipt of written notice that such smoke detector is in need of service, repair or replacement.

3. Amendments to the Solicitation Ordinance

Mr. Morton presented this matter to the Board stating that the proposed amendment to Section 16A-17 addresses the issue that Mr. Edwards raised in the meeting of July 26, 1982. He stated that he continued to believe that the current form will not result in any personal liability on behalf of the Administrator, but that the proposed standards are more easily identifiable and are of a factual nature.

Mr. Frink opened the public hearing. There being no speakers, Mr. Frink closed the public hearing.

Mr. Frink moved for the approval of the ordinance.

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

ORDINANCE NO. 146A-1

AN ORDINANCE TO AMEND CHAPTER 16A, SOLICITATION, SECTIONS 16A-1, DEFINITIONS, AND SECTION 16A-4, STANDARDS FOR GRANTING PERMITS, OF THE CODE OF THE COUNTY OF JAMES CITY.

BE IT ORDAINED, by the Board of Supervisors that the Code of the County of James City be and the same is, hereby, amended and reordained by amending Chapter 16A, Solicitation, Sections 16A-1, Definitions and 16A-4, Standards for Granting Permits.

ARTICLE I. SOLICITATION FOR NONCHARITABLE PURPOSES

Section 16A-1. Definitions.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

Canvasser or solicitor. Any individual, whether a resident of the county or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from house to house, or from street to street, taking or attempting to take orders for sales of goods, wares or merchandise, subscriptions, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future whether such individual has, carries or exposes for sale, a sample of such sale or whether he is collecting advance payments on such sales. This definition shall include any person who, for himself or for any other person, corporation or organization, hires, leases, uses or occupies any building, structure, lodging house, apartment, shop or any other place within the County for the sole purpose of exhibiting samples and taking orders for future delivery.

House. Any single or multi-family private dwelling.

Peddler. Any person, whether a county resident or not, traveling by foot, wagon, automotive vehicle, motor truck, or any other type of conveyance, from house to house, or from street to street, carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale, or making sales or delivering articles to purchasers, or who, by traveling from house to house, shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck, railroad car, or other vehicle or conveyance; provided that one who solicits orders and as a separate transaction, makes deliveries to purchasers as a part of the scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall also include the words "hawker" and "huckster".

Peddler, solicitor or canvasser. The terms "peddler", "solicitor" or "canvasser" shall not be construed to include the following:

(1) Farmers or travel gardeners selling, offering for sale or soliciting orders for any products grown, raised or produced by them.

(2) Vendors of milk, butter, eggs, poultry, fish, oysters, game, meat, ice, wood, charcoal, or other family supplies of a perishable nature.

(3) Persons peddling, soliciting or canvassing where the proceeds derived therefrom are to be used for charitable purposes, or on behalf of a qualified and filed candidate(s) for public office or a political party.

(4) Salesmen or agents for wholesale houses or firms who solicit orders from or sell to retail dealers in the county for resale or other commercial purposes, or to manufacturers for manufacturing or other commercial purposes.

(5) Children of or under sixteen years of age, except when they are acting as agents of adults covered by this article.

(6) Route salesmen for laundry, dry cleaning, rug cleaning, upholstery cleaning, garment storage, linen supply, towel supply, and diaper services operating from clearly identifiable vehicles, and newspaper delivery men on a regular route.

Section 16A-2. Certificate of registration required.

It shall be unlawful for any solicitor, canvasser or peddler as defined in section 16A-1 to engage in such activity within the meaning and application of this article within the county limits without first obtaining and possessing a valid registration certificate therefor in compliance with the provisions of this article.

Section 16A-3. Application generally.

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An application for a permit required by this article shall be made to the Administrator. Such application shall be sworn to and filed with the Administrator, or his designee, at least fifteen days prior to the time at which the permit applied for shall become effective. The application shall contain the following information, or in lieu thereof, a detailed statement of the reasons why such information cannot be furnished:

- (1) The name, address or headquarters of the person applying for the permit.
- (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the office having charge of the applicant's records.
- (3) The make, model and license plate of any vehicle used in conducting the solicitation.
- (4) The kinds of goods, wares, merchandise offered for sale and whether such applicant, upon any such order obtained, will demand, accept or receive payment or deposit of money in advance of final delivery.
- (5) The period of time the applicant wishes to solicit to take orders in the county, giving the preferred dates for the beginning and ending of such solicitation.
- (6) The names and addresses of the person who will be in direct charge of conducting the solicitation and the names of all promoters connected or to be connected with the proposed solicitation.
- (7) An outline of the method or methods to be used in conducting the solicitation.



(8) A statement to the effect that, if a permit is granted, it will not be used or respresented in any way as an endorsement by the county, or by any department or officer thereof.

(9) A statement as to whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude and if so, under what circumstances.

(10) Such other information as may be reasonably required by the Administrator in order to determine the kind and character of the proposed solicitation and whether such solicitation is in the interest of and not inimical to the public welfare.

If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the Administrator in writing thereof within twenty-four hours after such change.

#### Section 16A-4. Standards for granting permits; issuance or denial.

A certificate of registration shall be granted unless the Administrator finds:

- (a) That the criminal record of the applicant shows that he has been convicted (including pleas of nolo contendere and forfeitures) of a crime involving moral turpitude or of a felony.
- (b) That the applicant has been convicted (including pleas of nolo contendere and forfeitures) of more than one misdemeanor, excluding motor vehicle code violations.
- (c) That the applicant has made a false, fraudulent or misleading material statement in his application.
- (d) That the applicant has been convicted (including pleas of nolo contendere and forfeitures) of a violation of the laws of any jurisdiction relating to selling, vending, soliciting, peddling, hawking or canvassing.
- (e) That the applicant has been convicted of a crime involving a fraud upon any person whether or not such fraud was perpetrated in the course of his conducting a solicitation activity.

The Administrator shall file in his office for public inspection and shall serve upon the applicant, by registered mail, a written statement of facts and his decision upon each application.

**Section 16A-5. Applicant's photograph, references and fingerprints.**

(a) All applications for a permit under this article shall be accompanied by a photograph of the applicant, and two written references as to his, or their, good character; the photograph shall be attached to the application.

(b) All applicants for a permit under this article shall be fingerprinted by the James City County police department which department shall send the prints to the Federal Bureau of Investigation for checking.

**Section 16A-6. Applicant's bond.**

If the application filed pursuant to this article shows that the applicant filing the same will receive, demand or accept the payment or deposit of money in advance of final delivery of goods, wares, merchandise, magazines, photographs or other articles, such application shall be accompanied by a bond in the penal sum of five hundred dollars or by a certified check in the same amount. Such bond shall be executed by the applicant as principal, and a surety company licensed to do business as such in the state, and shall be approved as to form by the County Attorney. Such bond shall be conditioned upon making final delivery of such goods, wares, merchandise, magazines, photographs or other articles in accordance with the terms of any order(s) obtained. Such bonds shall be for the use and benefit of all persons who pay in advance or make an advance deposit on the purchase price of such order(s), and the terms of such bond shall so stipulate; any such bond or check shall be held to a period not to exceed 60 days after final delivery of all such goods, wares, merchandise, photographs or other articles.

**Section 16A-7. Misrepresentation in application.**

No person shall make any false or misleading statement or misrepresentation in any application filed under this article. Violations of this provision shall be a misdemeanor punishable in accordance with section 16A-14 of this chapter.

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Section 16A-8. Permit fee.

The fee for a permit required by this article shall be ten dollars, which shall be paid at the time the permit application is filed. Such fee is non-refundable.

Section 16A-9. Permit term.

No permit granted under this article shall be issued for a longer period than twelve months.

Section 16A-10. Permit as solicitation identification card.

In the event a permit is obtained under this article, such permit shall constitute an identification card and shall be carried by the person obtaining such permit at all times while engaged in soliciting or taking orders pursuant thereto. It shall be the duty of the permittee to have sufficient copies of the permit made in order to provide one to each employee soliciting under the permit and each employee shall carry such copy while soliciting. It shall be the duty of each person soliciting pursuant to such permit to exhibit the same when requested by any county resident, law enforcement officer or prospective customer.

Section 16A-11. Exhibition or use of another person's permit or altered permit.

No person shall exhibit or use any permit that has been issued to another person under this article. This prohibition does not apply to an employee using or exhibiting a copy of such a permit pursuant to section 16A-12. Nor shall any person exhibit or use a permit issued under this article that has been altered.

Section 16A-12. Denial. Application for relief.

(a) Upon denying a permit applied for under this article, the County Administrator shall promptly notify the permit applicant.

(b) Within five days after receiving notification that the application for a permit to solicit under this article has been denied, the applicant may file a written request for a hearing on the application before the Board of Supervisors, together with written exceptions to the findings of fact upon which the County Administrator based the denial. Upon the filing of such a request, the Board of Supervisors shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within thirty days after the request is filed. At the hearing, the applicant may present evidence in support of the application. Any interested person may, in the discretion of the Board of Supervisors, be allowed to participate in the hearing and present evidence in opposition to or support of the application.

(c) Within twenty one days after the conclusion of the hearing provided for in subsection (b), the Board of Supervisors shall either grant or deny the application for a permit.

Section 16A-13. Supervision and revocation.

Whenever it shall be shown, or whenever the Administrator has knowledge, that any person to whom a permit has been issued under this article has engaged in any fraudulent practice or misrepresentation, has violated any of the provisions of this chapter, or that any person, employee or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Administrator shall immediately suspend the permit and give the permit holder written notice, by registered or certified mail of a hearing to be held within five working days of such suspension to determine whether the permit should be revoked. The notice shall contain a statement of the facts upon which the Administrator based the suspension of the permit, and any other facts which may aid the Administrator in determining whether this article has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the Administrator finds that this article has been violated or the purpose of the solicitation misrepresented, he shall, within five days after the hearing, file in his office for public inspection and serve upon the permit holder and all interested persons participating in the hearing, a full written statement of the facts upon which he based such finding and shall immediately revoke the permit. If, after such hearing, the Administrator finds the article has not been violated the Administrator shall, within two days after the hearing, give to the permit holder a written statement cancelling the permit suspension and stating that no violation or misrepresentation was found.

**Section 16A-14. Penalty.**

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine up to one thousand dollars or undergo imprisonment for not more than one year, or both.

**Section 16A-15. Severability.**

If any provision of this chapter, or the application of such provision to any person or under any circumstances shall be invalid, the remainder of this chapter, or the application of such provisions to persons or under circumstances, other than those to which it shall have been held invalid shall not be affected thereby.

**D. CONSENT CALENDAR**

Mr. Frink asked the Board members if they wished to have any items removed from the Consent Calendar. Mr. Mahone requested that No. 1 be removed. Mr. Frink moved to approve the remaining items on the Consent Calendar.

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

2. Preparation of the FY 1983 Section 8 Administrative Fund

R E S O L U T I O N

APPROPRIATION OF FY83 SECTION 8  
EXISTING RENTAL ASSISTANCE PROGRAM

WHEREAS, the Virginia Housing and Development Authority has authorized James City County to participate in the Section 8 Existing Rental Assistance Program and has provided \$5,900.00 to cover the County's operating costs for this program.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County that the County Administrator is hereby authorized to execute the necessary agreements and contracts in carrying out the Section 8 Existing Rental Assistance Program and that the previous appropriation of funds for the operation of the program be adjusted as follows:

Salaries	\$4,145.00
Travel Expenses	425.00
Sundry	515.00
Employee Benefits	815.00
TOTAL	<u>\$5,900.00</u>

3. Change of Board Meeting Dates in November

R E S O L U T I O N

CHANGE OF BOARD MEETING DATES

WHEREAS, the Board of Supervisors of James City County in recognition of the conflict between the previously schedule November 8th meeting and the Virginia Association of Counties, has decided to change its meeting dates in November to allow certain Board members and key staff to attend the conference;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby change its meeting dates in November from the 2nd and 4th Mondays to the 3rd and 5th Mondays, being November 15th and November 29th.

4. Case No. CUP-38-82. David A. & June M. Newago

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 applicants as described below and on the attached site location map.

Applicant:	David A. and June M. Newago
Tax Map I.D.:	(1-16) (7-4)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	The permit is valid only after the subdivision plat dividing the 8.07 acres has been recorded.

5. Case No. CUP-39-82. Joseph J. Thomas

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:	Joseph J. Thomas
TAX MAP I.D.:	(1-9) (14-2)
DISTRICT:	Stonehouse District
ZONING:	A-1, General Agriculture
PERMIT TERM:	N/A
FURTHER CONDITIONS:	None

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6. Case No. CUP-40-82. Dean RossR E S O L U T I O N

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. Dean Ross
Tax Map I.D.:	(1-55) (24-3)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

7. Case No. CUP-41-82. Martha SimpsonR E S O L U T I O N

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:	Mrs. Martha Simpson
Tax Map I.D.:	(1-8) (22-2)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	Removal of existing mobile home.

8. Case No. CUP-42-82. Jessie A. & Virginia BonneR E S O L U T I O N

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:	Jessie A. & Virginia Bonne
Tax Map I.D.:	(1-10) (36-4)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

1. Carryforward of FY 1982 Funds

Mr. Mahone expressed his concerns regarding specific items.

Mr. DePue requested that the staff prepare a more detailed report on the figures in the resolution.

After a brief discussion, the matter was deferred by consensus until the next meeting.

E. **BOARD CONSIDERATIONS**1. Donation Trust Fund

Mr. John McDonald, Assistant to the County Administrator, presented this matter to the Board stating that the staff is proposing a donation trust fund separate and distinct from the general fund of the County in order to allow the staff to respond to the fiduciary responsibility of processing and using donated funds. He stated that the staff further proposes a three member panel be established to administer these funds to include the County Treasurer, the County Administrator and a member of the Board of Supervisors or their designee. He then stated that the resolution would create the fund and deposit cumulative donations to that fund as well as any future donations.

Mr. Mahone questioned whether the workload of this committee would be worth the effort. Mr. McDonald indicated that the workload would not be extensive, given the amounts and types of donations received.

After discussions, Mr. Mahone then moved for the approval of the resolution.

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

R E S O L U T I O N

## DONATION TRUST FUND

WHEREAS, the County receives donations from individuals and businesses under conditions established by the donor ; and

WHEREAS, the County recognizes a fiduciary responsibility for donated funds entrusted to its care.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County wishes to:

1. Create the "Donation Trust Fund;" and
2. Create a three-member administrative board to administer funds donated to the County, or an agency thereof with the goal of meeting conditions, if any, as defined by the donor, to consist of the County Treasurer, County Administrator and a member of the Board of Supervisors or their designees; and
3. Provide for the deposit of all cumulative and future donations into this fund; and
4. Direct the Administrative Board to expend these funds in any manner they choose that is consistent with the donor's intentions, the Administrative Board shall do everything possible to meet the donor's desires but if not possible, the funds may be used for a purpose or function most closely related to the purpose defined by the donor; and



5. Prepare and deliver to the Board of Supervisors a written quarterly report on donations received and their disposition.

Mr. Edwards nominated Mr. DePue to represent the Board on the committee.

On a roll call, the vote was AYE: Frink, Edwards, Mahone, Taylor (4). Mr. DePue abstained.

2. Budget Adjustment for Costs Associated with Sanitary District 1 Utility Billing

Mr. John McDonald presented this matter to the Board stating that since the Joint Board's approval of the transfer to the County of the utility billing responsibility came after the adoption of the Sanitary District 1 budgets, no funds were requested or appropriated to cover the costs associated with the billing. He recommended the adoption of a Resolution of Amendment to the Sanitary District 1 Budget.

Mr. Mahone moved for the approval of the Resolution.

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

R E S O L U T I O N

AMENDMENT TO THE JCC SANITARY DISTRICT 1 BUDGET

WHEREAS, the Board of Supervisors of James City County adopted a utility budget for Sanitary District 1 on April 26, 1982, and

WHEREAS, the budget did not contain funds to cover the costs associated with the subsequent transfer of billing responsibility by the Joint Sanitary Board,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County that the Sanitary District 1 budget is increased by:

ADDITIONAL REVENUES:

Sanitary District 1 Carryforward	\$3,475
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ADDITIONAL EXPENDITURES:

Billing Costs	\$3,475
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3. PUBLICATION OF DELINQUENT TAXES

Mr. John McDonald presented this matter to the Board stating that the staff has duplicated the delinquency listings for the Board's review and recommend that the Board publish all delinquencies in excess of \$50.00 and still outstanding as of September 20, 1982.

Mr. Taylor felt that the resolution should be changed to include publishing the entire list.

Mr. DePue stated that he could not support the publishing of all delinquencies in excess of \$50.00. He felt that the level could be raised to a figure around \$350.00, that many of those listed as delinquent were victims of the current economic situation.

Mr. Mahone spoke in support of Mr. DePue's feelings of raising the amount that would be published.

Mr. Frink stated that the whole list should be published.

Mr. Taylor made a motion to publish the entire list.

On a roll call, the vote was AYE: Frink, Edwards, Taylor (3). NAY: DePue, Mahone (2). Motion carried 3-2.

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

#### PUBLICATION OF DELINQUENT TAXPAYER LIST

WHEREAS, the Board of Supervisors of James City County wishes to make public a list of those taxpayers who are delinquent in payment of current real estate and personal property taxes; and

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to publish, in a paper of general circulation, a listing of delinquent taxpayers provided in Section 58-983 of the Code of Virginia, and such publication shall be for taxpayers whose taxes are delinquent and unpaid as of September 20, 1982; the publication of this shall be for any taxpayer who owes the County of James City.

#### **F. MATTERS OF SPECIAL PRIVILEGE**

Mr. Frink stated that a citizen had something to bring before the Board.

Mrs. Troutman, a resident of Magruder Heights, stated that she lives in a dwelling with a boarder and has been charged with separate sewage bills. She stated that she would like to have her billings re-evaluated by the Utility Department.

Mr. Oliver stated that the staff would prepare a report and submit it to the Board at their next meeting.

#### **G. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Oliver suggested that the Board establish a regular Board Work Session either on the first Monday of each month at 3 P.M. or a Saturday morning of the Board's choice.

The matter was discussed by the Board but no conclusion was made.

#### **H. BOARD REQUESTS AND DIRECTIVES**

Mr. Frink suggested that the Board recess to conduct the Service Authority Meeting.

The Board RECESSED at 8:45 P.M. to conduct the James City Service Authority Meeting.

AAJ814

The Board of Supervisors meeting was called back into session at 8:55 P.M.

Mr. Edwards made a motion to go into Executive Session to discuss personnel and legal matters pursuant to Section 2.1-344(a)(1) and (6) of the Code of Virginia 1950, as amended.

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

The Board convened into Executive Session at 8:53 P.M. and returned to Public Session at 10:25 P.M. at which time Mr. Taylor nominated Mr. William L. Apperson to a five-year term on the Wetlands Board.

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

Mr. DePue made the following nominations to the Urban Homesteading Screening Committee for an indefinite term:

Ms. Joyce Pressey, Forest Glen Resident

Mr. Livingston Whiting, Vice-President, Virginia National Bank


Ms. Darlene L. Burcham, County Representative

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

Mr. Edwards made a motion to adjourn.

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

The meeting ADJOURNED at 10:35 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board



## MEMORANDUM


**Date:** May 12, 2015  
**To:** Records Management  
**From:** The Board of Supervisors  
**Subject:** Board of Supervisors Minutes: September 13, 1982; October 4, 1982; and October 13, 1982

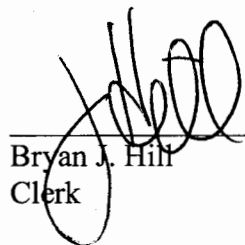
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The following minutes for the Board of Supervisors of James City County dated September 13, 1982; October 4, 1982; and October 13, 1982 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the September 13, 1982; October 4, 1982; and October 13, 1982 Board of Supervisors meeting. They were APPROVED by the current Board of Supervisors at the May 12, 2015 meeting.

Please accept these minutes as the official record for September 13, 1982; October 4, 1982; and October 13, 1982.

  
\_\_\_\_\_  
Michael J. Hipple  
Chairman

  
\_\_\_\_\_  
Bryan J. Hill  
Clerk

MEMO-1982BOS