

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF OCTOBER, 1998, AT 7:03 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
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT

1. Ms. Joy Cipriano, Chair of the Greater Peninsula Continuum of Care, presented the Board of Supervisors with a certificate of the John J. Gunther Award - 1998, U.S. Department of Housing and Urban Development, Blue Ribbon Practices in Housing and Community Development. She stated the certificate was awarded to the six Peninsula jurisdictions for their commitment in addressing the needs of the homeless.

2. Mr. Ed Oyer, 139 Indian Circle, spoke on a variety of issues: telephone charges, Route 60/Route 199 grass cutting, Route 60 East road improvements, littering along Route 60, Thomas Nelson Community College local enrollment, the third high school, constitutional amendments on the November ballot, and asked the status of the setback in Country Village Mobile Home Park.

C. CONSENT CALENDAR

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

Mr. Nervitt asked that Item No. 3 be removed.

Mr. Edwards made a motion to approve Item Nos. 1, 2, and 4 of the Consent Calendar.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

1. Minutes of September 22, 1998, Regular Meeting, and September 23, 1998, Work Session

2. Budget Amendment - Communications and Neighborhood Connections

RESOLUTION

BUDGET AMENDMENT - COMMUNICATIONS AND NEIGHBORHOODS CONNECTIONS

WHEREAS, James City County has been granted a Venture Grant of \$3,719 by the United Way of Greater Williamsburg for the *Block Buddies: A Neighborhood Health Promoter* program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation of additional monies within the FY 99 Operating Budget:

Revenues:

United Way Venture Grant \$3,719

Expenditures:

Venture Grant - Neighborhood Health
(001-034-0640) \$3,719

4. Street Name Change in Stonehouse Planned Community - Laurel Ridge to Ridge Drive

RESOLUTION

STREET NAME CHANGE FOR STONEHOUSE PLANNED COMMUNITY -

"LAUREL RIDGE" TO "RIDGE DRIVE"

WHEREAS, Section 19-54 (B) of the James City County Subdivision Ordinance provides for street names to be renamed upon approval by the Board of Supervisors; and

WHEREAS, Stonehouse Limited Liability Company has requested that the "Laurel Ridge" street within the Stonehouse Planned Community be renamed to "Ridge Drive;" and

WHEREAS, this street name change is not objectionable to the Virginia Department of Transportation, Fire Department, Planning Division, Real Estate Assessment Division, or Post Office.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the renaming of "Laurel Ridge" to "Ridge Drive" conditioned upon the following:

Upon approval of the street name change, the owner shall rerecord the plat to reflect the name "Ridge Drive."

3. Appropriation from Virginia Public Assistance Fund - Training Program

Mr. Anthony Conyers, Jr., Manager of Community Services, stated that the Peninsula Home Builders Association had proposed a program to train ten County residents for jobs in the construction industry. He stated the residents would be selected from nominations by various community organizations.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

APPROPRIATION FROM THE VIRGINIA PUBLIC ASSISTANCE FUND

TRAINING PROGRAM

WHEREAS, James City County wishes to contract with the Peninsula Home Builders Association (PHBA) for a training program; and

WHEREAS, sufficient funding is available in the Virginia Public Assistance Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following budget amendments and changes in appropriations for the Fiscal Year 1999:

Social Services:

From Fund Balance	\$35,000
Contribution to the Office of Community Services	\$35,000

Office of Community Services:

From Social Services	\$35,000
PHBA Training Program	\$35,000

D. PUBLIC HEARINGS

1. Case No. SUP-23-98. Hazelwood Family Subdivision

Mr. Matthew W. Maxwell, Senior Planner, stated that Mr. Charles E. Hazelwood had applied for a special use permit to allow a family subdivision of a three-acre parcel into two parcels, zoned A-1, General Agricultural, located at 8905 Hicks Island Road, further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (9-2).

Staff determined that the proposal was consistent with surrounding properties and uses, the Comprehensive Plan and with provisions for family subdivision in the Zoning Ordinance.

Staff recommended approval of the special use permit with a condition listed in the resolution.

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

Mr. Bradshaw made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

CASE NO. SUP-23-98. HAZELWOOD FAMILY SUBDIVISION

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 a family subdivision of property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Ms. Alwayne Hazelwood & Mr. Charles E. Hazelwood
Real Estate Tax Map No.:	(9-2)
Parcel No:	(1-20)
Address:	8905 Hicks Island Road
District:	Stonehouse
Zoning:	A-1, General Agricultural
Condition:	Final subdivision approval shall be secured within 18 months from the date of approval of Case No. SUP-23-98, or this permit shall become void.

2. Case No. SUP-22-98. Casey New Town Central Trunk Server

Ms. Tamara A. M. Rosario, Planning, stated that Mr. G. Archer Marston, III, of AES Consulting Engineers, had applied on behalf of C. C. Casey Ltd. Company for a special use permit to allow construction of a gravity sewer main through the east side of the Casey New Town development on properties zoned R-8 and MU, further identified as Parcel Nos. (1-7) and (1-48) on James City County Real Estate Tax Map No. (38-4).

Staff determined that the proposal was consistent with approved Master Plan for the development, surrounding properties and uses and the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a vote of 6-0, 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. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION**CASE NO. SUP-22-98. CASEY NEW TOWN CENTRAL TRUNK SEWER**

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

WHEREAS, the Planning Commission of James City County, Virginia, following its public hearing on October 5, 1998, voted 6-0, with one absence, to recommend approval of Case No. SUP-22-98 to permit a gravity sewer main extension to the Casey New Town development. The sewer main would tie into an existing sewer main in Ford's Colony and extend through the east side of the Casey New Town property to a point south of Monticello Avenue near the Williamsburg-James City County Courthouse.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-22-98 as described herein with the following conditions:

1. Construction, operation and maintenance of the sewage pump station, sewer force main, and water distribution lines shall comply with all local, State and Federal requirements.
2. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, as amended.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. For construction within 150 feet of existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property.
5. In areas of the construction easement that have been cleared, but do not need to remain clear for service and maintenance purposes, seedlings shall be planted in accordance with the Virginia Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Planning Director within one year of clearing the easement or at a later date agreed to by the Planning Director. The reforestation of this easement shall be completed as approved by the Planning Director within two years of clearing the easement or at a later date agreed to by the Planning Director. It shall be the responsibility of the developer to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.
6. If construction has not commenced on the project within a period of 24 months from the date of issuance of the permit, it shall become void. Construction shall be defined as the clearing, grading and excavation of trenches necessary for the construction of the sewage pump station, sewage force main, or water distribution lines, and obtaining permits to do the same.
7. A copy of the final construction plans and specifications and as-built drawings shall be provided to the James City Service Authority. The James City Service Authority shall be notified 72 hours in advance of the construction of the proposed facility where it might interfere with existing James City Service Authority water or sewer mains.

8. Upon completion of construction, the sewer main shall be dedicated to the James City Service Authority.

3. Case No. SUP-38-97. Exxon Company USA

Mr. Maxwell stated that Mr. Alvin Anderson, on behalf of Exxon Company USA, had applied for a special use permit to allow construction of a convenience store with gas pumps on properties owned by Ms. Anna Luguria, and Carter C. Chinnis, zoned LB, Limited Business, on 1.14 acres, located at 5534 Centerville Road, further identified as Parcel No. (1-11) and a portion of Parcel No. (1-12) on James City County Real Estate Tax Map No. (31-3).

Staff determined that the proposal was compatible with the nearby residential subdivision and consistent with the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a vote of 6-1, recommended approval with conditions listed in the resolution.

The Board and staff discussed the hours of operation and minimize appearance of service station with fewer pump islands, and intrusion of noise and light to residences across Centerville Road.

Mr. Edwards opened the public hearing.

1. Mr. Alvin Anderson, representing Exxon Company USA, stated that the project was a convenience store with business amenities for a nearby neighborhood whose residents could reach by walking. He stated that fuel sales were secondary. Mr. Anderson explained the starting gate configuration was proposed for pedestrian safety. He introduced Mr. John Hopke, who gave a computerized driveby presentation showing canopy and pump islands.

The Board asked about layout of pump islands and canopy in relation to the building, traffic flow, and landscaping.

2. Mr. Theodore Allen, Centerville Road community organization, stated that the exiting of cars onto Centerville Road at night would make headlights from those cars shine in the windows of the residences across the road.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to approve.

Board discussion ensued regarding the configuration and length of the canopy with number of pump islands; any evidence regarding safety issue; could landscaping conceal view of the canopy; and maintaining community character corridor residential appearance.

Mr. Sisk made a motion to approve Alternative to Condition No. 4 as recommended by the Planning Commission.

On a roll call, the vote was: AYE: Sisk, Bradshaw, Nervitt (3). NAY: McGlennon, Edwards (2).

Mr. Edwards made a motion to amend Condition 13 from the hours of operation of 5 a.m. to 12 midnight to 7 a.m. to 10 p.m.

Board discussion ensued that the applicant wanted the store to be open 24 hours and the neighborhood was opposed to 24 hours.

Mr. Edwards made a motion to defer until the October 27, 1998, Board of Supervisors meeting. He asked staff and the applicant to provide additional information regarding hours of operation, noise from speaker system located outside building, and exiting vehicle headlights intruding on the houses across Centerville Road.

Mr. Nervitt asked staff to contact the neighborhood association for its views on hours of operation.

On a roll call, the vote was: AYE: McGlennon, Bradshaw, Edwards (3). NAY: Sisk, Nervitt (2).

4. Case No. ZO-11-98. Ordinance Amendment, Chapter 24, Zoning, Article I, In General, Section 24-22, Fines

Mr. Frank M. Morton, III, County Attorney, stated that the proposed amendment would make the Zoning Ordinance more consistent with the State Code.

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.

Mr. McGlennon suggested changing the word ...may be fined... to ...shall be fined... in the first sentence of Sec. 24-22(a)(1) and made a motion to approve the ordinance amendment.

On a roll call, the vote was: AYE: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: Sisk (1).

5. County Agreement with Longhill Gate Homeowners Association to Exchange Property to Relocate Existing Entrance

Mr. Bernard M. Farmer, Jr., stated that authorization was requested to execute an agreement with Longhill Gate Investment Co., L.L.C., to relocate the entrance to Longhill Gate subdivision. He explained the relocation would align with entrances to Mallard Hill subdivision and the proposed District Park for a safer and more convenient traffic flow.

Mr. Farmer stated that staff had met with Longhill Gate Homeowners Association leadership.

Staff recommended approval of the resolution.

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

Mr. Nervitt made a motion to defer to allow staff to meet with additional citizens regarding the maneuverability of the new entrance around the pond.

On a roll call, the vote was: AYE: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: Sisk (1).

6. James City County Landfill Transfer Station

Mr. Morton stated that further review of information regarding the lease and operating agreement was needed. He recommended that the public hearing be opened and continued.

Without objection, Mr. Edwards opened the public hearing and continued the item until the October 27, 1998 Board of Supervisors meeting.

E. BOARD CONSIDERATIONS**1. Natural Gas Purchasing Cooperative Agreement**

Mr. John E. McDonald, Manager of Financial and Management Services, stated that a group of public agencies had formed a natural gas cooperative to take advantage of new pricing techniques available under deregulation. He further stated that the original contract was for a period of one year, and approval of the resolution would authorize the County Administrator to execute the agreements when finalized among the parties.

Staff recommended approval of the resolution.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION**NATURAL GAS COOPERATIVE**

WHEREAS, the Board of Supervisors of James City County has been invited to participate in a regional purchasing cooperative for the purchase of natural gas.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into any such agreements as are necessary to permit the County to join the Hampton Roads Municipal Natural Gas Users Group to collectively purchase natural gas.

2. Regional Issues Committee (RIC)

Mr. John T. P. Horne, Manager of Development Management, stated that a local group had requested that James City and York Counties and the City of Williamsburg approve a joint resolution to dissolve the Regional Issues Committee, composed of 12 members, and replace it with a Williamsburg Regional Growth Management Committee composed of 21 members. He stated the Regional Issues Committee identified issues of joint action for the three jurisdictions.

Staff recommended that the resolution establishing a Williamsburg Regional Growth Management Committee be referred to the Regional Issues Committee for its consideration and recommendation. He stated that staff from the other two jurisdictions were recommending the same referral.

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION**REGIONAL ISSUES COMMITTEE**

WHEREAS, the Board of Supervisors has received a request to abolish the existing Regional Issues Committee and replace it with a Williamsburg Regional Growth Management Committee; and

WHEREAS, the Regional Issues Committee has been providing advice to the governing bodies of James City County, York County, and the City of Williamsburg for over ten years on matters of interest to the Williamsburg region; and

WHEREAS, the Board of Supervisors wishes to obtain the advice of the Regional Issues Committee on this matter.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests that the Regional Issues Committee consider the request that has submitted to the Board of Supervisors and report back to the Board with a report that addresses the following issues:

1. Whether a Williamsburg regional growth management or "smart growth" advocacy group is needed, and, if needed, should it be: 1) the existing Regional Issues Committee; 2) the proposed Williamsburg Regional Growth Management Committee; or 3) a totally citizen-based organization?
2. If a governmental-based group is continued (i.e., the Regional Issues Committee) or created (i.e., the Williamsburg Regional Growth Management Committee), what should be its specific purpose, objectives, and composition.
3. Agreement Between New Town Community Development Authority (CDA) and James City County (JCC)

Mr. Morton stated that JCC, in order to meet the construction schedule for the Courthouse, had the BMP designed and constructed and that the James City Service Authority had designed the sewer line. He further stated that these costs would be deducted from the monies owed the CDA.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

AGREEMENT BETWEEN NEW TOWN COMMUNITY DEVELOPMENT AUTHORITY (CDA)

AND JAMES CITY COUNTY (JCC)

WHEREAS, the construction of the Williamsburg/James City County Courthouse has caused the need for both a BMP and a sewer line to serve that facility; and

WHEREAS, the CDA is obligated to provide the BMP and sewer line; and

WHEREAS, certain arrangements have been made between the CDA and the County to ensure the timely construction of the BMP and the sewer line.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the Chairman to execute that certain agreement dated the 2nd day of September 1998, by and between the CDA and James City County.

4. Bid Award - Drainage Improvement Project and Repair Stormwater Management Ponds

Mr. Horne stated that the drainage improvement project was repair of an eroded outfall in First Colony and the stormwater management ponds repairs were to bring three ponds in Rolling Woods up to standards for acceptance by the Rolling Woods Homeowners Association.

Mr. Horne stated that Cinter Construction Company, Inc., was the lowest responsive bidder.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

BID AWARD - DRAINAGE IMPROVEMENT PROJECT

AND REPAIR OF STORMWATER MANAGEMENT PONDS

WHEREAS, bids for the drainage improvement project and repair of stormwater management ponds were opened on October 1, 1998, with Cinter Construction Company, Inc., submitting the low bid of \$82,982; and

WHEREAS, funds are in the FY 99 Drainage Improvement CIP Budget and in escrow from the Rolling Woods developer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the Drainage Improvement Project and Repair of Stormwater Management Ponds to Cinter Construction Company, Inc., for \$82,982.

F. PUBLIC COMMENT - None

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner asked Mr. John E. McDonald, Manager of Financial and Management Services, to report on the proposed budget for the seventh elementary school.

Mr. McDonald stated that the budget would be the basis until construction bids were received in late 1998 or early 1999. He detailed the project costs and explained that the project was expected to be fully funded with current appropriations proceeds from bonds to be issued in May 1999 through the Virginia Public School Authority, and State construction grant funds in FY 2000.

The Board and staff discussed the standing seam metal roof, and Mr. Wanner stated that more information would be provided regarding roof composition and cost benefits.

Mr. Wanner recommended adjournment until the October 27, 1998, regularly scheduled Board of Supervisors meeting. He stated a James City Service Authority meeting was needed following adjournment.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw recognized the 100th birthday of Harold J. Hunt, a citizen who has served the Toano community and James City County for many generations.


Mr. Edwards announced the October 29, 1998, joint meeting of the James City County Board of Supervisors, Williamsburg-James City County School Board and City Council of Williamsburg at 7:00 p.m. in the County Government Center Board Room.

Mr. Edwards remarked that the Constitutional Amendments 3 and 4 were becoming controversial; however, he stated those amendments permit localities to work together on regional issues and felt the amendments were worthy of people's support.

Mr. Bradshaw made a motion to adjourn.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

The Board adjourned at 9:29 p.m.



William C. Porter,
Deputy Clerk to the Board

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SUP-23-98. Hazelwood Family Subdivision



AGREEMENT

This AGREEMENT is made as of this 2nd day of September, 1998 between the NEW TOWN COMMUNITY DEVELOPMENT AUTHORITY, a public body politic and corporate (the "Authority"), and the COUNTY OF JAMES CITY, a political entity in the Commonwealth of Virginia (the "County").

RECITAL

Pursuant to paragraph 8 of the Resolution adopted by the James City County Board of Supervisors on December 22, 1997 creating the Authority (the "Resolution"), the Authority and the County desire to enter into this Agreement to set forth in writing certain agreements reached between the parties regarding (i) certain monetary contributions to be made by the County to the Authority and (ii) the financing and construction of certain utilities and stormwater management facilities to serve the new James City County/Williamsburg Courthouse now being constructed by the County on a site immediately adjacent to the Authority Tax District.

NOW, THEREFORE, in consideration of the mutual covenants herein and for the sum of \$10.00 and other valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. County Contribution. The County agrees to contribute to the Authority on or before September 9, 1998 the sum of \$262,292.00, subject to reduction as provided in Section 2 below.
2. Sewer and Stormwater Management BMP. The Authority

agrees that it is responsible for the financing and construction of the (i) the sewer line described below to serve the Courthouse and other land within the Authority Tax District, and (ii) the stormwater management BMP described below which will serve the Courthouse and other land within the Authority Tax District. The sewer line is described in the Resolution as the Upper Trunk Sewer and the Central Trunk Sewer and consist of approximately 6,000 linear feet of gravity sewer main, including two bore and jack road crossings totaling approximately 500 linear feet in length, varying in size from 18-inch diameter to 12-inch diameter and beginning at an existing manhole in Section 16 of Ford's Colony and proceeding in a southeasterly direction along a major ravine terminating adjacent to the Courthouse site. The stormwater management BMP is described as BMP#1 (the "BMP") in the Resolution. In order to expedite the design of the sewer line to meet the schedule for the construction of the Courthouse, the James City Service Authority has contracted for the design of the sewer line and the Authority has agreed to reimburse the Service Authority for the costs of such design pursuant to a separate agreement between the Authority and the Service Authority dated the date hereof. The Authority agrees to finance and construct the sewer line on a schedule that will not delay the projected completion date of the Courthouse, now projected to be September 1, 1999 and specifically to begin construction of the sewer line by January 1, 1999 and complete construction by July 1, 1999. In order to meet the schedule for the construction

of the Courthouse, the County shall design and construct the BMP as a part of the Courthouse project. The County shall review the design and costs of the BMP with the Authority. The County shall be entitled to deduct the costs of the design and construction of the stormwater management BMP from the payment due from the County to the Authority pursuant to Section 1 of this Agreement.

If, by reason of force majeure (defined below), either party hereto shall be rendered unable, in whole or in part, to carry out its obligations under this Agreement, and if such party shall give notice and full details in writing of such force majeure to the other party within a reasonable time after the occurrence of the event or cause relied on, then the obligations of the party giving such notice, so far as it is affected by such force majeure shall be suspended during the continuance of the inability then claimed, but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "Force Majeure," as employed herein, shall mean acts of a public enemy, orders of any kind of the government or courts of the United States or the Commonwealth of Virginia or any civil or military authority, insurrections, riots, arrests, civil disturbances, earthquakes, floods, fires, storms, prolonged adverse weather conditions and similar natural disasters or other events beyond the control of the party claiming force majeure.

WITNESS the following signatures.

NEW TOWN COMMUNITY DEVELOPMENT

AUTHORITY
By: [Signature]
Chairman

JAMES CITY COUNTY
By: [Signature]
Title: Chairman, Board of Supervisors

OCT 13 1998

ORDINANCE NO. 31A-182

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-22, PENALTIES; SANCTIONS, INJUNCTIVE RELIEF, FINES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-22, Penalties; sanctions, injunctive relief, fines.

Chapter 24. Zoning

Article I. In General

Sec. 24-22. 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 shall~~ be fined up to ~~not less than \$10.00, nor more than \$1,000.00.~~ 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: ~~Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 nor more than \$1,000.00, and any such~~

Ordinance to Amend and Reordain
Chapter 24. Zoning
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failure during any succeeding thirty day period shall constitute a separate misdemeanor offense for each thirty day period punishable by a fine of not less than \$10.00 nor more than \$1,000.00.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 1998.

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