

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF MARCH, NINETEEN HUNDRED NINETY-ONE, AT 7:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas K. Norment, Jr., Chairman, Roberts District  
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District  
Jack D. Edwards, Berkeley District  
Stewart U. Taylor, Stonehouse District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES - February 19, 1991

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

Mr. Edwards made a motion to approve the minutes.

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

C. CONSENT CALENDAR

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

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

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

1. Additional Allocations for Day Care

R E S O L U T I O N

APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Department of Social Services has provided supplemental funding to render additional services through the Aid To Dependent Children (ADC) Day-Care Program (Account No. 007-083-5719) and Child Day-Care Fee Program (Account No. 007-083-5721); and

WHEREAS, sufficient local matching funds are available in Account No. 007-083-5723.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenues:

Revenue from the Commonwealth	\$21,324.00
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Expenditures:

Title XX Services (ADC Day-Care)	\$23,694.00
In Home Services	<u>(2,370.00)</u>
	\$21,324.00

2. Transit Division - FY 92 Section 18 and Ridesharing Applications

R E S O L U T I O N

SECTION 18 GRANT APPLICATION - FY 92

WHEREAS, the Federal Government has made funds available to support transportation in nonurban areas; and

WHEREAS, the Board of Supervisors of James City County desires Federal funds to help support the James City County Transit Company.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that its Chairman and Clerk be authorized to sign the grant application entitled, "Application for Capital, Administrative and/or Operating Assistance for Public Transportation Systems in Nonurbanized Areas," and further authorize the County Administrator to execute those agreements necessary to insure receipt of these grant funds.

R E S O L U T I O N

REQUEST FOR FEDERAL MATCHING FUNDS - FY 92

WHEREAS, the Federal Government has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized by the Board to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance authorized under Section 18 of the Surface Transportation Act of 1982, in the amount of \$285,538 to assist in the administrative, operating and capital costs of local public transportation services. The County Administrator shall be authorized to accept grant funds awarded and to furnish to the Virginia Department of Transportation documents and other information that may be required for processing this grant request.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of James City County, Virginia certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act, that James City County may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

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

#### REQUEST FOR STATE MATCHING FUNDS FY 92

WHEREAS, the Commonwealth of Virginia has made matching funds available in support of public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized by the Board to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under Budget Item 644 of the 1982 Acts of the General Assembly, Chapter 648, Financial Assistance for Mass Transit. Amounts requested include \$34,168 to defray fifty percent (50%) of the local match for administrative expenses, \$10,241 to defray eighty percent (80%) of the local match for ridesharing administrative expenses, \$19,000 to defray ninety-five percent (95%) of the local match for capital expenses and \$99,180 to defray ninety-five percent (95%) of the costs by James City County for the purchase of fuels, lubricants, tires and maintenance parts of an approved Federal Grant. The County Administrator shall be authorized to accept grant funds awarded and to furnish the Virginia Department of Transportation documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of James City County, Virginia certifies that the funds shall be used in accordance with the requirements of UMTA Section 18 Program and the State Appropriations Act of 1982, and that James City County may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

R E S O L U T I O NREQUEST FOR STATE RIDESHARING FUNDS FY 92

WHEREAS, the Commonwealth of Virginia has made funds available in support of Ridesharing programs; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized by the Board to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of transportation revenues in the amount of \$10,241 for fiscal year commencing July 1, 1991, to defray eighty percent (80%) of the local match costs associated with the development, implementation, and continuation of a ridesharing program. The County Administrator shall be authorized to accept grant funds awarded and to furnish to the Virginia Department of Transportation documents and other information that may be required for processing this grant request.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of James City County, Virginia certifies that the funds shall be used in accordance with the requirements of Acts of the General Assembly, that James City County may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

3. Redistricting Calendar

R E S O L U T I O NREDISTRICTING CALENDAR

WHEREAS, the Board of Supervisors of James City County deems it appropriate to adopt a calendar setting forth a redistricting schedule.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following calendar:

March 25, 1991	Deadline for Redistricting Advisory Committee to reports its findings to the Board and receive any additional assignments;
April 1, 1991	Public hearing to receive public comment prior to consideration of plans by the Board (7:00 p.m. regular Board meeting);
April 10, 1991	Deadline for redistricting plans to be submitted to the County Administrator for consideration by the Board;

April 15, 1991	Board Redistricting work session (4:00 p.m. special meeting preceding 7:00 p.m. regular Board meeting);
April 22, 1991	Public hearing for Redistricting Ordinance (Public hearing to be held at 7:00 p.m. preceding budget work session; possible adoption of Redistricting Ordinance);
April 29, 1991	<u>Deadline</u> for adoption of Redistricting Ordinance (Special Board Meeting, if needed); and
May 17, 1991	Deadline for submitting Voter Rights Act Preclearance submissions to the Department of Justice.

#### D. PUBLIC HEARINGS

##### 1. Case No. SUP-45-90. Virginia Natural Gas Pipeline

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Brian Machamer, of Virginia Natural Gas (VGN), had applied for a conditional special use permit to allow construction of a 16-inch natural gas transmission main, entering James City County at the New Kent County line, extending southeast parallel to an existing 200-foot wide Virginia Power right-of-way, and exiting into the City of Williamsburg at Chisel Run subdivision. The proposed main would reenter the County in the vicinity of Busch Gardens and terminate at the existing VNG facility in Grove, total length, 12.26 miles. Mr. Sowers explained the purpose of the proposed main was to transport natural gas from Fauquier County to a distribution point near Grove with further distribution to James City County and the Hampton Roads area.

Mr. Sowers stated that on December 11, 1990, the Planning Commission, by a 6-3 vote, recommended approval with all conditions listed in the resolution, excluding Condition 15, which addressed no connections serving property located outside the Primary Service Area. On February 12, 1991, the Planning Commission, by a 5-6 vote, disapproved Staff's recommendation of approval with all conditions listed in the resolution, excluding Condition 14, which proposed the pipeline shall be placed entirely within the Virginia Power right-of-way.

Board discussion, regarding connections outside Primary Service Area; removal and replacement of topsoil; review of proposal with other local jurisdictions; and, pipeline needed to meet capacity elsewhere, followed.

Mr. Alexander Kuras, Chairman of Planning Commission, expressed the Commission's position that availability of natural gas was not a necessity when building a home, as were sewer and water extensions. He further stated that the objective of staff's recommendation did not exist since the Comprehensive Plan referred only to sewer and water utilities; therefore, it was not a Comprehensive Plan issue.

Mr. Norment welcomed the audience and opened the public hearing.

1. Mr. Steve Stone, District Manager, Virginia Natural Gas, stated the added pipeline capacity was not needed for the current 2,500 County customers, but would benefit the County's quality of life during future growth. He further stated that 27 of 53 property owners have agreed to right-of-way contracts for this pipeline.

2. Mr. William Nunn, P.O. Box 5, Norge, spoke in opposition to the pipeline that would take more than 6 acres of timber land from which he makes a living.

3. Mr. Gene Farley, P.O. Box 430, Toano, stated that compensation should be given to farmers for loss of crops, and the pipeline should benefit the entire County.

4. Mr. Ed Oyer, 139 Indian Circle, asked whether the pipeline would be completely underground.

5. Mrs. Judy Timko, Stonehouse District, King's Corner at Routes 601 and 603, spoke in opposition to the pipeline which would take over 1 acre of 8 acres of wooded land.

6. Mr. R.M. Hazelwood, P.O. Box 27, Toano, spoke in favor of pipeline connections being allowed for all County residents.

7. Mr. George Marston, Norge, spoke in favor of Board support for elimination of taxes on easements for public utilities.

8. Mr. Bob Ware, local Virginia Power District Manager, stated that Virginia Power opposed installation of the gas pipeline down the center of its easement for reliability of electric lines and safety purposes.

9. Mr. Steve Stone requested permission to respond to the speakers' concerns: 1) Compensation for damages to farmland will be included at settlement; 2) Two valves will be above ground on Virginia Natural Gas property; and, 3) the impact on the Timko property was unavoidable.

Mr. Norment closed the public hearing.

A short discussion ensued regarding Condition 15 and the Primary Service Area issue.

With Board consensus, the case was postponed until the March 18, 1991 Board of Supervisors meeting to allow staff to review the conditions.

2. Case No. SUP-55-90. Sheldon Lumber Company, Inc. Concrete Plant

3. Case No. SUP-57-90. Sheldon Lumber Company, Inc. Concrete Plant (RPOD)

Mr. R. Patrick Friel, Senior Planner, stated that Mr. Vernon Geddy, III, had applied on behalf of the Sheldon Lumber Company, Inc., for a special use permit to allow a concrete plant and storage of cement and stone used in the manufacture of cement, located at 7812 Richmond Road, on approximately 2.7 acres, zoned M-2, General Industrial, further identified as part of Parcel (1-30) on James City County Real Estate Tax Map (12-4).

Staff felt that the proposal was generally consistent with the Comprehensive Plan, and the Planning Commission, on February 12, 1991, by a 9-2 vote, recommended approval of Case No. SUP-55-90 with conditions listed in the resolution.

Mr. Bernard M. Farmer, Jr., Director of Code Compliance, stated Mr. Arch Marston, of AES Consulting Engineers, had applied on behalf of Branscome Concrete and the property owner for a special use permit to create more than 5,000 square feet of impervious surface area within the Reservoir Protection Overlay District, located at 7812 Richmond Road, further identified as Parcel (1-30) on James City County Real Estate Tax Map No. (12-4).

Mr. Farmer further stated that a runoff analysis had been submitted and reviewed, and staff recommended approval of Case No. SUP-57-90 with conditions listed in the resolution.

Mr. Norment noted that Board sentiment favored postponement of these cases.

Mr. Norment opened the public hearing.

1. Mr. Vernon Geddy, III, Esq., representative for Sheldon Lumber Company, Inc., stated that dust and noise from the proposed plant would be minimal; the owner lived in the community; traffic safety had been addressed; the plant would be regulated by State boards; and, it would give the County a solid tax base. Mr. Geddy invited the Board for a tour of the Branscome plant in Hampton.

2. Mr. Buck Stewart, 8205 Richmond Road, spoke in favor of the concrete plant.

3. Mr. William Beck, P.O. Box 324, Toano, stated he would make comments at a later date.

4. Mr. Joe Cottrell, 2624 Forge Road, Toano, spoke in favor of the concrete plant in the upper part of the County, and it would support the tax base.

5. Mr. Hammond Branch, Toano, stated his support of the concrete plant and truck traffic, which keeps industry working.

6. Mr. Michael Hipple, P.O. Box 62, Lightfoot, a contractor in the area, stated the concrete plant was needed for close proximity to construction, rather than having delivery from several miles across the County.

7. Mr. S. M. Hazelwood, P.O. Box 27, Toano, stated the noise factor would be less with a concrete plant than a lumber mill, and the tax advantage for the County was needed.

8. Ms. Katie Grancewicz, 119 Tom Taylor, Toano, on behalf of the Lake Toano Civic Association, stated that citizen concerns were potential traffic hazards at Middle School entrance and decline in values of homes.

9. Mr. R. C. Cowles, Box 128, Toano, spoke in favor of the concrete plant for creating employment needed in the area.

10. Mr. David Waltrip, 8734 Barhamsville Road, Toano, stated that the concrete plant would improve the property, create taxes for the County, and traffic would not be a problem.

11. Mr. Donald Hazelwood, 8604 Richmond Road, Toano, spoke in favor of the concrete plant.

12. Ms. Susan McCleary, 129 Mirror Lake Drive, spoke in opposition to the traffic and the concrete plant setting a precedent. She asked the Board to look at it long-term. Ms. McCleary was concerned about maintaining quality of life if housing developments were connected by heavy industrial development. She asked why Hankins Industrial Park was not used.

13. Mr. Bob Solomon, 5011 Riverview Road, spoke in opposition to the concrete plant. He read from a letter a list of small businesses, King William Antiques, Farmhouse, Basketville, Toano Clinic, Toano Video, and Colonial Antiques, who want to maintain the character of the Richmond Road corridor.

14. Mr. Gene Farley, P.O. Box 430, Toano, spoke in favor of the concrete plant as an asset to the entire County.

15. Mr. Abram Frink, 148 Magruder, supported the concrete plant and stated Mr. Branscome was a very good businessman.

16. Mr. Wesley Sheldon, owner of Sheldon Lumber Company, Inc., stated the concrete plant trucks would add to property tax for the County, and the concrete plant would use a portion of idle property.

17. Mr. David Sadler, 210 Cherwell Court, spoke in favor of the concrete plant because environmental concerns were addressed.

18. Mr. George Marston, spoke in favor of the concrete plant and asked the Board to consider how to protect the limited amount of CSX railroad frontage.

19. Mr. Rob Smith, resident of Hunter's Creek subdivision, stated the property should be put to its best use, and safety of children had to be top priority.

20. Ms. Debbie Engberson, Toano, spoke in opposition to the request.

21. Ms. Stephanie Bertram, Kristiansand, spoke in opposition to the concrete plant because pollution would be detrimental to school children's health.

22. Mr. Johnny Engberson, Toano, stated concerns about size of tandem trucks and kinds of materials being hauled to the concrete plant.

23. Ms. Deborah Lenceski, author of the traffic study begun in November 1990 and completed January 1991, stated the traffic issue was adequately addressed.

24. Mr. Matthew Hipple, 113 Fairmount Drive, spoke in favor of the concrete plant for manufacture of concrete and tax revenue.

25. Mr. Hammond Branch, Toano, asked whether the middle school would face Route 60 or Chickahominy Road.

Mr. Sowers responded that the traffic study shows the school access on Richmond Road.

With Board consensus, Mr. Norment continued the public hearings and postponed the cases, for further review of comments and input, until the April 1, 1991, Board of Supervisors meeting.

Mr. Norment recessed the Board for a break at 10:00 p.m.

Mr. Norment reconvened the Board into open session at 10:10 p.m.

4. Case No. AFD-5-86. Barnes Swamp Agricultural and Forestal District (Penland Addition)

Mr. Sowers stated that Mr. Alex L. Penland had applied to add 60.7 acres which he owns to the Barnes Swamp Agricultural and Forestal District (AFD-5-86), located at 9229 Diascund Road, further identified as Parcel 2-4 on James City County Real Estate Tax Map No. (1-29).

In concurrence with staff, the Planning Commission unanimously recommended approval of this addition for a term consistent with AFD-5-86, expiration date December 1, 1994, and with conditions listed in the Ordinance.

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

Mr. Taylor made a motion to approve the Ordinance.

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

5. Ordinance Amendment, Chapter 5A, Erosion and Sedimentation Control

Mr. Farmer stated that the Division of Soil and Water Conservation reviewed the County's program in mid-January and recommended several minor changes to the County Ordinance.

Staff recommended approval of the Ordinance.

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

Mr. DePue made a motion to approve the Ordinance.

On a roll call, the vote was: AYE: DePue, Edwards, Knudson, Norment (4). NAY: Taylor (1).

Mr. Norment recognized staff in the audience who had prepared the Erosion and Sedimentation Control amendment and expressed the Board's thanks for their efforts.

6. Ordinance Amendment, Chapter 7, Garbage and Refuse, Recycling

Mr. David W. Clark, Solid Waste Engineer, stated that the proposed ordinance would require recycling reports from all County nonresidential solid waste generators to allow compilation of data for the Virginia Department of Waste Management in accordance with State law.

Following a discussion regarding percentage needed from nonresidential sources; purpose or value of recyclables; incentives; and, ways to estimate figures, Mr. Norment opened the public hearing.

1. Carlyle Ford, Commissioner of the Revenue, questioned what was considered a business. He stated an insurance firm was not classified as a business.

2. Mr. Ed Oyer, 139 Indian Circle, stated incentives should be addressed because there is a trash problem, and we all have to deal with it.

Mr. Norment closed the public hearing.

Mr. Edwards suggested obtaining national figures for estimates, rather than use incorrect local figures.

Mr. Larry Foster, General Manager, James City Service Authority, explained that the report is a State requirement.

Mr. Norment postponed the case to review additional information until March 18, 1991 Board of Supervisors meeting.

7. Ordinance Amendment, Chapter 11, Motor Vehicles, Inoperable Vehicles

9. Ordinance Amendment, Chapter 20, Zoning - Case No. Z0-2-91. Civil Penalties

Mr. Leo Rogers, Assistant County Attorney, stated that the proposed ordinance amendment for Chapter 11 deleted the provision pertaining to inoperative automobiles, and the ordinance amendment for Chapter 20 incorporated inoperative vehicles into zoning.

Mr. Farmer stated that a recent amendment to the State Code authorized civil penalties for specific zoning violations, and criminal sanctions may not be imposed on a zoning violation for which civil penalties have been authorized.

Staff recommended approval of the ordinance because less time will be needed to correct designated zoning violations.

Mr. Norment opened the joint public hearings, and as no one wished to speak, he closed the public hearings.

Mr. DePue made a motion to approve the ordinances.

On a roll call, the vote was: AYE: DePue, Edwards, Knudson, Norment (4). NAY: Taylor (1).

8. Ordinance Amendment, Chapter 13, Offenses - Miscellaneous, Discharge of Firearms

Mr. Rogers stated that the ordinance eliminated the exception of discharging a firearm within three hundred feet of a subdivision in order to kill any "destructive" animal.

Mr. Norment 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: DePue, Edwards, Knudson, Norment (4). NAY: Taylor (1).

10. VPSA School Bond Sale

Mr. John E. McDonald, Manager, Financial Management Services, stated that Hunton and Williams, the County's bond counsel, had provided a resolution to formally authorize the VPSA school construction financing.

Staff recommended approval of the resolution.

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

Ms. Knudson made a motion to approve the resolution.

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

E. **BOARD CONSIDERATIONS**

1. Case Nos. Z-4-90 and SUP-12-90. Lether Investments

Mr. Sowers stated that Mr. Vernon Geddy, III, had applied on behalf of Lether Investments to rezone approximately 50.9 acres, with proffers, located on the north side of John Tyler Highway, approximately 2,700 feet west of Five Forks, from R-8, Rural Residential to R-1, Limited Residential, further identified as Parcels (1-30), (1-31) and (1-32) on James City County Real Estate Tax Map No. (46-2). He further stated that the applicant had applied for a special use permit to allow the development of this parcel under the Residential Cluster section of the Zoning Ordinance.

Mr. Sowers explained that the proposal was substantially consistent with the Comprehensive Plan, surrounding development and zoning. He further stated that the applicant had provided adequate protection of the environmental sensitivity of the site, addressed the traffic impacts, and provided a greenbelt that was generally consistent with the adopted greenbelt policy.

In concurrence with staff, the Planning Commission, at its March 13, 1990 meeting, recommended approval of the rezoning and special use permit with conditions listed in the resolution.

1. Mr. Vernon Geddy, III, Esq., stated there was a change in proffers to include an off site sidewalk or pedestrian trail. He noted 3 lots, not 5 as previously stated, or 15 homes, without proffers. He stated that the plan complied with County development guidelines and asked for Board approval.

2. Mr. George Wright, President, The Historic Route 5 Association, stated that the Board was aware of the Association's position.

Mr. Norment reiterated that under existing zoning, 15 lots could be developed which would be reasonable use of the property.

Mr. Taylor made a motion to approve Case No. Z-4-90 and Case No. SUP-12-90.

On a roll call, the vote was: AYE: DePue, Taylor (2). NAY: Edwards, Knudson, Norment (3).

2. 1991 Pre-Allocation Hearing

Mr. John T.P. Horne, Manager, Development Management, stated that the Virginia Department of Transportation Pre-allocation public hearing would be held on Tuesday, March 26, 1991.

Staff recommended approval of the resolution with the list of highest priority primary highway projects and stated opposition to the construction of any bridge across the James River in James City County.

Mr. Norment made a motion to approve the resolution.

On a roll call, the vote was: AYE: DePue, Edwards, Knudson, Norment (4). NAY: Taylor (1).

R E S O L U T I O NHIGHEST PRIORITY HIGHWAY PROJECTS IN JAMES CITY COUNTY

- WHEREAS, the James City County Board of Supervisors believes that a safe, efficient and adequate transportation network is vital to the future of the County and the region; and
- WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area; and
- WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which causes inconvenience and delay, impedes the actions of emergency vehicles and personnel, and contributes the major source of air pollution to the area; and
- WHEREAS, public hearings for the corridor selection of Route 199 were successfully completed in 1979 and again in 1986, and the access point for the Grove Interchange on Interstate 64 was approved in 1979; and
- WHEREAS, the Commonwealth Transportation Board has included funding for the Grove Interchange in the Six-Year Improvement Program, FY 91-96, in recognition of the need for improved traffic circulation in the vicinity of Busch Gardens and the need to provide improved access to major developing industrial and commercial areas in James City County and Newport News; and
- WHEREAS, the Highway Commission has also recognized the tremendous traffic impacts caused by commercial development in the Lightfoot area by approving funding for the construction of Route 199 between Interstate 64 and Olde Towne Road (Route 658) and between John Tyler Highway (Route 5) and Ironbound Road (Route 615) in the FY 91-96 Six-Year Program; and
- WHEREAS, the adopted Skiffe's Creek Area Development Plan, incorporated into the Comprehensive Plan of James City County, designates new roadway construction bypassing hazardous portions of Pocahontas Trail (Route 60 East) and providing access to a major future industrial area.
- NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the following list comprises the highest priority primary highway projects in James City County:
- o The design, construction and completion of Route 199 from Interstate 64 to John Tyler Highway (Route 5) as a full four-lane facility, and the widening of the existing section of Route 199 to four lanes in those areas where only two lanes presently exist.

- o The design of an alternate alignment of Pocahontas Trail (Route 60 East) between the Anheuser Busch access road and the Newport News city limits.
- o The design and construction of the Grove Interchange on Interstate 64 as programmed in the adopted FY 91-96 Six-Year Improvement Program.

BE IT FURTHER RESOLVED that the Board opposes the construction of any bridge across the James River in James City County.

#### F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, asked the Board to support keeping the SPCA shelter open so that the Pet Therapy Program, which involves volunteers taking animals to units at Eastern State Hospital for patient therapy, could continue.

Mr. Norment left the meeting at 11:00 p.m.

2. Mr. Glenn Gilley, area realtor, stated that under current A-1 zoning, property owners cannot build on lots subdivided several years ago that are less than 250 feet wide.

Mr. Taylor requested the matter be reviewed by visiting the site rather than by checking maps.

Mr. Norman responded that Mr. Horne would prepare a report for the Board on the issue.

#### G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, reported negotiations with area jurisdictions to operate the SPCA shelter through the Peninsula SPCA were underway. He stated Mr. John McDonald would present a brief update.

Mr. McDonald stated that the preferred approach would be to keep the animal shelter open by a contract with the Peninsula SPCA, consolidation of the dog pound operation and shelter, funding through donations, and with slightly reduced services.

#### H. BOARD REQUESTS AND DIRECTIVES

Mr. Morton indicated he had made an earlier distribution of an additional agenda item regarding the standards and criteria for the 1991 redistricting.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION1991 REDISTRICTING - STANDARDS AND CRITERIA

WHEREAS, the Board of Supervisors feels it would be appropriate to express its position on the adoption of standards and criteria to evaluate redistricting plans and adopt procedural guidelines to be followed for submittals of redistricting plans.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby adopts the standards and criteria to evaluate redistricting plans and adopts the procedural guidelines for submittal of such plans as set forth in a memorandum to the Board from the County Attorney and the Manager of Development Management dated March 4, 1991, a copy of which is attached hereto.


Mr. Morton provided Board members with the Ware Creek permit. He also referred to the final census report previously distributed, and Mr. Horne explained the acronyms of the column titles on that report.

Mr. Morton announced meetings of the Redistricting Advisory Committee scheduled for Thursday, March 7, 1991, at 7:00 p.m. in Building C Board Room, and Monday, March 11, 1991, at 7:00 p.m. in Building E Conference Room. He extended an invitation to the Board and public to attend those meetings, which are not televised.

Mr. DePue made a motion to adjourn.

On a roll call, the vote was: AYE: DePue, Taylor, Edwards, Knudson (4). NAY: (0). ABSENT: Normant.

The Board adjourned at 11:20 p.m.



David B. Norman  
Clerk to the Board

**BARNES SWAMP (PENLAND ADDITION)**  
**AGRICULTURAL AND FORESTAL DISTRICT**  
**(AFD-5-86)**

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

WHEREAS, an Agricultural and Forestal District in the Barnes Swamp area has been established by the James City County Board of Supervisors; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Barnes Swamp area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on January 15, 1991, recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on February 12, 1991, recommended approval of the application.

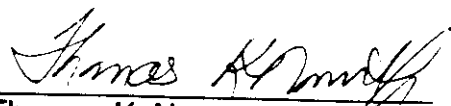
NOW, THEREFORE BE IT ORDAINED:

1. That the Barnes Swamp Agricultural and Forestal District is hereby amended by the addition of the following parcels:

(2-4)(1-29)                      Alex L. Penland                      60.7 ac.

provided, however, that all land within 25 feet of the right-of-way of Diascund Road (Route 603) shall be excluded from the district.

2. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
  - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.
  - c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.

  
Thomas K. Norment, Jr.  
Chairman, Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 4th day of March, 1991.

1661w

MAR 4 1991

ORDINANCE NO. 85A-9BOARD OF SUPERVISOR  
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, BY AMENDING SECTION 5A-1. PURPOSE, SECTION 5A-3. DEFINITIONS, SECTION 5A-4, NONCONTROLLED ACTIVITIES, SECTION 5A-5. PROCEDURES FOR PLAN SUBMISSION AND REVIEW, INSPECTION AND ENFORCEMENT, SECTION 5A-8. RESPONSIBILITY OF OWNER FOR EXPENSE OF CONTROL MEASURES; PERFORMANCE BONDS, SECTION 5A-9. LAND-DISTURBING PERMIT GENERALLY; TERM OF PLAN, 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-1. Purpose, Section 5A-3. Definitions, Section 5A-4. Noncontrolled activities, Section 5A-5. Procedures for plan submission and review, inspection and enforcement, Section 5A-8. Responsibility of owner for expense of control measures; performance bonds, Section 5A-9. Land-disturbing permit generally; term of plan, and Section 5A-11. Penalty.

## Chapter 5A. Erosion and Sedimentation Control

### Section 5A-1. Purpose.

In order to ensure the proper development of the county and in order to promote and ensure the health, safety, morals and general welfare of the inhabitants of such county, and pursuant to the authority granted in Section 10.1-560, et. seq., of the Code of Virginia, 1950, as amended, the board of supervisors deems it necessary to adopt these provisions providing, during and following construction, for the control of erosion and sedimentation, and for the establishment of procedures for the administration and enforcement of such controls.

### 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.

Applicant. Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

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 impact area. An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land one acre or less used for residential purposes or to shorelines where the erosion results from wave action or coastal process.

Erosion and sedimentation control plan, conservation 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.

Ordinance to Amend and Reordain  
Chapter 5A. Erosion and Sedimentation Control  
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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.

Owner. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a property.

Permittee. The person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

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.

State waters. All waters on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Subdivision. The division of property into two or more parcels for any purpose, including but not limited to transfer of ownership, development, or the creation of a new street. The term includes resubdivisions and, where appropriate to the context, shall relate to the process of subdividing or the land subdivided.

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.

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, Article 2 (Section 10.1-604 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-ways, 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 twenty-five hundred (2,500) 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 sedimentation;

- (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 James City County 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 sedimentation 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.

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

- (a) 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.
- (b) 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 sedimentation. 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.

- (c) In order to prevent further erosion, the administrator may require an approved erosion and sedimentation control plan for any land identified and designated as an erosion impact area. Any property owner whose land is designated as an erosion impact area, provided the erosion is not the result of activities specified in Section 5A-4, shall:
  - (1) submit an erosion and sedimentation control plan for approval within 30 days of receipt of the notice designating the property as an erosion impact area;
  - (2) obtain a land disturbing permit with sufficient surety posted pursuant to Section 5A-8;
  - (3) install all control measures as approved on the plan; and
  - (4) comply with all other provisions of this chapter.
- (d) The county may charge applicants a reasonable fee to defray the cost of program administration, including costs associated with the issuance of grading or land disturbing permits, plan review, and periodic inspection for compliance with erosion and sedimentation control plans if charges for such costs are not made under any other law, ordinance or program. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrator's expense involved, or \$1,000, whichever is less.

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

- (a) 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.

- (b) Within sixty (60) days of the achievement of adequate stabilization and completion of the land-disturbing activity as determined by a final inspection, 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.
- (c) 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.

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

- (a) 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.
- (b) Issuance of a land-disturbing permit is conditioned on an approved erosion and sedimentation 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.
- (c) Any land-disturbing permit shall contain a right of entry to allow the administrator or his designees access to the property until a final inspection determines that the land is adequately stabilized.
- (d) 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.

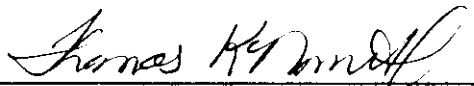
Section 5A-11. Penalty.

- (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 administrator, the county or the Board may apply to the circuit court in any jurisdiction wherein the land lies 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 an adequate remedy at law does not exist.
- (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


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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.

Ordinance to Amend and Reordain  
Chapter 5A. Erosion and Sedimentation Control  
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Thomas K. Norment, Jr., Chairman  
Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 4th day of March, 1991.

0317U

ADOPT 95

MAR 4 1991

ORDINANCE NO. 66A-28

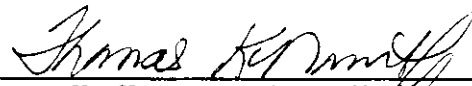
BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, STOPPING, STANDING AND PARKING, BY DELETING SECTION 11-46. KEEPING OF INOPERATIVE AUTOMOBILES IN RESIDENTIAL, COMMERCIAL OR LIMITED AGRICULTURAL, A-2, ZONES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by deleting Section 11-46. Keeping of inoperative automobiles in residential, commercial or limited agricultural, A-2, zones.

Chapter 11. Motor Vehicles and Traffic  
Article III. Stopping, Standing and Parking

Ordinance to Amend and Reordain  
Chapter 11. Motor Vehicles and Traffic  
Page 2



Thomas K. Norment, Jr., Chairman  
Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

SUPERVISOR    VOTE

DEPUE	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 4th day of March, 1991.

0323U

MAR 4 1991

ORDINANCE NO. 31A-129

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I. IN GENERAL, SECTION 20-24. PENALTIES, BY ADDING SECTION 20-27. KEEPING OF INOPERABLE VEHICLES; AND BY AMENDING ARTICLE VII. SPECIAL REGULATIONS FOR EXTERIOR SIGNS, SECTION 20-455. VIOLATIONS AND PENALTIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, is hereby amended and reordained by amending Section 20-24. Penalties: Sanctions, Injunctive Relief, Fines; by adding Section 20-27. Keeping of Inoperable Vehicles in Residential or Commercial Districts; and by amending Section 20-445. Violations and Penalties.

Chapter 20. Zoning

Article I. In General

Section 20-24. Penalties: Sanctions, injunctive relief, fines.

- A. Violating, causing or permitting the violation of, or otherwise disregarding any of the provisions of this Chapter by any person, firm or corporation, whether as principal, agent, owner, lessee, employee or other similar position shall be unlawful and is subject to the following:

1. Criminal Sanctions . upon conviction, shall be guilty of a misdemeanor and may be fined up to \$1,000. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this Chapter is committed, continued or permitted.
2. Injunctive Relief - Any violation or attempted violation of this Chapter may be restrained, corrected or abated as the case may be by injunction or other appropriate relief.
3. Civil Fines:
  - (a) A civil penalty in the amount listed on the schedule below shall be assessed for a violation of the respective offense:
    - (i) Keeping an inoperable vehicle in residential or commercial zoning districts in violation of Section 20-27.....\$100.00 per vehicle.
    - (ii) Constructing, placing, erecting or displaying a sign on private property without a sign permit issued by the County in violation of Section 20-452.....\$100.00 per sign.
    - (iii) Occupying, or permitting to be occupied, a Single Family Dwelling (SFD) by more than three unrelated individuals in violation of the definition of "family" in Section 20-2. .... \$100.00 per offense.
    - (iv) Installing, placing or maintaining a dish antennae in violation of Section 20-100.....\$50.00 per offense.
  - (b) Each day during which a violation is found to exist shall be a separate offense. However, in no event shall specified violations arising from the same set of operative facts be charged more frequently than once in a ten-day period and in no event shall a series of such violations result in civil penalties of more than \$3,000.
  - (c) Any person summoned for a scheduled violation may make an appearance in person or in writing by mail to the County treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

(d) No provisions herein shall be construed to allow the imposition of civil penalties for: (i) enforcement of the Uniform Statewide Building Code; (ii) activities related to land development or activities related to the construction or repair of buildings and other structures; (iii) violations of the erosion and sedimentation control ordinance; (iv) violations of any provisions of a local zoning ordinance relating to the posting of signs on public property or public right-of-ways; or, (v) violations resulting in injury to any person or persons.

B. Civil or criminal action may be brought in conjunction with an action for injunctive relief. However, the offense designated for civil penalties above shall be in lieu of criminal enforcement.

Section 20-27. Keeping of inoperable vehicles in residential or commercial districts.

- A. It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes, any motor vehicle, trailer or semitrailer, as such is defined in Section 46.2-100 of the Code of Virginia, which is inoperable; provided, however, no more than one (1) such inoperable vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers. An inoperable motor vehicle shall mean any motor vehicle which is not in operating condition, or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.
- B. The owners of property zoned for residential or commercial purposes shall, at such time as the County or its agent may prescribe, remove therefrom any such inoperable motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the County, through its own agent or employees, may remove them. The County, through its own agent or employees, may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.
- C. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the County as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have

been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs have been made to the County.

State law reference - Authority of board of supervisors to enact this section, Code of Virginia, §15.1-11.1.

#### Article VII. Special Regulations for Exterior Signs

##### Section 20-455. Violations and penalties.

Prior to any criminal or civil enforcement under this Section, the administrator or his designee shall give five days written notice of the violation to the owner, tenant or lessee of the property. The violation of any provision of this article concerning the posting of a sign on public property or public right-of-ways is a misdemeanor subject to punishment pursuant to Section 20-24. The violation of any other provisions of this article is subject to a civil penalty under Section 20-24. In addition, if such violation is not corrected within five (5) days after receipt of the notice of violation, except violations involving portable signs, the administrator or his designee may remove or cause to be removed at the owner's or tenant's expense such sign and-or institute such other action as may be appropriate. If the violation involves a portable sign, such sign shall be removed immediately, and if not, the administrator or his designee may remove or cause to be removed, at the owner's or tenant's expense such sign and-or institute such other action as may be appropriate. Removal of a sign shall not affect any proceedings instituted prior to removal of such sign.



Thomas K. Norment, Jr., Chairman  
Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 4th day of March, 1991.

0315U

MAR 4 1991

ORDINANCE NO. 56A-6

BOARD OF SUPERVISOR  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 13-36. SAME-DISCHARGE OF FIREARMS, ETC., IN OR NEAR RECORDED SUBDIVISION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 13-36. Same-discharge of firearms, etc., in or near recorded subdivision.

Chapter 13. Offenses - Miscellaneous

Section 13-36. Same-Discharge of firearms, etc., in or near recorded subdivision.

(a) It shall be unlawful for any person to discharge any firearms or air-operated or gas-operated weapons in or within three hundred (300) feet of the boundaries of any recorded subdivision located in the County.

(b) For purposes of this section, recorded subdivision shall mean any subdivision a plat of which has been recorded in the clerk's office for the circuit court of the County.

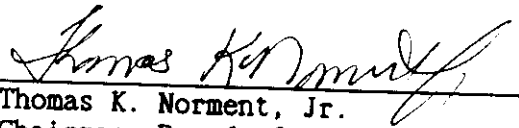
(c) The prohibition contained in this section shall not apply to the following:

(1) The discharge of guns in a private basement, cellar or like target range.

(2) The discharge of weapons in defense of one's life or to kill any dangerous animal.

(3) The discharge of weapons by any duly authorized peace officer or law enforcement official acting in the performance of his duties.

Ordinance to Amend and Reordain  
Chapter 13. Offenses - Miscellaneous  
Page 3

  
Thomas K. Norment, Jr.  
Chairman, Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

SUPERVISOR   VOTE

DEPUE	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 4th day of March, 1991.

0319U

The undersigned Clerk of the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), hereby certifies as follows:

1. A regular meeting of the Board was held on April 1, 1991, at the time and place established by such Board for its regular meetings at its preceding annual meeting in accordance with Section 15.1-536 of the Code of Virginia of 1950, as amended, at which the following members were present and absent:

**PRESENT:**

Perry M. DePue  
Stewart U. Taylor  
Jack D. Edwards  
Judith N. Knudson  
Thomas K. Norment, Jr.

**ABSENT:**

2. A resolution entitled "Resolution Providing for the Issuance of \$2,730,000 School Bonds, Series of 1991A, of James City County, Virginia, Heretofore Authorized, To Be Sold To the Virginia Public School Authority, and Setting Forth the Form and Details Thereof" was adopted by a majority of all members of the Board by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

**MEMBER**

**VOTE**


DEPUE  
TAYLOR  
EDWARDS  
KNUDSON  
NORMENT

AYE  
AYE  
AYE  
AYE  
AYE

3. Attached hereto is a true, correct and complete copy of such resolution as adopted at such meeting.

**WITNESS** my signature and the seal of the Board of Supervisors of James City County, Virginia, this 2nd day of April, 1991.

(SEAL)

  
\_\_\_\_\_  
Clerk, Board of Supervisors of  
James City County, Virginia

**RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,730,000 SCHOOL BONDS, SERIES OF 1991A, OF JAMES CITY COUNTY, VIRGINIA, HERETOFORE AUTHORIZED, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND SETTING FORTH THE FORM AND DETAILS THEREOF**

**WHEREAS**, by resolution adopted March 4, 1991, the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), has determined that it is necessary and expedient to issue its general obligation bonds in the maximum amount of \$2,730,000 to finance capital projects for school purposes, none of which bonds have been issued and sold; and

**WHEREAS**, the Virginia Public School Authority, a state agency prescribed by the General Assembly of Virginia pursuant to Article VII, Section 10(b) of the Constitution of Virginia (the "VPSA"), has offered to purchase the County's school bonds in an amount not to exceed \$2,730,000 pursuant to a Bond Sale Agreement dated as of April 5, 1991 (the "Bond Sale Agreement"); and

**WHEREAS**, the Board of Supervisors (the "Board") of the County has determined that it is necessary and expedient to borrow an aggregate amount not to exceed \$2,730,000 and to issue its general obligation school bonds for the financing of certain capital projects for school purposes; and

**WHEREAS**, the County held a public hearing after due notice, on March 4, 1991, on the issuance of the Bonds, as defined below, in accordance with the requirements of Sections 15.1-171.1 and 15.1-504, Code of Virginia of 1950, as amended (the "Virginia Code");

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

1. **Issuance of Bonds and Use of Proceeds.** The Board has determined previously that it is advisable to contract a debt and issue and sell general obligation bonds in the maximum aggregate amount of \$2,730,000 (the "Bonds") for the purpose of financing certain capital projects for public school purposes. The Board hereby provides for the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. **Sale of Bonds.** It is determined to be in the best interest of the County to accept the offer of the VPSA to

purchase the Bonds, and to sell the Bonds to the VPSA at par upon the terms established pursuant to this Resolution. The Chairman of the Board and the County Administrator, or either of them, are hereby authorized and directed to execute the Bond Sale Agreement in substantially the form submitted to the Board at this meeting, which is hereby approved, and deliver it to the VPSA.

3. Details of Bonds. The Bonds shall be issuable in registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of their issuance and delivery; shall be designated "School Bonds, Series of 1991A;" shall bear interest payable semi-annually on June 15 and December 15 (each an "Interest Payment Date"), beginning December 15, 1991, at the rate or rates, and shall mature on December 15 in the years (each a "Principal Payment Date") and in the amounts, established in accordance with paragraph 4 of this Resolution.

Interest on each Bond shall be payable (a) from its date, if it is authenticated prior to December 15, 1991, or (b) otherwise from the June 15 or December 15 that is, or immediately precedes, the date on which it is authenticated (unless payment of interest thereon is in default, in which case such Bond shall bear interest from the date to which interest has been paid). Principal and premium, if any, shall be payable, subject to the provisions of Section 6, to the registered owners upon surrender of the Bonds as they become due at the principal corporate trust office of Crestar Bank, Richmond, Virginia, the Registrar. Subject to the provisions of Section 6, interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on registration books kept by the Registrar on the first day of the month of the interest payment date. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

4. Award of Bonds; Interest Rates. The County Administrator is hereby authorized and directed to award the Bonds to the VPSA at a price of par and at an interest rate or rates established by the VPSA, provided that no such interest rate or rates shall be more than one-tenth of one percent (1/10 of 1%) over the annual rate to be paid by the VPSA for the corresponding maturity of the bonds to be issued by the VPSA (the "VPSA Bonds"), the proceeds of which will be used to purchase the Bonds, and provided further, that no interest rate on the Bonds shall exceed nine percent (9%) per year. Principal of the Bonds shall be payable in installments in years and amounts as set forth on Exhibit A; provided, however, that the County Administrator is hereby authorized to award the Bonds to the VPSA in accordance with a principal payment schedule different from that set forth in Exhibit A as the VPSA may propose, provided that such schedule shall include for annual payments in the years 1991 through 2010, inclusive. The execution and delivery of the Bonds as described in Section 8

hereof shall conclusively evidence the same as having been approved and authorized by this Resolution.

5. **Form of Bonds When Owned by VPSA.** For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit B. Upon 20 days' written notice from the VPSA, the County shall deliver, at its expense, Bonds in marketable form in denominations of \$5,000 or any integral multiple, as requested by the VPSA, in exchange for the temporary typewritten Bond. Such Bonds in marketable form shall be in substantially the form of Exhibit B hereto, with such changes as shall be necessary or appropriate for the Bonds to be in marketable form, as are not inconsistent with the terms of this Resolution and as may be approved by the County officials executing such Bonds.

6. **Payment to VPSA; Paying Agent and Registrar.**

a. For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. (Richmond, Virginia, time) on the applicable Interest Payment Date and Principal Payment Date, or, if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. (Richmond, Virginia, time) on the business day next preceding such Payment Date; and

b. All overdue payments of principal, and interest to the extent permitted by law, shall bear interest at the applicable interest rate or rates on the Bonds.

c. Crestar Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bond (the "Registrar").

7. **Prepayment or Redemption.** The principal installments of the Bonds held by the VPSA coming due on or before December 15, 2000, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before December 15, 2000, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of the Bonds held by the VPSA coming due after December 15, 2000, and the definitive Bonds that mature after December 15, 2000, are subject to prepayment or redemption at the County's option prior to their stated maturities in whole or in part, on any date on or after December 15, 2000, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

	December 15, 2000 to December 14, 2001, inclusive	
103%		
	December 15, 2001 to December 14, 2002, inclusive	102
	December 15, 2002 to December 14, 2003, inclusive	101
	December 15, 2003 and thereafter	100

Provided, however, that while the VPSA is the registered owner of the Bonds or of the definitive Bonds for which the Bonds may be exchanged, the County shall not call the principal installments of the Bonds for prepayment or call the definitive Bonds for which the Bonds may be exchanged for redemption prior to their stated maturities as described above without first obtaining the prior written consent of the VPSA. Notice of any such prepayment or redemption shall be given by the Registrar to the registered owner by registered mail not more than ninety nor less than thirty days before the date fixed for prepayment or redemption. Notice of prepayment (but not the requirement that the VPSA give its prior written consent to prepayment or redemption) may be waived by the owner of a Bond to be prepaid.

8. Execution of Bonds. The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice-Chairman of the Board, shall be countersigned by the manual or facsimile signature of the Clerk of the Board and the Board's seal shall be affixed thereto or a facsimile thereof printed thereon; provided, however, that if both of such signatures are facsimiles, no bond shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

9. Pledge of Full Faith and Credit. For the timely payment of the principal of and the interest on the Bonds provided for by this Resolution as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding, unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Board shall levy and collect in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on the Bonds as such principal and interest shall become due, which tax shall be without limitation as to rate and amount and in addition to all other taxes authorized to be levied in the County.

10. School Board Approval. The Clerk of the Board is hereby authorized and directed to cause a certified copy of this Resolution to be presented to the School Board of Williamsburg-James City County. The Bonds authorized hereby shall not be issued by the County until the School Board of Williamsburg-James City County shall have adopted an appropriate resolution

consenting to the issuance of the Bonds.

11. **State Non-Arbitrage Program; Proceeds Agreement.** In accordance with the requirements of the VPSA, the Board hereby determines that it is in the County's best interests to participate in the State Non-Arbitrage Program in connection with the Bonds, and hereby authorizes and directs the County Treasurer to take such action as shall be necessary or desirable therefor. The appropriate officers of the County are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, Public Financial Management, Inc., as investment manager, and Central Fidelity Bank, as depository; provided, however, that such proceeds shall be invested in such manner that none of the Bonds will be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations applicable to the Bonds (the "Code"). The Proceeds Agreement shall be in such form as shall be approved by the County's bond counsel.

12. **Maintenance of Tax-Exemption.** The County hereby covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Code Section 148, or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds. The County shall pay any such required rebate from its general funds.

13. **Use of Proceeds Certificate.** The appropriate officers and agents of the County are hereby authorized and directed to execute a Use of Proceeds Certificate or Certificates setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds or on the VPSA Bonds. The Board, on behalf of the County, covenants that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and other Certificates and that the County shall comply with the other covenants and representations contained therein. Furthermore, the Board, on behalf of the County covenants that the County shall comply with the provisions of the Code so that interest on

the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes. Such Certificates may also provide for any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with the provisions of Code Section 148.

14. Restrictions on Private Use. The County covenants that it will not permit the gross proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Code Section 141(b), (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Code Section 141(b)(4), or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Code Section 141(c); provided, however, that if the County receives an opinion of bond counsel to the County with respect to the Bonds, and bond counsel to the VPSA with respect to the VPSA Bonds, that compliance with any such restriction is not required to prevent interest on the bonds of both issues from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such restriction.

15. No Sale of Bonds of Same Issue. The County covenants that it will not, without the Authority's consent, sell or deliver any general obligation bonds which are part of the same common plan of financing (and paid for from the same source of funds) as the Bonds between the dates that are 31 days prior to the date of sale of the VPSA Bonds and 31 days after the Closing Date.

16. Filing of Resolution; Publication of Notice. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County and, within ten days thereafter, to cause to be published once in a newspaper having general circulation in the County a notice setting forth (a) in brief and general terms the purposes for which the Bonds are to be issued and (b) the amount of the Bonds.

17. Further Actions. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds, and any such action previously taken is hereby ratified and confirmed.

18. Repeal of Resolutions in Conflict. All resolutions or

parts thereof in conflict herewith are hereby repealed.

19. Effective Date. This Resolution shall take effect immediately.

## Principal Repayment Schedule

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1991	\$ 50,000	2001	\$125,000
1992	55,000	2002	135,000
1993	60,000	2003	150,000
1994	65,000	2004	165,000
1995	75,000	2005	180,000
1996	80,000	2006	195,000
1997	90,000	2007	215,000
1998	95,000	2008	235,000
1999	105,000	2009	260,000
2000	115,000	2010	280,000

EXHIBIT B

(FORM OF TEMPORARY BOND)

NO. TR-1

\$2,730,000

UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
JAMES CITY COUNTY  
School Bond, Series of 1991A

JAMES CITY COUNTY, VIRGINIA (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC SCHOOL AUTHORITY the principal amount of **TWO MILLION SEVEN HUNDRED THIRTY THOUSAND DOLLARS (\$2,730,000)**, in annual installments on December 15 of the years (each a "Principal Payment Date"), together with interest on the unpaid installments at the annual rates set forth below from the date of this Bond until payment of the principal sum hereof, such interest to be payable commencing on December 15, 1991, and semi-annually thereafter on June 15 and December 15 of each year (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1991	\$ 50,000	%	2001	\$125,000	%
1992	55,000		2002	135,000	
1993	60,000		2003	150,000	
1994	65,000		2004	165,000	
1995	75,000		2005	180,000	
1996	80,000		2006	195,000	
1997	90,000		2007	215,000	
1998	95,000		2008	235,000	
1999	105,000		2009	260,000	
2000	115,000		2010	280,000	

subject to prepayment as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, Crestar Bank, Richmond, Virginia, as Bond Registrar, shall make all payments of principal of, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00

a.m. (Richmond, Virginia, time) on the applicable Payment Date. If a Payment Date is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal of, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. (Richmond, Virginia, time) on the business day next preceding the scheduled Payment Date. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgement of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of principal of and interest on this Bond.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act, Chapter 5, Title 15.1, Code of Virginia of 1950, as amended, and resolutions duly adopted by the County's Board of Supervisors and the School Board of the County to provide funds, together with other available funds, to finance capital projects for public schools.

This Bond may be exchanged without cost at the principal corporate trust office of the Bond Registrar for an equal aggregate principal amount of bonds in definitive form having maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid, issuable in fully registered form in the denomination of \$5,000 or integral multiples thereof.

This Bond is registered in the name of Virginia Public School Authority on books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before December 15, 2000, and the definitive Bonds for which this Bond may be exchanged that mature on or before December 15, 2000, are not subject to prepayment or redemption prior to their

stated maturities. The principal installments of this Bond coming due after December 15, 2000, and the definitive Bonds for which this Bond may be exchanged that mature after December 15, 2000, are subject to prepayment or redemption at the County's option prior to their stated maturities in whole or in part, on any date on and after December 15, 2000, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

December 15, 2000 to December 14, 2001, inclusive	103%
December 15, 2001 to December 14, 2002, inclusive	102
December 15, 2002 to December 14, 2003, inclusive	101
December 15, 2003 and thereafter	100

Provided, however, that while the Virginia Public School Authority is the registered owner of this Bond or of the definitive Bonds for which this Bond may be exchanged, the County shall not call the principal installments of this Bond for prepayment, or call the definitive Bonds for which this Bond may be exchanged for redemption prior to their stated maturities as described above without first obtaining the prior written consent of the Virginia Public School Authority. Notice of any such prepayment or redemption shall be given by the Registrar to the registered owner by registered mail not more than ninety (90) and not less than thirty (30) days before the date fixed for prepayment or redemption. Notice of prepayment (but not the requirement that the Virginia Public School Authority give its prior written consent to prepayment or redemption) may be waived by the owner of the Bond to be prepaid or redeemed.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bond provides, and Section 15.1-210 of the Code of Virginia of 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate and amount and shall be in addition to all other taxes authorized to be levied in the County.

IN WITNESS WHEREOF, the Board of Supervisors of James City County, Virginia, has caused this Bond to be signed by its Chairman, to be countersigned by its Clerk, its seal to be affixed hereto, and this Bond to be dated May \_\_, 1991.

**COUNTERSIGNED:**

\_\_\_\_\_  
Clerk, Board of Supervisors  
of James City County,  
Virginia

(SEAL)

\_\_\_\_\_  
Chairman, Board of  
Supervisors of James City  
County, Virginia

## ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: \_\_\_\_\_

the within Bond and irrevocably constitutes and appoints

\_\_\_\_\_ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.)

\_\_\_\_\_  
Registered Owner

(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or change.)