

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 1ST DAY OF AUGUST, NINETEEN HUNDRED EIGHTY-EIGHT, AT 7:02 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
 Thomas D. Mahone, Vice-Chairman, Jamestown District
 Perry M. DePue, Powhatan District (Absent)
 Thomas K. Norment, Jr., Roberts District
 Stewart U. Taylor, Stonehouse District

David B. Norman, County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - July 11, 1988 - Regular Meeting
 July 12, 1988 - Regular Meeting
 July 18, 1988 - Special Meeting

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

Mr. Mahone made a motion to approve the minutes as presented.

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

C. PUBLIC HEARINGS

1. Case No. SUP-18-88. James City Service Authority Waterworks Facility (Ford's Colony)

Mr. Allen Murphy, Jr., Principal Planner, stated that Mr. Sanford Wanner had applied on behalf of the James City Service Authority for a special use permit to allow the construction of waterworks facilities at an existing vacant James City Service Authority well lot located on the east side of Centerville Road adjacent to the Ford's Colony School site.

The Planning Commission unanimously recommended approval of the application in accordance with staff's recommendation.

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

After discussion of the impact that well water has on ground water, the County's only source, Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-18-88. JCSA WATERWORKS FACILITY

FORD'S COLONY

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the James City Service Authority has applied for a special use permit to allow the construction of waterworks facilities including a 300 gallon per minute deep well, a 10,000 gallon hydropneumatic tank, an emergency power generator, and a well house with appurtenances and connecting piping on property identified as Parcel (1-3A) on James City County Real Estate Tax Map No. (30-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Special Use Permit No. SUP-18-88 as described herein with the following condition:

1. If construction has not commenced on this project within 24 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading, excavation and pouring of footings necessary for the construction of the proposed facilities.
2. Case No. SUP-19-88. James City Service Authority Waterworks Facility (Owens-Illinois)

Mr. Murphy stated that Mr. Sanford Wanner had applied on behalf of the James City Service Authority for a special use permit to allow the construction of waterworks facilities at an existing James City Service Authority well lot located on Industrial Boulevard in the Hankins Industrial Park.

The Planning Commission unanimously recommended approval of the application in accordance with staff's recommendation.

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

Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-19-88. JAMES CITY SERVICE AUTHORITY

WATERWORKS FACILITY (OWENS-ILLINOIS)

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the James City Service Authority has applied for a special use permit to allow the construction of waterworks facilities including a 300 gallon per minute deep well, a 10,000 gallon hydropneumatic tank, two 360 gallon per minute transfer pumps, and a well house with appurtenances and connecting piping on property identified as Parcel (1-15A) on James City County Real Estate Tax Map No. (12-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Special Use Permit No. SUP-19-88 as described herein with the following condition:

1. If construction has not commenced on this project within 24 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading, excavation and pouring of footings necessary for the construction of the proposed facilities.

3. Case No. SUP-20-88. Chickahominy Road Water Transmission Main (JCSA)

Mr. Murphy stated that Mr. Sanford Wanner had applied for a special use permit to allow the construction of a twelve-inch water transmission main along Chickahominy Road, which is a Phase I improvement on the Master Water Plan.

The Planning Commission unanimously recommended approval of the application in accordance with staff's recommendation.

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

Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-20-88. JAMES CITY SERVICE AUTHORITY

CHICKAHOMINY ROAD WATER TRANSMISSION MAIN

WHEREAS, the Board of Supervisors has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the James City Service Authority has applied for a Special Use Permit to allow the construction of a twelve-inch water transmission main along the north side of Chickahominy Road commencing at the intersection of Richmond Road and extending easterly to the intersection of Little Creek Dam Road a distance of approximately 12,500 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Special Use Permit No. SUP-20-88 as described herein with the following conditions:

1. Construction, operation and maintenance of the water main shall comply with all local, State and Federal requirements.
2. The project shall comply with all State erosion and sediment control regulations as specified in the 1980 Virginia Erosion and Sediment Control specifications.
3. All required permits and easements shall be acquired prior to commencement of construction.
4. For pipeline construction adjacent to existing residential development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent residential property. It is intended that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
5. If construction has not commenced on the project within a period of 24 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading and excavation of trenches necessary for the construction of the water main.

4. Case No. SUP-22-88. Arthur Richardson

Mr. Murphy stated that Mr. Arthur Richardson had applied for a special use permit to allow the placement of a mobile home on 42 acres, which he owns.

Staff recommended approval of Case No. SUP-22-88.

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

Mr. Taylor made a motion to approve the resolution.

After a short discussion, Mr. Mahone made a motion to add the condition that a renewal of the special use permit would be required after twelve years.

On a roll call, the vote was AYE: Mahone (1). NAY: Norment, Taylor, Edwards (3).

Mr. Edwards asked for a roll call on the motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards (3). NAY: Mahone (1).

R E S O L U T I O N

CASE NO. SUP-22-88

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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: Arthur Richardson

Real Estate Tax Map ID: 15-3

Parcel No.: 1-3

Address: 5298 Riverview Road

District: Stonehouse

Zoning: A-1

- Conditions:
1. The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards.
 2. The applicant shall submit an exact description of the mobile home before placement on the property. This permit shall be valid only for the mobile home in that description. If the mobile home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised within one year from day of approval, it shall become void.
 3. The number of bedrooms shall not exceed three.
 4. The applicant shall provide landscaping in accordance with a plan submitted to and approved by the Planning Department. All plant material shall be tended and maintained in a healthy growing condition

and replaced when necessary. The plant material shall be installed within one year of placement of the mobile home on the property.

5. The mobile home shall be placed a maximum of 200 feet from Riverview Road.

5. Case No. SUP-23-88. Eunice N. and Cecil O. McMillan

Mr. Murphy stated that Eunice N. and Cecil O. McMillan have applied for a special use permit to allow the placement of a mobile home on approximately four acres, which they own, to be used as a residence for Mr. Raymond D. Teagle and his family, caretakers for the McMillan property.

Staff recommended approval of Case No. SUP-23-88.

Mr. Edwards opened the public hearing.

1. Mr. David Teagle stated that the mobile home would be used only for his residence, and moved, in approximately five years, after the building of his home.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

Mr. Mahone made a motion to add the condition that a renewal of the special use permit would be required after twelve years.

On a roll call, the vote was AYE: Mahone (1). NAY: Norment, Taylor, Edwards (3).

Mr. Edwards asked for a roll call on the motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards (3). NAY: Mahone (1).

R E S O L U T I O N

CASE NO. SUP-23-88

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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: Eunice N. and Cecil O. McMillan

Real Estate Tax Map ID: 36-2

Parcel No.: 2-1

Address: 4550 Centerville Road

District: Powhatan

Zoning: A-1

Conditions: 1. The mobile home shall be skirted and meet the requirements of Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards.

2. This permit shall be valid only for the mobile home described in this application. If the mobile home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised within one year from the date of approval, it shall become void.
3. The number of bedrooms shall not exceed three.
4. Existing vegetation on the property shall be retained along all property lines for a depth of at least twenty feet except where clearing is necessary for a driveway, utilities, and the mobile home.

6. Case No. SUP-25-88. Reggie L. Berkley, Sr.

Mr. Murphy stated that Mr. Reggie L. Berkley, Sr., had submitted an application for a special use permit to allow the placement of a mobile on .42 acres, which he owns, to be used as a residence.

Staff recommended approval of SUP-25-88.

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

Mr. Mahone made a motion to add the condition that renewal of the special use permit would be required after twelve years.

On a roll call, the vote was AYE: Mahone (1). NAY: Norment, Taylor, Edwards (3).

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards (3). NAY: Mahone (1).

R E S O L U T I O N

CASE NO. SUP-25-88

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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: Reggie L. Berkley, Sr.

Real Estate Tax Map ID: 10-3

Parcel No.: 1-26

Address: 110 Berkley Town Road

District: Stonehouse

Zoning: A-1

Conditions: 1. The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

2. The applicant shall submit an exact description of the mobile home before placement on the property. This permit shall be valid only for the mobile home in that description. If the mobile home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised within one year from the date of approval, it shall become void.
3. The applicant shall provide landscaping in accordance with a plan submitted to and approved by the Planning Department. All plant material shall be tended and maintained in a healthy growing condition and replaced when necessary. The plant material shall be installed within one year of placement of the mobile home on the property.
4. The number of bedrooms shall not exceed four.

7. Case No. Z-9-88. Elizabeth Vaiden

Mr. Edwards opened the public hearing, and on the applicant's request, recessed the public hearing until the Board of Supervisors' September 12, 1988, meeting.

8. Case No. Z-14-88. Change in "Camping Unit" Definition

Mr. Bernard M. Farmer, Jr., Director of Code Compliance, stated that the proposed changes are: 1) to limit placement of a camping unit on a camp site for a period not to exceed thirty days; and 2) to insure a camping unit is currently licensed for travel on Virginia highways.

Staff recommended approval of the ordinance amendment.

Mr. Edwards opened the public hearing.

1. Mr. William W. Fisher, 1782 Jamestown Road, owner and operator of the Brass Lantern and Indian Village campgrounds on Jamestown Road, spoke in opposition to the ordinance amendment, stating that the current definition was appropriate and did not need to be amended.

Mr. Edwards recessed the public hearing until the August 22, 1988 meeting.

9. Ordinance to Amend Chapter 2, Administration, Section 2-18

Mr. Frank Morton, III, County Attorney, introduced Mr. Randy Springer, Law Clerk, from the audience, and commended Mr. Springer for his work on the ordinance amendments.

Mr. Larry Davis, Assistant County Attorney, stated that the amendment requires one-half of the Planning Commission members to own real property, as mandated by a 1988 General Assembly change to the State Code; permits, but does not require, one member of the Board of Supervisors be appointed as an eleventh member; and, eliminates the continuance of an appointment until a replacement is named.

Staff recommended approval of the ordinance amendment.

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

Following a brief discussion, Mr. Edwards made a motion to delete the last sentence in Section 2-18, subsection (a) "Such an eleventh member shall be a member...to serve as their representative."

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

Mr. Mahone made a motion to approve the amended ordinance.

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

10. Ordinance to Repeal and Replacement of Chapter 3, Animals and Fowl

Mr. Davis stated that recent changes in Virginia's Comprehensive Animal Laws include a definition section, a new section dealing with nuisance animals, and a section requiring domesticated cats to have a rabies vaccination. He further stated that several sections remain essentially unchanged, and that most of the changes are mandated by State Code revisions, with the language taken directly from the Code.

Mr. Davis asked the Board to disregard the reference to dogs in Section 3-24, subsection (d).

Staff recommended approval of the ordinance amendment.

Mr. Edwards opened the public hearing.

After Board comments, Mr. Edwards recessed the public hearing until the August 22, 1988, meeting.

11. Ordinance to Amend Sections of Chapter 5, Bingo and Raffles

Mr. Davis stated the proposed amendments were actions of the 1988 General Assembly requiring that an organization conducting bingo operations submit financial reports in the event the organization goes out of business, account for all money derived from bingo operations, and calculate the bingo audit fee based on a percentage of gross receipts and interest income. Also, a \$100 cap on the audit fee has been raised to \$300 when gross receipts exceed \$100,000.

Staff recommended approval of the ordinance.

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

Mr. Edwards made a motion to approve the ordinance.

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

12. Ordinance to Amend Chapter 5A, Erosion and Sedimentation Control

Mr. Davis stated that the proposed amendments were to incorporate several mandatory changes made by the 1988 General Assembly, including reduction of the number of activities that are exempt from the requirements of "land-disturbing activities," change of procedures for amending an erosion and sedimentation control plan, and provide for civil penalties for persons found in violation of the chapter.

Staff recommended approval of the ordinance.

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

Mr. Mahone made a motion to approve the ordinance.

On a roll call, the vote was AYE: Norment, Mahone, Edwards (3). NAY: Taylor (1).

13. Ordinance to Amend Chapter 9, Licenses, by Adding Section 58.2

Mr. Davis stated that the proposed amendment limits license taxes on industrial loan companies to \$500 or less.

Staff recommended approval of the ordinance.

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

Mr. Edwards made a motion to approve the ordinance.

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

14. Virginia Public School Authority Bond Financing

Mr. John McDonald, Manager, Financial and Management Services, stated that a public hearing was required, and staff recommended approval of the resolution for issuance of school bonds in the amount of \$2,845,000 for site acquisition and design of three schools (one elementary, one middle, and one high school).

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

Mr. Mahone made a motion to approve the resolution.

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

R E S O L U T I O N

VIRGINIA PUBLIC SCHOOL AUTHORITY

WHEREAS, At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 1st day of August 1988, at which the following members were present and absent:

PRESENT: THOMAS K. NORMENT, JR.
STEWART U. TAYLOR
THOMAS D. MAHONE
JACK D. EDWARDS

ABSENT:
PERRY M. DEPUE

the following resolution, having been the subject of a public hearing in accordance with Section 15.1-171.1 of the Code of Virginia of 1950, as amended, held on August 1, 1988, prior to the consideration of the resolution, was adopted by a majority of all members of the Board of Supervisors by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>Member</u>	<u>Vote</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	ABSENT
EDWARDS	AYE

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
SCHOOL BONDS OF JAMES CITY COUNTY, VIRGINIA
IN THE MAXIMUM AMOUNT OF \$2,845,000,
TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY

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

1. The Williamsburg/James City County School Board has advised the Board of Supervisors of James City County, Virginia (the County), of the necessity to undertake capital projects for public schools. The Board of Supervisors hereby determines that it is necessary and desirable to do so and to borrow money for such purpose and issue the County's general obligation bonds therefor.
2. Pursuant to the constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act, there are hereby authorized to be issued school bonds of the County in the maximum amount of \$2,845,000 to provide funds, together with other available funds, to finance capital projects for public schools. The bonds shall be sold to the Virginia Public School Authority, a state agency prescribed by the General Assembly pursuant to Article VII, Section 10(b) of the Virginia Constitution. The County Administrator, in collaboration with the County School Board and the other officers of the County, is hereby authorized and directed to apply to such Authority for the purchase of such bonds.
3. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their date, bear interest at such rate or rates not to exceed the maximum rate authorized by law at the time the bonds are sold, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Board of Supervisors may hereafter provide by appropriate resolution or resolutions.
4. The bonds shall be general obligations of the County for the payment of principal of and interest on which its full faith and credit shall be irrevocably pledged.
5. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board of Supervisors held the 1st day of August, 1988, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 1st day of August, 1988.

D. CONSENT CALENDAR

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

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

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

1. Secondary Road Construction Budget for FY 89

R E S O L U T I O NTHE SECONDARY ROAD CONSTRUCTION FY 89 BUDGET

WHEREAS, the James City County staff, in conjunction with the Virginia Department of Transportation, has reviewed the needs for construction projects to improve the secondary road system within the County and has found numerous roads in need of improvements to eliminate deficiencies from state road standards, to reduce hazards to public safety and to provide adequate roadways for increasing traffic volumes; and

WHEREAS, the Board of Supervisors and the Resident Engineer of the Williamsburg Office of the Virginia Department of Transportation have jointly held a public hearing and adopted the Six-Year Secondary Road Construction Program Priority List.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the Secondary Road Budget for FY 89 as proposed for James City County by the Virginia Department of Transportation.

2. Amendment to School Appropriation

R E S O L U T I O NAMENDMENT - SCHOOL APPROPRIATION

WHEREAS, the Board of Supervisors of James City County is required to appropriate funds for the Williamsburg/James City County School Board when received; and

WHEREAS, the State has awarded a Dropout Prevention Grant in the amount of \$21,300.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends its previous appropriation as follows:

Revenues:

Previously appropriated	\$25,078,474
State Grant - Drop Out Program	<u>21,300</u>
Total Revenues	<u>\$25,099,774</u>

Expenditures:

Previously appropriated	\$25,078,474
State Grant - Drop Out Program	<u>21,300</u>
Total Expenditures	<u>\$25,099,774</u>

3. Housing Partnerships' Replacement Housing Loan Program

R E S O L U T I O NSUPPORT OF HOUSING PARTNERSHIPSREPLACEMENT HOUSING LOAN PROGRAM

WHEREAS, the James City County Board of Supervisors recognizes that there is a need in the County for the replacement of substandard housing units which are infeasible to rehabilitate; and

WHEREAS, Housing Partnerships, Inc., a nonprofit organization established to mobilize the community to reduce the problem of substandard housing, proposes to make loans to individuals in order to finance the cost of replacement dwellings with funds provided by the Virginia Housing Development Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses its support of the efforts of Housing Partnerships, Inc., and specifically the establishment of a Replacement Housing Loan Program.

4. Emergency Home Repair Grant

R E S O L U T I O N

AUTHORIZATION TO SUBMIT AN APPLICATION TO ADMINISTER AN
EMERGENCY HOME REPAIR PROGRAM

WHEREAS, the Commonwealth of Virginia Department of Housing and Community Development has issued a Notice of Funding Availability and Request for Proposals under the Emergency Home Repair Grant Program; and

WHEREAS, assistance is needed to effectively and adequately address the emergency home repair needs of low-income persons within James City County; and

WHEREAS, James City County agrees to provide emergency home repair services to those in need in conformance with the regulations and guidelines of this State Program; and

WHEREAS, the County Administrator can act on behalf of James City County and will sign all necessary documents required to complete the grant transaction; and

WHEREAS, a local dollar for dollar match is required under the program and will be provided in the amount of \$15,000.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to apply for and accept the grant in the amount of \$15,000 and enter into a Grant Agreement with the Department of Housing and Community Development and undertake any and all actions and responsibilities in relation to such Agreement.

BE IT FURTHER RESOLVED that the appropriated funds for the Office of Community Development be amended as follows:

Revenues

State Emergency Housing Grant	\$15,000
Housing Grant Matching Funds	13,750
Housing Grant In-Kind Services	<u>1,250</u>
	\$30,000

Expenditures

Emergency Housing Grant Program	\$30,000
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E. BOARD CONSIDERATIONS - None

F. PUBLIC COMMENT

1. Mr. W.L. "Chip" Sharkey, Director of Personnel for Busch Gardens, urged the Board to address and support the critical issue of transporting persons from outside the County for employment in the business community.

2. Mr. Jay Everson, 130 Oslo Court, complained about prohibiting children from the swimming pool at Upper County Park for fifteen minutes of adult swimming, after their having been charged the full fee.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman expressed a need for an executive session about a legal matter.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor requested that the Chickahominy Church Road sign be replaced with the correct name, Brown's Drive.

Mr. Mahone distributed a report to the Board from the Crossroads group and gave a summary of several of the ongoing community programs for troubled youths.

Mr. Mahone stated that he and Wayland Bass, County Engineer, had attended a Peninsula Planning District Commission meeting and received a report on solid waste. He further stated that PPDC will be registering a complaint about the method of measuring ozone in this area.

Mr. Norment spoke in support of the memo in the Reading File regarding an increase in the minimum fine for handicapped parking violations.

Mr. Edwards asked staff to advertise a public hearing for increasing the minimum for handicapped parking fines for the September 12, 1988, meeting.

Mr. Norment commented he had received a citizen's complaint about conditions of a swimming pool in Robert's District, and asked staff to draft an ordinance to include safety violations for swimming pools.

Mr. Edwards expressed a need for an all day work session for goal setting and land use priorities. By Board consensus, the work session was tentatively scheduled for Saturday, September 17, 1988, from 9:00 a.m. to 4:00 p.m.

Mr. Norman referred to the Reading File memo regarding the Planning Commission Committees and Composition. By Board consensus, the information will be referred to the Planning Commission for its consideration.

Mr. Edwards made a motion to convene into executive session to discuss a legal matter pursuant to Section 2.1-344 (a) (6) of the Code of Virginia, 1950, as amended at 8:55 p.m.

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

Mr. Edwards reconvened the Board into open session at 9:12 p.m. and made a motion to approve the emergency ordinance authorizing acquisition of certain real property (8.4593 acres of land, plat entitled "Plat of Survey, Showing Property owned by Alabama Company to be Conveyed to James City County, Stonehouse District, James City County, Virginia") for public purposes and for constructing and expanding the water supply system owned by James City County.

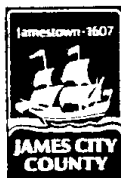
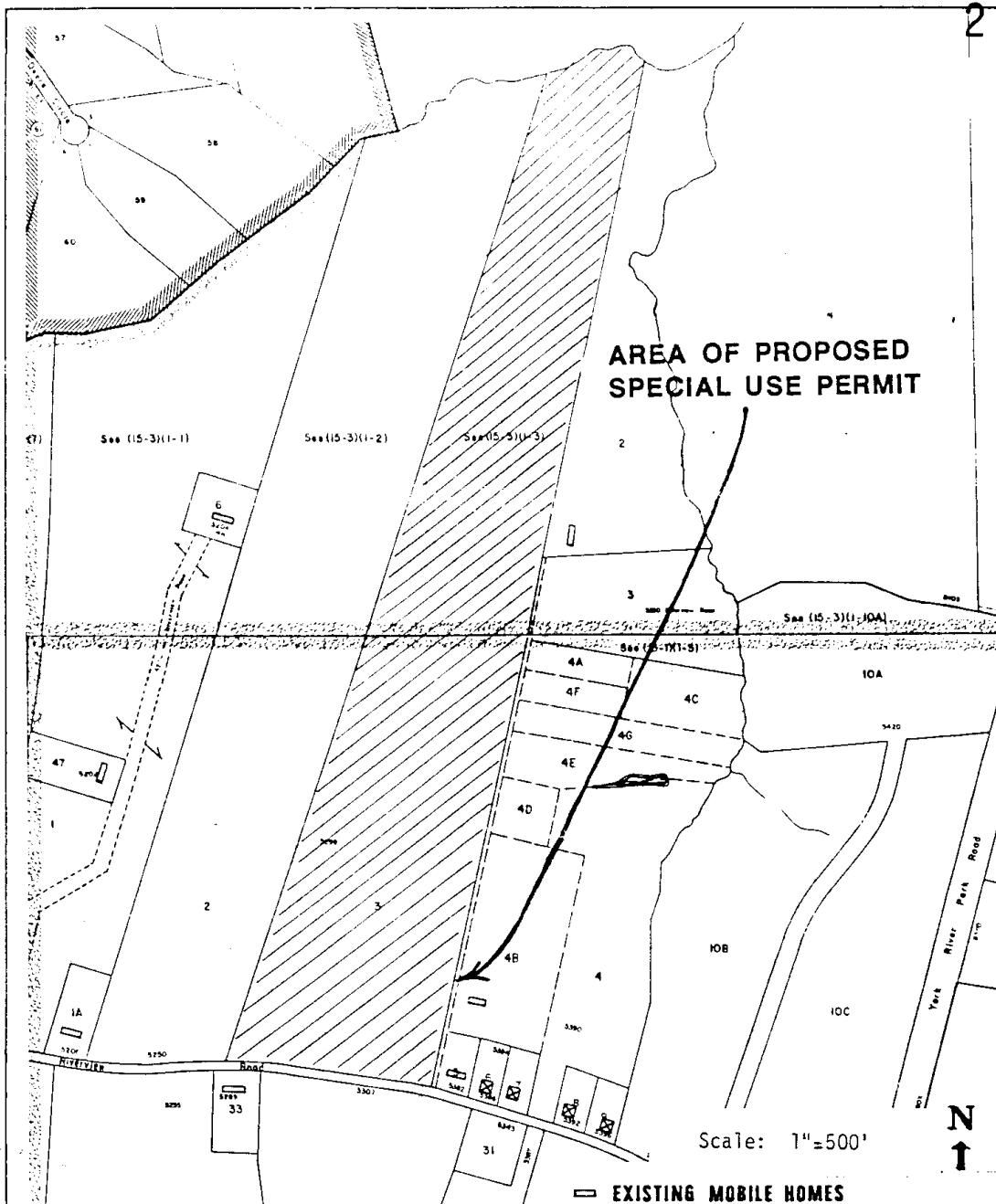
On a roll call, the vote was AYE: Norment, Taylor, Mahone, Edwards (4). NAY: (0).

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 9:15 p.m.

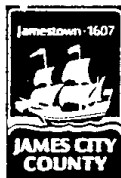
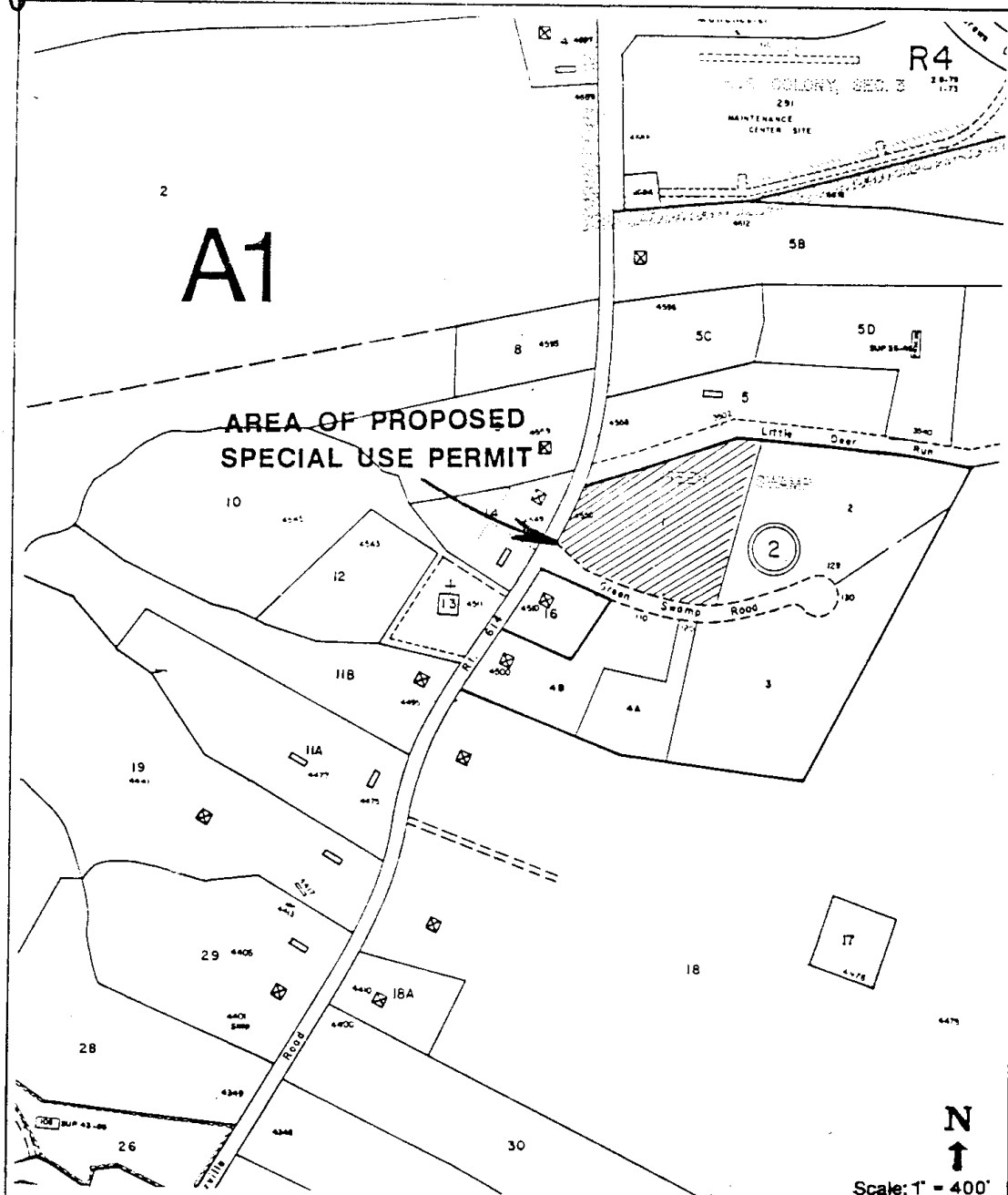
David B. Norman
Clerk to the Board



Case #: **SUP-22-88**

Name: **ARTHUR RICHARDSON**

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT



Case #: **SUP-23-88**

- EXISTING MOBILE HOMES
- ⊠ EXISTING SINGLE FAMILY RESIDENCES

Name: **EUNICE N. & CECIL O. McMILLAN**

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT

ORDINANCE NO. 55A-10

AUG 1 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE V, OTHER BOARDS AND COMMISSIONS, SECTION 2-18, PLANNING COMMISSION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-18, Planning commission.

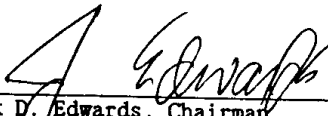
Chapter 2. Administration

Article V. Other Boards and Commissions

Section 2-18. Planning commission.


(a) A planning commission is hereby created for this county pursuant to authority contained in Sections 15.1-427 and 15.1-437 of the Code of Virginia. This commission shall consist of ten residents of the county, qualified by knowledge and experience to make decisions on questions of community growth and development, each appointed by the Board of Supervisors for a term of four years. At least one-half of the members of the commission shall be owners of real property. An eleventh member of the commission may be appointed by the Board of Supervisors.

(b) The planning commission shall have the powers and perform the duties prescribed for local planning commissions in Chapter 11, Title 15.1 of the Code of Virginia. (4-13-53; 5-1-67)



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	ABSENT
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of August, 1988.

0212U

AUG 1 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, BINGO AND RAFFLES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, SECTION 5-4, ISSUANCE OF PERMIT; REQUIREMENTS, DURATION, WAIVER, WHERE VALID; 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 the County of James City, Virginia, that Chapter 5, Bingo and Raffles, is hereby amended and reordained by amending Section 5-4, Issuance of permit; requirements, duration, waiver, where valid; Section 5-7, Reports of gross receipts and disbursements required; and Section 5-8, Audit required, fee.

Chapter 5. Bingo and Raffles.

Section 5-4. Issuance of permit; requirements, duration, waiver, where valid.

(1) Prior to the issuance of any permit, an organization must meet the following requirements:

- (a) Except for recently established volunteer fire and rescue companies or departments, as defined in this article, after county approval, such organization shall have been in existence and met on a regular basis in the county where application is made for a period of at least two (2) years immediately prior to making application for such permit. However, this requirement shall not apply to any lodge or chapter of a national or international fraternal order or a national or international civic organization which is exempt under Section 501(c)(3) of the United States Internal Revenue Code and which has a lodge or chapter holding a bingo permit issued under the provisions of this article anywhere within this Commonwealth, or to booster clubs which have been operating for less than two (2) years and which have been established solely to raise funds for school-sponsored activities in public schools which are less than two (2) years old.

- (b) Such organization shall be operated currently and shall have been operated in the past as a nonprofit organization and shall have been in existence as such nonprofit organization for a period of at least two (2) years immediately prior to seeking a permit as hereinafter provided.
 - (c) Any organization whose gross receipts from all bingo operations exceed or can be expected to exceed seventy-five thousand dollars (\$75,000.00) in any calendar year shall have been granted tax-exempt status pursuant to Section 501C of the United States Internal Revenue Code.
 - (d) An organization shall designate an individual who shall be responsible for filing the annual or quarterly financial report required by this chapter if the organization goes out of business or otherwise ceases to exist.
- (2) All permits shall have the following requirements:
- (a) A permit shall be valid only in the county and only at such locations as are designated in the permit application. However, a permit may be issued to an organization which relocates its meeting place on a permanent basis from one jurisdiction to another and complies with the requirements of subsection (1) of this section; and provided further, that such organization was the holder of a valid permit at the time of such relocation. An organization which has a permit under this article to conduct a raffle may sell such raffle tickets both in and out of the jurisdiction issuing such permit.
 - (b) All permits shall be issued on a calendar basis and unless otherwise provided shall be valid for one calendar year beginning on January 1.
 - (c) All applications for such permit shall be acted upon by the county administrator within sixty (60) days from the filing thereof.
- (3) Upon compliance by the applicant with the provisions of this chapter, the county administrator may issue an annual permit. All permits shall be subject to reasonable regulation by the county to ensure the public safety and welfare in the operation of bingo games and raffles. (Ord. No. 133, 9-10-79; Ord. No. 133A-2, 12-2-85)

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 accountings shall be made on or before the first day of November of each calendar year for which a permit has been issued. The 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 and a record of all money in the possession of the organization that was derived from bingo or instant bingo, regardless of when the money was received. 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.

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.

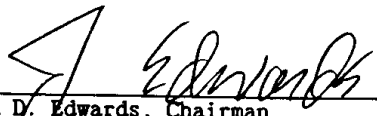
The organization shall maintain a record in writing for three (3) years of the dates on which bingo is played, the number of people in attendance on each date and the amount of the receipts and prizes paid on each such day. The organization shall also maintain a record of the name and address of each individual to whom a door prize, regular or special bingo game prize or jackpot from the playing of bingo is awarded, as well as the amount of such award. The organization playing bingo shall also maintain an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games. (Ord. No. 133, 9-10-79; Ord. No. 133A-1, 9-13-82; Ord. No. 133A-2, 12-2-85)

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.

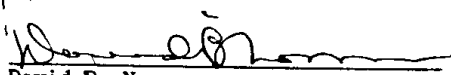
The audit fee shall be one per centum of the gross receipts which an organization reports and of the interest income received from bingo or instant bingo operations, provided; however, the fee shall not exceed \$100 for gross receipts and interest income less than \$100,000, and in no case shall the fee exceed \$300. The audit fee shall accompany each annual report; however, if the gross receipts of an organization are less than two thousand dollars

(\$2,000.00) for the designated reporting period, the audit fee may be waived.
The audit fee shall be payable to the treasurer, James City County. (Ord.
No. 133, 9-10-79; Ord No. 133A-1, 9-13-82)



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	ABSENT
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of August, 1988.

0213U

ADOPTED

ORDINANCE NO. 85A-7

AUG 1 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5A, EROSION AND SEDIMENTATION CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, SECTION 5A-3, DEFINITIONS, SECTION 5A-4, NONCONTROLLED ACTIVITIES, AND BY ADDING SECTION 5A-4.1, UTILITIES AND RAILROAD COMPANIES; AND BY AMENDING AND REORDAINING SECTION 5A-5, PROCEDURES FOR PLAN SUBMISSION AND REVIEW, INSPECTION AND ENFORCEMENT; SECTION 5A-6, PLANS GENERALLY; CERTAIN PROCEDURES ADOPTED BY REFERENCE; SECTION 5A-7, ACTION ON PLANS; SECTION 5A-8, RESPONSIBILITY OF OWNER FOR EXPENSE OF CONTROL MEASURES; PERFORMANCE BONDS; SECTION 5A-9, LAND-DISTURBING PERMIT GENERALLY; TERM OF PLAN; SECTION 5A-10, AMENDMENTS TO PLANS; AND SECTION 5A-11, PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5A, Erosion and Sedimentation Control, is hereby amended and reordained by amending Section 5A-3, Definitions; Section 5A-4, Noncontrolled activities; Section 5A-4.1, Utilities and Railroad companies; Section 5A-5, Procedures for plan submission and review, inspection and enforcement; Section 5A-6 Plans generally; certain procedures adopted by reference; Section 5A-7, Action on plans; Section 5A-8, Responsibility of owner for expense of control measures; performance bonds; Section 5A-9 Land-disturbing permit generally; term of plan; Section 5A-10, Amendments to plans; and Section 5A-11, Penalty.

Chapter 5A. Erosion and Sedimentation Control

Section 5A-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrator. The official designated by the governing body to serve as its agent to administer this chapter.

Board. The Virginia Soil and Water Conservation Board.

Clearing. Any activity which removes the vegetative ground cover, including, but not limited to, the removal of root mat and-or topsoil.

District or soil and water conservation district. A governmental subdivision of the state organized in accordance with the provisions of the Soil Conservation Districts Law, Title 10.1, Chapter 5, Code of Virginia, 1950, as amended.

Erosion and sedimentation control plan or plan. A document containing material for the conservation of soil and water resources of a unit or a group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit of land will be so treated to achieve the conservation objectives.

Excavating. Any digging, scooping or other methods of removing earth materials.

Filling. Any depositing or stockpiling of earth materials.

Governing body. The board of supervisors of the county.

Grading. Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land-disturbing activity. Any land change which may result in soil erosion from water and-or wind and the movement of sediments into waters or into lands, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Land-disturbing permit. A permit issued by the county for clearing, filling, excavating, grading or transporting, or any combination thereof.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of this state, any interstate body, or any other legal entity.

Plan approving authority or permit issuing authority. The division of code compliance.

Transporting. Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs. (3-10-75; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86; Ord. No. 85A-6, 1-4-88)

Section 5A-4. Noncontrolled activities.

In no instance shall the provisions of this chapter be construed to apply to the following:

- (a) Such minor land disturbing activities as home gardens and individual home landscaping, repairs and maintenance work;
- (b) Individual service connections;
- (c) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (d) Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;
- (e) Surface or deep mining; exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas;
- (f) Tilling, planting or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
- (g) Agricultural engineering operations including but not limited to construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Chapter 8.1 (Section 62.1-115.1 et seq.) of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
- (h) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (i) Preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development;

- (j) Disturbed land areas of less than ten thousand (10,000) square feet in size; provided that the permit issuing authority can determine a Land Disturbing Permit shall be required if in its discretion it is deemed necessary to adequately safeguard the control of erosion and sediment.
- (k) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (l) Shore erosion control projects on tidal waters when the projects are approved by the local wetlands board, the marine resources commission or the United States Army Corps of Engineers;
- (m) Emergency work to protect life, limb or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan approving authority. (3-10-75; Ord. No. 85A-1, 6-16-77; Ord. No. 85A-4, 12-2-85)

Section 5A-4.1 Utilities and railroad companies.

Electric and telephone utility companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:

- (1) Construction, installation or maintenance of electric and telephone utility lines; and
- (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

The Board shall have sixty days in which to comment. Individual approval of separate projects within subdivisions (1) and (2) of this section is not necessary when approved specifications are followed. Projects not included in subdivisions (1) and (2) of this section shall comply with the requirements of the appropriate local erosion and sediment control program. The Board shall have the authority to enforce approved specifications.

Section 5A-5. Procedures for plan submission and review, inspection and enforcement.

Those procedures for plan submission and review, inspection and enforcement are set forth in a separate document which is made a part hereof entitled, "Administrative Guidelines," Chapter 7, adopted from the Virginia Erosion and Sedimentation Control Handbook, Second Edition, 1980. These procedures are controlling unless they are in conflict with a local ordinance or state law.

The plan approving authority or, if a permit is issued in connection with land-disturbing activities which involve the issuance of a grading, building, or other permit, the permit issuing authority

- (1) shall provide for periodic inspections of the land-disturbing activity and
- (2) may require monitoring and reports from the person responsible for carrying out the plan,

to ensure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. If the permit-issuing authority or plan-approving authority determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities. Where the plan-approving authority serves notice, a copy of the notice shall also be sent to the issuer of the permit. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and upon conviction shall be subject to the penalties provided by this chapter. (3-10-75; Ord. No. 85A-3, 5-11-81; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86)

Section 5A-6. Plans generally; certain procedures adopted by reference.

An erosion and sedimentation control plan is required under this chapter. The erosion and sedimentation control plan shall detail those methods and techniques to be utilized in the control of erosion and sedimentation.

At a minimum, the erosion and sedimentation control plan shall follow the format detailed in Chapter 2, Chapter 4, Chapter 5, and Chapter 6 of the Virginia Erosion and Sediment Control Handbook, Second Edition 1980, and as may be amended from time to time, which is adopted by reference as fully as if set forth herein in its entirety, as part of this chapter.

Approved standards and specifications for control techniques to be utilized in preparing this plan are set forth in Chapter 3 of the Virginia Erosion and Sediment Control Handbook, Second Edition 1980, and as may be amended from time to time, which is adopted by reference, as fully as if set forth herein in its entirety as part of this chapter. (3-10-75; Ord. No. 85A-6, 1-4-88)

Editor's note--Such procedures may be found on file in the office of the administrator.

Section 5A-7. Action on plans.

The plan-approving authority shall review conservation plans submitted to it and grant written approval within forty-five days of the receipt of the plan if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he will conform to the provisions of this chapter.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five days. The notice shall specify the modifications, terms and conditions that will permit approval of the plan. If no action is taken by the plan-approving authority within the time specified above, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. (3-10-75; Ord. No. 85A-4, 12-2-85)

State Law Reference - Code of Virginia, Section 10.1-563.

Section 5A-8. Responsibility of owner for expense of control measures; performance bonds.

All control measures required by the provision of this chapter shall be undertaken at the expense of the owner or his agent. Pending such actual provision thereof, the owner or his agent shall execute and file with the administrator, prior to issuance of the land-disturbing permit, a performance bond with surety, cash escrow, letter of credit, any combination thereof, or other legal arrangement as is acceptable to the county attorney. This shall be in an amount determined by the administrator, equal to the approximate total cost of providing erosion and sedimentation control improvements. These documents shall be approved by the county, and are to ensure that measures could be taken by the county, at the applicant's expense, should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him by his approved plan as a result of his land-disturbing activity. If the agency takes such conservation action upon such failure by the permittee, the agency may collect from the permittee for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

Within sixty (60) days of the achievement of adequate stabilization and completion of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the owner or his agent, or terminated, as the case may be.

These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits. (3-10-75; Ord. No. 85A-2, 3-9-81)

Section 5A-9. Land-disturbing permit generally; term of plan.

Except as provided in Section 5A-4 of this chapter, no person shall engage in any land-disturbing activity as defined in Section 5A-3 of this chapter within the county until he has acquired a land-disturbing permit.

Issuance of a land-disturbing permit is conditioned on an approved erosion and sediment control plan or certification of such, which, shall be presented at the time of application for such a permit; and in addition, the requirements of Section 5A-8 of this chapter concerning a performance bond, cash escrow, or a letter of credit or such other legal arrangement as is acceptable under the provisions of Section 5A-8, must be complied with.

Any approved erosion and sedimentation control plan shall become null and void one hundred and eighty (180) days after the date of approval and no further work subject to this chapter shall be allowed unless and until an additional or updated erosion and sedimentation control plan has been submitted and approved in accordance with the provisions of this chapter or unless all requirements of the approved control plan have been completed in less than one hundred and eighty (180) days in accord with such plan and verified by the on-site inspection by the director of code compliance or his designee. (3-10-75).

Section 5A-10. Amendments to plans.


An approved erosion and sedimentation plan may be amended by the plan approving authority or by the Board when it has approved the plan if:

- (a) inspection has revealed that the plan is inadequate to satisfy applicable regulations; or
- (b) the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan-approving authority and the person responsible for carrying out the plan. (3-10-75)

Section 5A-11. Penalty.

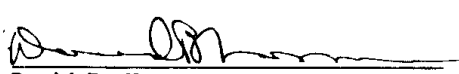
- (a) A violation of this chapter shall be deemed a misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) or thirty (30) days' imprisonment, or both, for each violation.
- (b) The county or the Board may apply to the court of record in the jurisdiction wherein the land lies, or to the circuit court of the City of Richmond, should the land lie in more than one jurisdiction, for injunctive relief to enjoin a violation or a threatened violation under Section 5A-5 or Section 5A-9 of this chapter, without the necessity of showing that there does not exist an adequate remedy at law.

- (c) In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the County, or to the Board, as appropriate, in a civil action for damages.
- (d) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$ 2,000.00) for each violation.
- (e) With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, the Director, or plan-approving or permit-issuing authority, any condition of a permit, or any provision of this chapter, the Board, or plan-approving or permit-issuing authority may provide, in an order issued by the Board or plan-approving or permit-issuing authority against such person for the payment of civil charges for past violations in specific sums, not to exceed the limit specified in subsection (d) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (d).
- (f) Upon receipt of a sworn complaint of a substantial violation of either Section 5A-5 or Section 5A-9 of this chapter from the division of code compliance, the chief administrative officer of the county or the Board may, in conjunction with or subsequent to a notice to comply, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this subsection shall prevent the chief administrative officer from taking any other action specified in this section. (3-10-75; Ord. No. 85A-4, 12-2-85; Ord. No. 85A-5, 7-7-86; Ord. No. 85A-6, 1-4-88)



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	NAY
MAHONE	AYE
DEPUE	ABSENT
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of August, 1988.

0218U

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, SPECIFIC BUSINESSES AND ACTIVITIES, BY ADDING SECTION 9-58.2, MAXIMUM LICENSE TAX ON INDUSTRIAL LOAN COMPANIES.

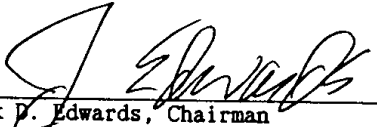
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by adding Section 9-58.2, Maximum license tax on industrial loan companies.

Chapter 9. Licenses.

Article II. Specific Businesses and Activities.

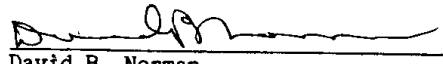
Section 9-58.2. Maximum license tax on industrial loan companies.

Notwithstanding the provisions of Section 9-58.1(2) of this chapter, any license tax levied by the county on an industrial loan company shall be no greater than five hundred dollars (\$500.00).



Jack P. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	ABSENT
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of August, 1988.

0215U

AUG 1 1988

ORDINANCE NO. 159A-1BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY IN JAMES CITY COUNTY, VIRGINIA, ALL AS SHOWN ON A PLAT ATTACHED HERETO FOR PUBLIC PURPOSES AND FOR CONSTRUCTING AND EXPANDING THE WATER SUPPLY SYSTEM OWNED BY JAMES CITY COUNTY, VIRGINIA.

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described, in James City County, Virginia, as shown on a plat attached hereto, for construction and expansion of the water supply system owned by James City County, Virginia, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.

NOW, THEREFORE, James City County, Virginia hereby ordains:

Section 1. That the County Attorney and/or the law firm of Anderson, & Franck, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Title 15.1, Chapter 7, Article 1 of the Code of Virginia, 1950, as amended, and by Title 33.1, Chapter 1, Article 7 of the Code of Virginia, 1950, as amended, certain real property in James City County, Virginia, and shown on a plat attached hereto, together with all rights appurtenant thereto, for public purposes and for constructing and expanding the water supply system owned by the County of James City, the said property and ownership being more particularly described in Section 3 of this Ordinance.

Section 2. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or

disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in Section 4 of this Ordinance, which has been authorized and appropriated.

Section 3. That the name of the present owner of the land to be acquired as provided in Section 1 of this Ordinance together with a substantial description of the parcel is as follows:

Alabama Company, a Virginia Limited Partnership


8.4593 acres of land, more or less, in James City County, Virginia, as shown as "08.4593 ACRES" on a plat entitled "PLAT OF SURVEY, SHOWING PROPERTY OWNED BY ALABAMA COMPANY TO BE CONVEYED TO JAMES CITY COUNTY, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA" prepared by G.T. Wilson, Jr., Certified Land surveyor of AES, a professional corporation dated 5/27/88, a copy of which is attached hereto and made a part hereof.

Section 4. The funds estimated as necessary to compensate the owner of the above-described parcel for land and damages, if any, within the limits of which the County Administrator is authorized to agree with them is Eight Thousand Four Hundred Fifty Nine and No/100 Dollars (\$8,459.00).

Section 5. The County Attorney and/or the law firm of Anderson & Franck, P.C. shall notify the property owner of the compensation and damages offered by the County forthwith on or before August 11, 1988.

Section 6. That in the event any of the property described in Section 3 of this Ordinance has been conveyed, the County Attorney and/or the law firm of Anderson & Franck, P.C. are authorized and directed to institute proceedings against successors in title.

Section 7. An emergency is declared to exist and this ordinance shall be in effect from the date of its passage.


Jack D. Edwards
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	ABSENT
EDWARDS	AYE

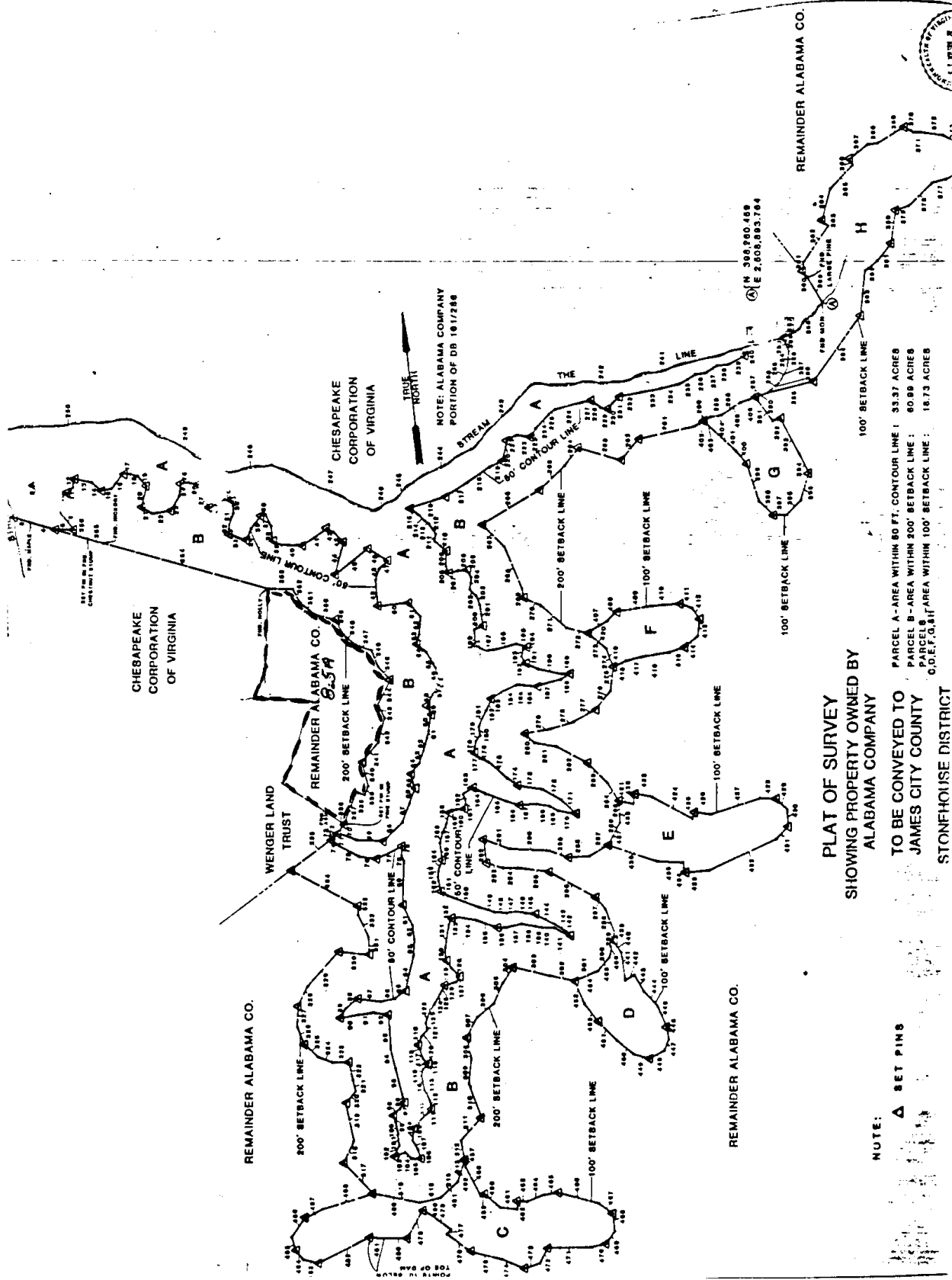
ATTEST:


Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of August, 1988.

DATE	1/27/84
BY	BUCHART-HORN, INC.
FOR	ALABAMA COMPANY
PROJECT	STONEHOUSE DISTRICT
REVISIONS	
NO.	DESCRIPTION
1	REVISION TO SURVEY
2	REVISION TO SURVEY
3	REVISION TO SURVEY
4	REVISION TO SURVEY
5	REVISION TO SURVEY
6	REVISION TO SURVEY
7	REVISION TO SURVEY
8	REVISION TO SURVEY
9	REVISION TO SURVEY
10	REVISION TO SURVEY

BUCHART-HORN, INC.
Consulting Engineers & Planners



PLAT OF SURVEY
SHOWING PROPERTY OWNED BY
ALABAMA COMPANY

TO BE CONVEYED TO
JAMES CITY COUNTY
STONEHOUSE DISTRICT

- PARCEL A - AREA WITHIN 80 FT. CONTOUR LINE : 53.37 ACRES
- PARCEL B - AREA WITHIN 200' SETBACK LINE : 80.89 ACRES
- PARCELS C, D, E, F, G, H - AREA WITHIN 100' SETBACK LINE : 18.73 ACRES

NOTE:
Δ SET PINS