

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 21ST DAY OF SEPTEMBER, NINETEEN HUNDRED NINETY-TWO, AT 1:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District  
David L. Sisk, Roberts District  
Stewart U. Taylor, Stonehouse District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES - September 8, 1992

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

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

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

C. HIGHWAY MATTERS

Ms. Beverly Mazingo, Williamsburg Assistant Resident Engineer, Virginia Department of Transportation, was present.

Mr. Taylor requested stop signs with blinking lights be installed at intersection of Rochambeau Drive and Route 607 for safety reasons.

Mr. DePue asked for a response to an August 15, 1992, letter regarding safety matters in Kristiansand subdivision.

Ms. Knudson asked for installation of "Children Playing" signs on John Rolfe Road in First Colony and for a study of the speed limit on that road.

Mr. Edwards asked whether the Virginia Department of Transportation was responsible for water drainage problem after heavy rainfalls across from Williamsburg Crossing Shopping Center.

Ms. Mazingo responded that a review of the requests would be completed.

## D. CONSENT CALENDAR

Mr. Edwards asked if any member of the Board wished to remove an item on the Consent Calendar.

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

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

1. Budget Adjustment - Drug Enforcement ActivitiesR E S O L U T I O NBUDGET ADJUSTMENT - DRUG ENFORCEMENT ACTIVITIES

WHEREAS, The James City County Police Department has received \$2,699.15 in forfeited assets as a result of drug related seizures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the appropriation of \$2,700 into a line-item account within the budget and creates a budget line-item for the Colonial Narcotics Enforcement Task force.

BE IF FURTHER RESOLVED that the budget adjustments be made as follows:

Revenues

Proceeds from Forfeited Assets	\$ 2,700
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Expenditures

Colonial Narcotics Task Force	\$15,579
Credits - Participating Agencies	(15,579)
Drug Enforcement Activity	2,700

2. Virginia Public Schools Authority Bonds - Toano Middle School3. 1992 VCDBG Planning Grant AwardR E S O L U T I O NAMENDMENT OF THE APPROPRIATION OF FUNDS FOR THEVCDBG PLANNING GRANT

WHEREAS, the Virginia Department of Housing and Community Development has awarded James City County a grant of \$19,200 under the VCDBG Planning Grant program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes that the appropriated funds for the Office of Housing and Community Development be amended as follows:

REVENUES

VCDBG Planning Grant \$19,200

EXPENDITURES

Mooretown - CDBG Planning Grant \$19,200

4. Homeless Intervention Program - FY 1993 Grant

R E S O L U T I O N

AMENDMENT OF THE APPROPRIATION OF FUNDS FOR THE

SHARE - HOMELESS INTERVENTION PROGRAM

WHEREAS, the Virginia Department of Housing and Community Development has increased by \$1,339 the grant awarded James City County under the SHARE - Homeless Intervention Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes that the appropriated funds for the Office of Community Development be amended as follows:

Revenues

SHARE - Homeless Intervention Program \$1,339

Expenditures

Homeless Intervention  
Grants and Loans \$1,004

Homeless Intervention  
Program Administration \$ 335

5. Housing and Urban Development Act - Section 3 Plan Amendment

R E S O L U T I O N

SECTION 3 PLAN AMENDMENT

WHEREAS, James City County has been approved to participate in the HOME Investment Partnership's Indoor Plumbing/Rehab program; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible; and

WHEREAS, the Board of Supervisors previously adopted a Section 3 Plan on October 15, 1987, in conjunction with the Chickahominy Road Residential Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amend the present Section 3 Plan to include the Indoor Plumbing/Rehabilitation Program.

E. PUBLIC HEARINGS

1. Case No. SUP-26-92. Louise W. Casey

Mr. David N. Fletcher, Planning Technician, stated that Ms. Louise W. Casey had applied for a special use permit to allow replacement of a manufactured home on .33 access in R-8, Rural Residential, located at 151 Jesters Lane, further identified as Parcel No. (2-13) on James City County Real Estate Tax Map No. (38-3).

Staff recommended approval of the case with conditions listed in the resolution.

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

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-26-92. LOUISE W. CASEY

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

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

Applicant:	Louise W. Casey
Real Estate Tax Map ID:	(38-3)
Parcel No.:	(2-13)
Address:	151 Jesters Lane
District:	Berkeley
Zoning:	R-8

## Conditions:

1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
3. Prior to the placement of the new unit, both existing manufactured homes shall be removed from the property.

2. Case No. SUP-27-92. Lawrence and Mary Jones

Mr. Fletcher stated that Mr. and Mrs. Jones had applied for a special use permit to allow replacement of a manufactured home on 2.45 acres in A-1, General Agricultural, located at 303 Ivy Hill Road, further identified as Parcel No. (1-7) on James City County Real Estate Tax Map No. (11-3).

Staff recommended approval of the case with conditions listed in the resolution.

Mr. DePue left the meeting.

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

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards (4). NAY: (0). ABSENT: DePue (1).

R E S O L U T I O NCASE NO. SUP-27-92. LAWRENCE AND MARY JONES

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

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

Applicant: Lawrence and Mary Jones

Real Estate Tax Map ID: (11-3)

Parcel No.: (1-7)

Address: 303 Ivy Hill Road

District: Stonehouse

Zoning: A-1

Conditions:

1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
3. Prior to the placement of the new unit, the two unoccupied manufactured homes shall be removed from the property.

3. Ordinance Amendment, Chapter 5, Bingo and Raffles

Mr. Leo Rogers, Assistant County Attorney, stated that the proposed ordinance would change the permit issuing authority from the County Administrator to the Commissioner of the Revenue, amend the audit fee, authorize the playing of Jackpot Bingo and incorporate recent State Code changes.

Staff recommended approval of the ordinance amendment.

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

Ms. Knudson made a motion to approve the ordinance amendment.

On a roll call, the vote was: AYE: Taylor, Sisk, Knudson, Edwards  
(4). NAY: (0). ABSENT: DePue (1).

4. Governor's Land and Greensprings Road Route 5 Funding Plan  
(continued from September 8, 1992)

Mr. John T. P. Horne, Manager, Development Management, stated that staff recommended deferral of this matter until the October 21, 1992, Board of Supervisors' meeting to allow time to receive information from the Commonwealth Transportation Board.

Without objection, Mr. Edwards continued the public hearing and deferred the case until the October 21, 1992 Board of Supervisors' meeting.

Mr. DePue returned to the meeting.

F. BOARD CONSIDERATIONS

1. Year-End Fund Balance - Williamsburg-James City County Schools

Mr. John E. McDonald, Manager, Financial and Management Services, stated that the School Superintendent, on behalf of the School Board, had requested that unspent FY 1992 funds be retained by the School Board.

Staff recommended approval of the request.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

SCHOOL YEAR-END FUND BALANCE

WHEREAS, the Williamsburg/James City County Schools have estimated a year-end unappropriated fund balance of \$400,907, of which \$321,832 would normally revert to the County's General Fund; and

WHEREAS, the Superintendent of the Williamsburg-James City County Schools has requested that the Board of Supervisors of James City County allow the School Board to retain the funds for use in the current fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Williamsburg-James City County Schools to retain the unappropriated general fund balance as of June 30, 1992, that would, under the terms of the current School contract, normally be returned to the County.

2. Case No. CP-1-92. Comprehensive Plan Update

Mr. Donald E. Davis, Principal Planner, stated that the case was deferred at the September 8, 1992, Board of Supervisors' meeting to provide an opportunity to prepare maps, other resources and a recommendation on the proposed revisions.

Staff recommended that the Board deny the proposed revisions.

Mr. Edwards noted that the Board agreed to text changes of the Comprehensive Plan at the previous meeting.

Mr. Edwards stated that a straw vote would be taken on each revision and that each amendment receiving Board support would be referred to the Planning Commission for consideration and a recommendation.

Mr. DePue introduced the revisions as follows:

Route 199

Mr. DePue considered existing Comprehensive Plan wording regarding Route 199 extremely restrictive for economic development purposes.

Mr. DePue made a motion to request the Planning Commission consider revising the Route 199 language contained in the Transportation section of the Comprehensive Plan from "The County will not support" to "The County will discourage".

Mr. Sisk made an amendment to the motion to add "Generally" to "The County will discourage."

Mr. DePue accepted the amendment.

Mr. Edwards stated that the County needs to be clear on its position regarding Route 199.

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

Williamsburg-Jamestown Airport

Mr. DePue made a motion to request the Planning Commission to consider changing the language of the Land Use Plan Map description for the Williamsburg-Jamestown Airport to "The suggested uses for the developable land associated with the airport include aviation uses with commercial and office development as secondary uses. The timing and intensity of development will be conditioned on the sufficient buffering and screening of adjacent property and the maintenance of an acceptable level of service for roads and other public services."

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

Stonehouse Mixed Use

Mr. DePue made a motion to request the Planning Commission to consider amending the map on Stonehouse Mixed Use Area extending the Mixed Use designation.

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

Anderson's Corner Mixed Use

The Board discussed the Anderson's Corner Mixed Use Area revision. No motion was made.



Warhill Mixed Use

Mr. DePue made a motion to request the Planning Commission consider extending the Mixed Use designation at Warhill across Route 60 West to replace Low Density Residential and Commercial in the "triangle" created by the proposed alignment of Route 199.

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

Mr. Morton reaffirmed that all revisions to the Comprehensive Plan or Land Use Maps were required to be referred to the Planning Commission for its recommendations.

Without objection, Mr. Edwards deferred action on the other proposed revisions to the Comprehensive Plan until October 5, 1992 Board of Supervisors' meeting.

3. Contract Award - Emergency Operations Center Expansion/Renovation

Mr. Richard Miller, Fire Chief, stated that 16 bids were received for the expansion and renovation of the EOC Building.

Staff recommended award of the contract to the lowest responsive bidder, Abante Corporation.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O NAWARD OF EOC BUILDING EXPANSION AND RENOVATION CONTRACT

WHEREAS, funds are available in the CIP Budget for renovation and expansion of the EOC Building; and

WHEREAS, bids for the expansion and renovations for James City County Emergency Operations Center were received on August 31, 1992, with the Abante Corporation submitting the low bid of \$309,700.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute a contract between James City County and the Abante Corporation for expansion and renovation of the Emergency Operations Center in the amount of \$309,700.

4. Financing County Fleet Maintenance Facility

Mr. McDonald stated that two consultant firms had suggested that the County internally finance the sum for the County Fleet Maintenance Facility, rather than through a lease-purchase agreement.

Staff recommended authorization to change the source of funding.

Mr. DePue made a motion to approve the resolution.

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

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

### FLEET MAINTENANCE FACILITY FINANCING

WHEREAS, the adopted FY 93 Capital Budget includes \$711,000 in proceeds from a lease - purchase agreement to finance the County Fleet Maintenance Facility.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to use \$711,000 of existing funds within the Debt Service Reserve Fund to finance the Facility.

#### 5. Treyburn Avenue Extension

Mr. Horne stated that the Williamsburg Planning Commission had requested an official position on the proposed Treyburn Avenue Extension.

Staff recommended approval to send a letter with conditions to the City of Williamsburg's City Manager and to advertise a public input session at the October 5, 1992, Board of Supervisors' meeting after which the Board may take an official position on this matter.

After discussion, Mr. Edwards made a motion to approve sending of the letter by the County Administrator.

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

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

### TREYBURN AVENUE EXTENSION

WHEREAS, the City of Williamsburg Planning Commission has requested that James City County offer its official position on the proposed Treyburn Avenue Extension; and

WHEREAS, the James City County County Administrator has drafted a letter of response indicating the recommendation staff has made to the Board of Supervisors and also indicating the Board's intention to conduct a public input meeting regarding this matter at their October 5, 1992, meeting; and

WHEREAS, staff seeks to be timely in its correspondence with the City of Williamsburg.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize David B. Norman to submit a letter to the City of Williamsburg outlining the County's general position in advance of the October 5, 1992, Board consideration of this matter.

6. Master Water and Sewer Plan

Mr. Larry M. Foster, General Manager, James City Service Authority, stated that Camp, Dresser and McKee updated the plans to incorporate and integrate the land use patterns provided in the 1991 Comprehensive Plan into the long-range water and sewer infrastructure needs of the James City Service Authority.

In accordance with the staff recommendation, the Planning Commission unanimously recommended approval of the updated plans.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O N

WATER AND SEWER MASTER PLANS

WHEREAS, Camp, Dresser, McKee has completed an update of the County's Water and Sewer Master Plans; and

WHEREAS, the Master Plans take into consideration the land use designations included in the 1991 Comprehensive Plan and provide a guide for the development of the water and sewer infrastructure to serve these land use patterns.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorse the Water and Sewer Master Plans prepared by Camp, Dresser, McKee for use as a guide in meeting James City County's water and sewer needs.

G. PUBLIC COMMENT

Mr. H. D. Tooley, Hicks Island Road, addressed the Board regarding County regulations restricting use of his property.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, recommended an executive session pursuant to Section 2.1-344(a)(1)(7) of the Code of Virginia to consider a personnel matter including the appointment of individuals to County boards and/or commissions and to consult with the County Attorney on a matter involving litigation.

## I. BOARD REQUESTS AND DIRECTIVES - None

WORK SESSION - Task Force for County Financial Planning

Mr. Edwards welcomed and thanked the Task Force for their efforts and stated the purpose of the work session was to hear from the Task Force and provide an opportunity for discussion regarding the findings and recommendation.

Mr. Norman thanked the Task Force and introduced Sanford Wanner who presented a report of actions taken to date by the County in response to the Task Force interim report.

Mr. Gilbert Bartlett, Task Force Chairman, presented the Report of the Task Force for County Financial Planning to the Board.

Each member of the Committee made a brief report on their section of the report.

Board members asked questions and held discussions.

Mr. Edwards made a motion to convene into executive session as recommended by the County Administrator.

Mr. Edwards reconvened the Board into open session at 5:35 p.m.

Mr. Edwards made a motion to approve the executive session resolution.

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

R E S O L U T I O N

MEETING DATE: September 21, 1992

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Edwards made a motion to appoint Evelyn Curd to the Cable Television Advisory Committee to fill an unexpired term, term expiring September 15, 1993; to reappoint Sara Patton and Mark Wenger to the Lower James River Advisory Board for a 4-year term, terms expiring September 12, 1996; to reappoint David Gussman to the Wetlands Board for a 5-year term, term expiring October 1, 1997; and, to nominate Baxter Carr to the Zoning Appeals for a 5-year term, retroactive to February 28, 1991, term expiring February 28 1996.

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

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 5:37 p.m.



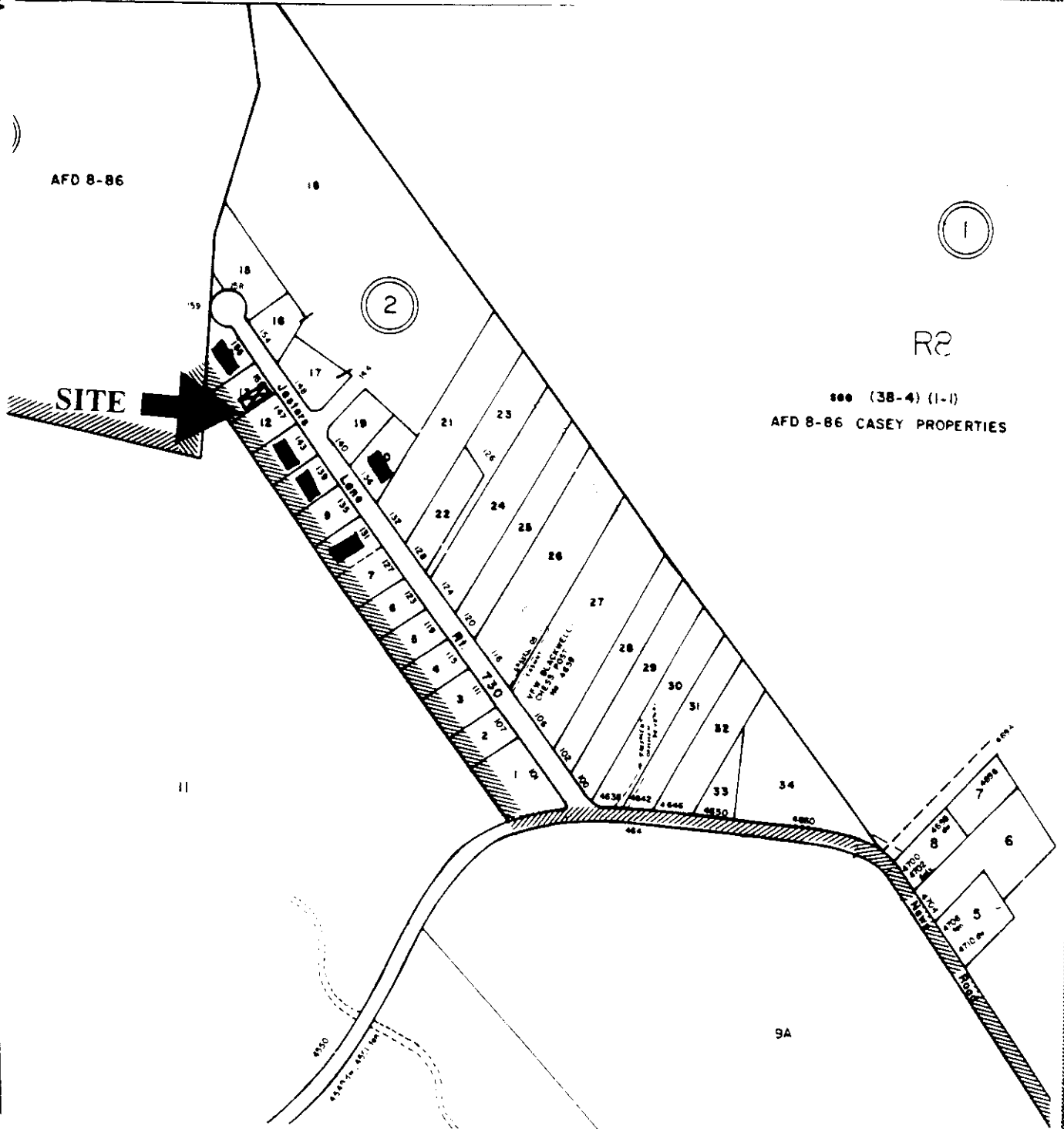
David B. Norman  
Clerk to the Board

AFD 8-86



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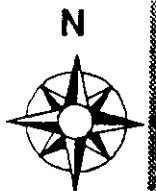
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AFD 8-86 CASEY PROPERTIES



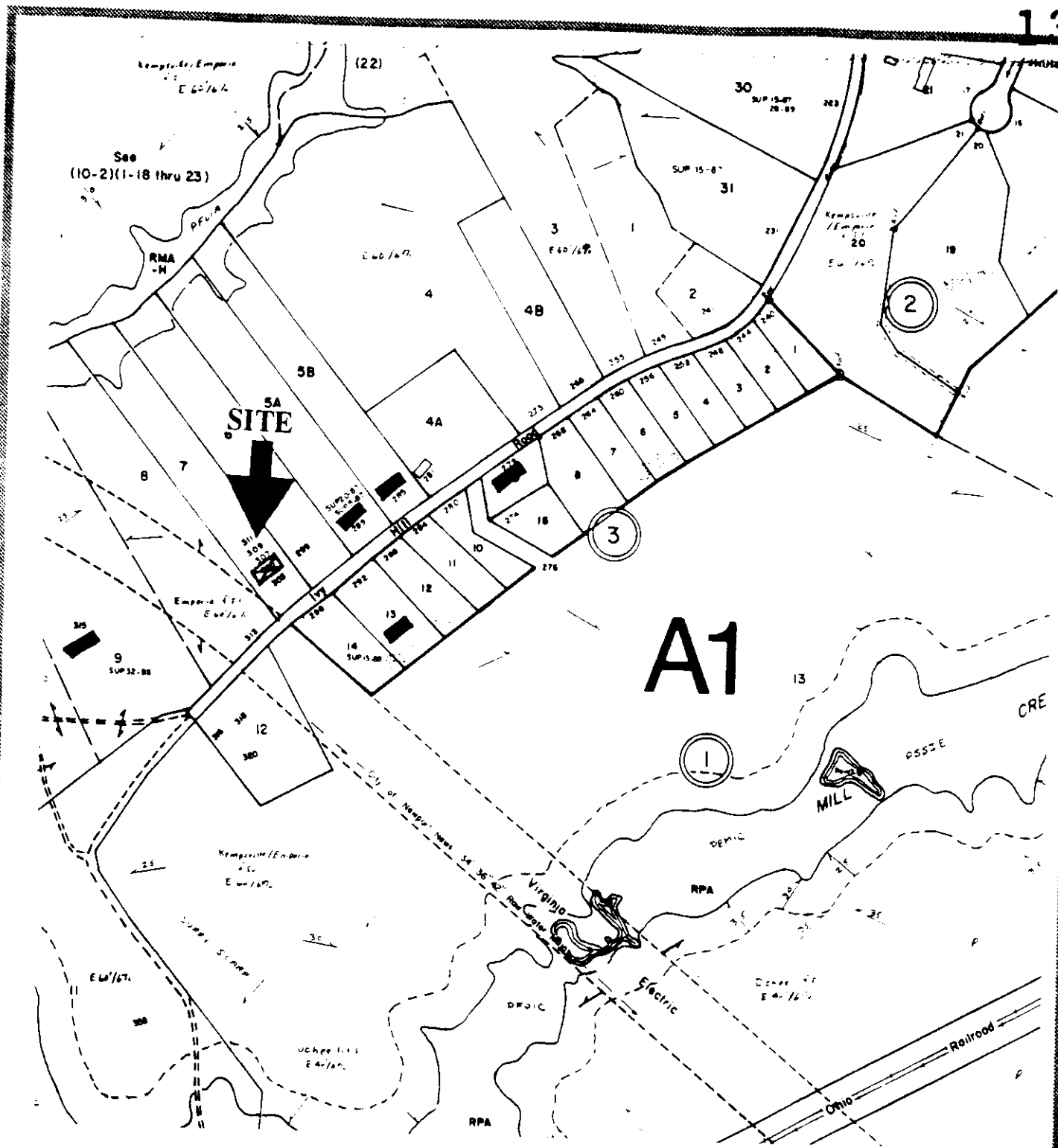
SCALE 1"=400 Feet



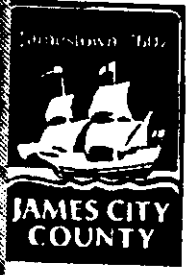
Case No: SUP-26-92  
 Name : Louise W. Casey, Manufactured Home  
 ■ : Existing Manufactured Homes  
 ▨ : Proposed Manufactured Home



PLANNING DIVISION



SCALE 1"=400 Feet



Case No: SUP-27-92  
 Name : Lawrence and Mary Jones Manufactured Home  
 ■ : Existing Manufactured Homes  
 ▨ : Proposed Manufactured Home



PLANNING DIVISION

SEP 21 1992

ORDINANCE NO. 133A-5

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, BINGO AND RAFFLES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 5-1, DEFINITIONS; SECTION 5-2, PERMIT REQUIRED; SECTION 5-3, APPLICATION FOR PERMIT; SECTION 5-4, ISSUANCE OF PERMIT; REQUIREMENTS, DURATION, WAIVER, WHERE VALID; SECTION 5-5, CONDUCT OF BINGO GAMES; SECTION 5-6, "INSTANT BINGO;" SECTION 5-7, REPORTS OF GROSS RECEIPTS AND DISBURSEMENTS REQUIRED; SECTION 5-8, AUDIT REQUIRED, FEE; SECTION 5-9, OTHER PROHIBITED PRACTICES; SECTION 5-10, DENIAL, SUSPENSION, REVOCATION OF PERMIT; AND SECTION 5-12, HEARINGS AND APPEALS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5, Bingo and Raffles, is hereby amended and reordained by amending Section 5-1, Definitions; Section 5-2, Permit required; Section 5-3, Application for permit; Section 5-4, Issuance of permit; Requirements, duration, waiver, where valid; Section 5-5, Conduct of bingo games; Section 5-6, Instant bingo; Section 5-7, Reports of gross receipts and disbursements required; Section 5-8, Audit fee; Section 5-9, Other prohibited practices; Section 5-10, Denial, suspension, revocation of permit; and Section 5-12, Hearings and appeals.



Chapter 5. Bingo and Raffles

Section 5-1. Definitions.

The following words shall have the following meanings:

(1) *Organization* means any one of the following:

(a) A voluntary fire department or rescue squad or auxiliary unit thereof which has been recognized by an ordinance or resolution of the political subdivision where the voluntary fire department or rescue squad is located as being a part of the safety program of such political subdivision.

(b) An organization operated exclusively for religious, charitable, community or educational purposes; an association of war veterans or auxiliary units thereof organized in the United States, or a fraternal association operating under the lodge system.

(2) *Bingo* means a specific game of chance played with individual cards having randomly numbered squares ranging one to seventy-five (75), in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random. Such cards shall have

five {5} vertical rows headed respectively by the letters B.I.N.G.O., with each row having five {5} randomly numbered squares.

- (3) *Raffle* means a lottery in which the prize is won by a random drawing of the name or prearranged number of one or more persons purchasing chances. However, nothing in this chapter shall prohibit an organization from using the State Lottery Department's Pick-3 number as the basis for determining the winner of a lottery. For purposes of this definition, "raffle" shall include determining the winner of a lottery by use of prepackaged pull-tab devices which are devices made completely of paper or paper products with concealed numbers or symbols that must be exposed by the player to determine wins or losses and may include the use of a seal which conceals a number or symbol that has been designated in advance as a prize winner including but not limited to pull-tab devices commonly known as tip boards or seal cards.
- (4) *Instant bingo* means a specific game of chance played by the random selection of one or more individually prepackaged cards, with winners being determined by the preprinted appearance of the letters B.I.N.G.O. in any prescribed order on the reverse side of such card.

- (5) "Jackpot" means a bingo card played as a part of a bingo game defined in Section 5.1(2) in which all numbers on the card are covered, each number being selected at random, and with no free or "wild" numbers.
- (6) Commissioner means the James City County Commissioner of the Revenue.
- (7) Gross Receipts means the gross amount received from all bingo and raffle operations before the deduction of any expenses including but not limited to operating costs, donations and prizes. Gross receipts shall also include interest income from all bingo games and raffles, however, such amount shall be accounted for separately.

State law references - Virginia Code Section, 18.2-340.1, et. seq.

Section 5-2. Permit required.

Prior to the commencement of any bingo game or raffle by a qualified organization as defined in this chapter, such organization shall obtain an annual permit from the ~~county administrator~~ Commissioner. Such permit shall only be granted after a reasonable investigation has been conducted by the ~~county administrator~~ Commissioner.

Section 5-3. Application for permit.

Application for the *annual* permit shall be accompanied by a check in the amount of twenty-five ~~(\$25.00)~~ dollars payable to the treasurer of James City County. Application for such annual permit shall be made on a form provided by the ~~county attorney's~~ *Commissioner's* office. Such application shall be a matter of public record.

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

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

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

to booster clubs which have been operating for less than two years and which have been established solely to raise funds for school-sponsored activities in public schools which are less than two (2) years old.

~~(b) Such organization shall be operated currently and shall have been operated in the past as a nonprofit organization and shall have been in existence as such nonprofit organization for a period of at least two (2) years immediately prior to seeking a permit as hereinafter provided.~~

(e) (b) Any organization whose gross receipts from all bingo operations exceed or can be expected to exceed seventy-five thousand ~~(75,000.00)~~ dollars in any calendar year shall have been granted tax-exempt status pursuant to Section 501G(c)(3) of the United States Internal Revenue Code. *While tax exempt status is being pursued from the Internal Revenue Service, the same documentation may be filed with the County along with a fee of \$250. The Board of Supervisors may, upon review of such documentation as it deems necessary, grant interim certification for the purpose of this chapter until the Internal Revenue Service issues its determination of tax exempt status or for a period of eighteen months, whichever is earlier.*

(d) (c) An organization shall designate an individual who shall be responsible for filing the annual or quarterly financial report required by this chapter if the organization goes out of business or otherwise ceases to exist.

- (2) All permits shall have the following requirements:
- (a) A permit shall be valid only in the county and only at such locations as are designated in the permit application. However, a permit may be issued to an organization which relocates its meeting place on a permanent basis from ~~one~~ another jurisdiction to ~~another~~ and the County; complies with the requirements of subsection (1); ~~of this section; and provided further,~~ that such organization was the holder of a valid permit at the time of such relocation; *and notifies the Commission in writing, at the time of such relocation.* An organization which has a permit under this ~~article~~ chapter to conduct a raffle may sell such raffle tickets both in and out of the ~~jurisdiction issuing such permit~~ County *except that pull-tab devices used as part of a raffle may be sold only upon the premises owned or exclusively leased by such organization and at such times as it is not open to the public, except to members and their guests.*
- (b) All permits shall be issued on a calendar basis and unless otherwise provided shall be valid for one ~~(1)~~ calendar year beginning on January 1.
- (c) All applications for such permit shall be acted upon by the ~~county administrator~~ Commissioner within sixty ~~(60)~~ days from the filing thereof.

(3) Upon compliance by the applicant with the provisions of this chapter, the ~~county administrator~~ *Commissioner* may issue an annual permit, however, no organization may hold more than one annual permit per year. All permits shall be subject to reasonable regulation by the ~~county~~ *Commissioner* to ensure the public safety and welfare in the operation of bingo games and raffles.

Section 5-5. Conduct of bingo games.

No organization may hold bingo games more frequently than two ~~(2)~~ calendar days in any one ~~(1)~~ calendar week, except that a special permit may be granted an organization which entitles an organization to conduct more frequent operations during carnivals, fairs and other similar events at its principal meeting place or any other site selected by such organization which is located in the ~~jurisdiction issuing the permit~~ County and which is not in violation of Chapter 20. The sponsoring organization shall accept only cash, or at its option checks, in payment of any charges or assessments for players to participate in bingo games.

Section 5-6. "Instant bingo."

(a) Any organization qualified to conduct bingo games pursuant to the provisions of this chapter is authorized to play instant bingo as a part of such bingo game, and only at such location and at such times as are specified in the bingo application permit for regular bingo games as ~~defined in Section 5-1.~~

(b) The gross receipts in the course of a reporting year from the playing of instant bingo shall not exceed thirty-three and one-third ~~(33-1-3)~~ per centum of the gross receipts of an organization's bingo operation.

(c) Any organization playing instant bingo shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such instant bingo supplies. The organization shall also maintain a written invoice or receipt from a nonmember of the organization verifying any information required by this section.

(d) No organization shall sell an instant bingo card to any individual below sixteen ~~(16)~~ years of age.

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

(a) Complete records of all receipts and disbursements shall be kept and shall be filed annually under oath with the office of the county attorney ~~or the Commissioner of revenue~~. All annual or quarterly financial reports and other items required to be filed under this section shall be a matter of public record. All accountings shall be made on or before the first day of November of each calendar year for which a permit has been issued. The accounting shall include a record of the gross receipts and disbursements of an organization for the year period which commenced on the first day of



October of the previous year and a record of all money in the possession of the organization that was derived from bingo or instant bingo, regardless of when the money was received. Provided, however, any organization whose gross receipts exceed fifty thousand (\$50,000) dollars during any calendar quarter shall be required to file an additional accounting of its receipts and disbursements during such quarter no later than sixty (60) days following the last day of such quarter. ~~"Gross receipts," as used in this section, shall mean the total amount of money received from bingo and "instant bingo" operations before the deduction of expenses or prizes.~~

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

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

(d) Any organization having annual gross receipts from bingo games or raffles in excess of ~~two hundred thousand dollars (\$200,000.00)~~ \$500,000.00, as shown on its annual financial report, shall attach to such report an opinion executed by a licensed certified *independent* public accountant that:

- (1) ~~the statement of receipts and disbursements is true and correct;~~ *The annual financial report presents fairly, in all material respects, beginning cash, gross receipts, operating costs, use of proceeds and ending cash;*
- (2) the proceeds of any bingo games or raffles have been used for those lawful, religious, charitable, community or educational purposes for which the organization is specifically chartered or organized; and
- (3) the gross receipts have been used in all *material* respects in accordance with the provisions of this ~~article~~ *chapter*. The failure to file the opinion of a licensed certified *independent* public accountant, when required, shall cause the automatic revocation of the permit and no organization shall conduct any bingo game or raffle thereafter until the opinion is properly filed with the report and a new permit is obtained.

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

(f) The organization shall maintain a record in writing for three ~~(3)~~ years of the dates on which bingo is played, the number of people in attendance on each date and the amount of the receipts and prizes paid on each such day. The organization shall also maintain a record of the name and address of each individual to whom a door prize, regular or special bingo game prize or jackpot from the playing of bingo is awarded, as well as the amount of such award. The organization playing bingo shall also maintain an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.

Section 5-8. ~~Audit required, fee.~~

~~(a) All reports filed pursuant to Section 18.2-340.6 of the Code of Virginia, 1950, as amended, shall be audited by the county administrator or his designee. All such reports shall be a matter of public record.~~

~~(b) The audit fee shall be one per centum of the gross receipts which an organization reports and of the interest income received from bingo or instant bingo operations, provided; however, the fee shall not exceed \$100 for gross receipts and interest income less than \$100,000, and in no case shall the fee exceed \$300. The audit fee shall accompany each annual report; however, if the gross receipts of an organization are less than two thousand dollars (\$2,000.00) for the designated reporting period, the audit fee may be waived. The audit fee shall be payable to the treasurer, James City County.~~

*(a) The permittee under this chapter shall pay an audit fee at the time it files its annual report of:*

*(1) the actual cost incurred by the County if the audit is performed by independent auditor or accountant; or*

*(2) one percent of the gross receipts reported by the organization if the audit is performed by the Commissioner or his designee. The audit fee for the Commissioner, however, shall not exceed \$500.00.*

*(b) If the gross receipts of an organization are less than \$2,000.00 for the designated reporting period the audit fee shall be waived.*

Section 5-9. Other prohibited practices.

In addition to those other practices prohibited by this chapter, all those practices enumerated in Section 18.2-340.9 of the Code of Virginia, 1950, as amended, shall also be prohibited in the County.

Section 5-10. Denial, suspension, revocation of permit.

The ~~board of supervisors~~ Commissioner may deny, suspend or revoke the permit of any organization found not to be in strict compliance with the provisions of this chapter.

Section 5-12. Hearings and appeals.

No permit to conduct bingo games or raffles shall be denied, suspended or revoked except upon notice stating the proposed basis for such action and the time and place for a hearing thereon. After a hearing on the issues, the ~~board of supervisors~~ Commissioner may refuse to issue or may suspend or revoke any such permit if ~~it~~ he determines that the organization has not complied with the provisions of this chapter. Any organization aggrieved by the decision of the ~~board of supervisors~~ Commissioner may appeal such decision to the circuit court.



Jack B. Edwards  
Chairman, Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

SUPERVISOR	VOTE
DEPUE	ABSENT
TAYLOR	AYE
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 21st day of September, 1992.

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