

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Kennedy requested the Board and citizens observe a moment of silence

C. PLEDGE OF ALLEGIANCE

Mr. Kennedy led the Board **and** citizens in the Pledge of Allegiance

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, recapped his comments made on March 12, 1994, regarding opposition to a proposed referendum on a third high school.

E. PRESENTATION

Mr. Kennedy and the other Board members presented Outstanding **Service** Awards to the following: **Individuals: JoDarah Prescott, Linda Reinke, Pauline Milligan, Eric Funkhouser, Jane Leonard, Greg Dohrman, Alan McDowell, and John Black; Outstanding Teams: Greenway Master Plan Steering Committee** Ron Boyd, Camilla **Buchanan**, Loretta Garrett, Mary **Higgins**, Michael Kirby, Jim Tucker, Peggy **Wildman**, and Bill Williams; 2002 **Neighborhood Conference Team Terry** Buntrock, Helen **Clendenin**, Kim Johnson, Alex Kuras, John **McCabe**, Alan McDonald, Patricia McDonald, Dave Volz, and Nancy Volz; **Booksmart Program** accepted by **Ileen Moorman, Noreen Bernstein, Genevieve Owens, Vicki Sprigg, Renee Dino, and Patricia Banks** on behalf of Candace **Allshouse, Patricia Banks, Lillian Barrett, Betsy Barry, Noreen Bernstein, Ellen Bennett, Erin Bladergroen, Heather Blair, Linda Broughton, Crystal Clay, Natalie Collins, Garland Dalton, Marie DiBenigno, Renee Dino, Reba Friedrich, Benjamine Goldberg, Vanessa Grant, Katie Hoff, Marcia Hoff, Bob Hunt, Tom Jordan, Reuben Lantz, Dawn Lantz, Mac McFarland, Ileen Moorman, Madeline Moss, Barbara Murphy, Larry Murphy, Genevieve Owens, Howard Richardson, Nancy Ruhland, Vicki Sprigg, Noel Veden, and Morag Willey; SWAT Team Readiness** accepted by Stan Stout, Steve Rubino, and John Black

on behalf of Jeremy **Barnett**, Chris Belote, John Black, Billie Booth, Tony **Dallman**, Tom **Ezell**, Sean **Gormus**, Art **Latimer**, Dave Luchard, Alan **McDowell**, Pat Murray, Chris **O'Neil**, Sterling **Perry**, Eric Peterson, Brad **Rinehimer**, Steve **Rubino**, Richard Schugeld, Stan Stout, Michelle **Toutaint**, Steve **Vargas**, and Jerry White; *Chesapeake Bay Gateways Network Grant* Carla Brittle, John **Carnifax**, Paul Tubach, and Mike **Woolson**; *E-Gov Initiatives* Renee Dallman, Alisa Fox, **Sharron Jeffreys**, Jean Kuo, Linda **Odell**, Patrick Page, James Wilson, and Bernie **Winslow**; *Homebound Program* Linda **Ellis** and Margaret Toscano; *Paws @ Your Library Program* **Cherny** Edwards and Debra Weiss; *Check Information Process Improvement* Terry **Bazemore**, Beasy Hutchens, Jean Kuo, Barbara Miller, Tara Moore, and Rosemary Randall; *Day of Caring* John **Haislip** and Carol Schenk; *Customer Service Team* Barbara **Coughlan**, Alyce Donelson, Alex Holloway, Liz Johnson, **Sarah Noble**, **Ronnie Nowak**, Christy **Parrish**, Rosemary Randall, Bobby **Ratcliffe**, **Mary Frances Rieger**, Brad Rinehimer and Jane Townsend; and *Online Catalogue Improvement* Brett **Charbeneau**, Stephen **D'Amico**, Judith Fuss, and **Kraston** Scott; and the Life Saving Award to **Aminda** Davis, Heather Reese, and Daniel Stanley.

F. CONSENT CALENDAR

Mr. **Kennedy** asked if a member wished to pull an item from the Consent Calendar.

Mr. Harrison made a motion to adopt the items on the Consent Calendar

On a roll call vote, the vote was: AYE: **McGlennon**, Brown, **Goodson**, **Harrison**, **Kennedy** (5) NAY: (0).

1. Minutes

- a. October 22, 2002. Work Session
- b. October 22, 2002. Regular Meeting
- c. October 28, 2002. Budget Retreat

2. Temporary Appointment of Acting Zoning Administrator

RESOLUTION

TEMPORARY APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator; and

WHEREAS, an appointment of an Acting Zoning Administrator is necessary on a temporary basis beginning November 12, 2002, and ending January 31, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby appoints John T. P. Home as Acting Zoning Administrator for the time period specified herein.

3. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Don and Paula Dazley

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

C M L CHARGE -DON AND PAULA DAZLEY

- WHEREAS, Don and Paula Dazley are the owners of a 21.91± acre parcel of land, commonly known as 129 Saw Mill Road, designated as Parcel No. (16) on James City County Real Estate Tax Map No. (36-3), hereinafter referred to as the ("Property"); and
- WHEREAS, on or about **February** 13, 2002, it was determined by County staff that vegetation was removed from approximately 22,000-square feet of area in the Resource Protection Area on the Property; and
- WHEREAS, Mr. and Ms. Dazley agreed to a Restoration Plan to replant trees, and shrubs, install silt fencing and construct a fence to keep horses out, on the Property in order to remedy the clearing violation under the County's Chesapeake Bay Preservation Ordinance and Mr. and Mrs. Dazley have provided surety to the County to guarantee the survival of the vegetation in the Resource Protection Area on the Property; and
- WHEREAS, Mr. and Mrs. Dazley have agreed to pay \$4,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and
- WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge as an interim settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and **directs the** County Administrator to accept the \$4,000 civil charge from **Don and Paula Dazley** as an interim settlement of the Chesapeake Bay Preservation Ordinance Violation.

4. Police Department Grant

RESOLUTION

POLICE DEPARTMENT GRANT

- WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant in the amount of \$9,000 to the Police Department for traffic enforcement, overtime, and related equipment; and
- WHEREAS, the grant only requires soft money local match, thus eliminating any additional spending by the Police Department, excluding **court** overtime and equipment maintenance; and
- WHEREAS, the grant is administered by the DMV according to the Federal Government Fiscal Year, which runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2003, to be canied forward to James City County's next fiscal year.

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

Revenues:

Department of Motor Vehicles \$9,000

Expenditures:

Police Department Budget \$9,000

G. PUBLIC HEARINGS

1. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles – Multi-Year Motor Vehicle Decal

Ms. **Ann** Davis, Treasurer, stated that following the Board's endorsement of a multi-year decal on September 24, 2002, staff prepared an ordinance providing the provisions for a multi-year decal, set to expire on December 31, 2007.

Ms. Davis recommended adoption of the Ordinance

Mr. Brown inquired about how the multi-year motor vehicle decal will impact the collection of delinquent taxes.

Ms. Davis stated that in addition to the original bill and second notice, a third notice will be sent prior to assessing liens or undertaking "DMV stops."

Mr. Brown requested **further** clarification on the "DMV stops "

Ms. Davis stated that through the initiation of a "DMV stop," a citizen will be unable to register any vehicle with the **Department** of Motor Vehicles until all delinquent taxes are paid including the cost of the fee to lift the DMV stop. Ms. Davis also stated that prior to the initiation of a "DMV stop," the County would provide a 30-day notice of the intent to begin the DMV stop.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy closed the Public **Hearing**.

Mr. **Goodson** stated support for the elimination of motor vehicle decals and stated support for this initiative towards that goal.

Mr. **Goodson** made a motion to adopt the Ordinance.

On a roll call vote, the vote was: AYE: **McGlennon**, Brown, **Goodson**, Harrison, Kennedy (5) NAY: (0).

2. Case No. Z0-2-02. Zoning Ordinance Amendment – Manufactured Home **Replacement**

Ms. Christy **Parrish**, Zoning Officer, stated that on April 8, 2002, the Virginia General Assembly amended Section 15.2-2307 to **permit** the replacement of a valid nonconforming manufactured home with a

comparable one that meets HUD standards, and thereby localities can no longer require any further legislative approvals of such homes.

Ms. **Parrish** stated that the proposed Ordinance amendment eliminates references to requiring a special use permit and the language would mirror that of the Code of Virginia.

On October 7, 2002, the Planning Commission voted 7-0 to approve the Ordinance amendment

Staff recommended approval of the amendment to ensure consistency between the County's Zoning Ordinance and the **Code** of Virginia.

Mr. Kennedy opened the Public Hearing

As no one wished to speak, Mr. Kennedy closed the Public Hearing

Mr. **Goodson** made a motion to adopt the Ordinance amendment.

On a roll call vote, the vote was: AYE: McGlennon, Brown, **Goodson, Harrison, Kennedy** (5) NAY: (0).

3. Vacation of a Portion of **Right-of-Way** for Louise Lane

Mr. Leo P. Rogers, Deputy County Attorney, provided the Board with an Ordinance of Vacation to vacate portions of the right-of-way as well as the conveyance of additional right-of-way to the County for Louise Lane in an effort to improve Louise Lane under the Dirt Street program and have Louise Lane accepted by the Virginia **Department** of Transportation (**VDOT**) into the State Secondary Road System.

Staff **recommended** adoption of the Ordinance.

Mr. Kennedy opened the Public Hearing,

As no one wished to speak, Mr. Kennedy closed the Public Hearing

Mr. McGlennon made a motion to adopt the Ordinance.

On a roll call vote, the vote was: AYE: McGlennon, Brown, **Goodson, Harrison, Kennedy** (5) NAY: (0).

H. BOARD CONSIDERATION

1. General Obligation Public **Improvement** Refunding Bond

Ms. Suzanne R. **Mellen**, Director of Budget and Accounting, stated that bonds were issued at rates ranging from 5.6 percent to 5.85 percent for financing a portion of the costs for School improvements through the General Obligation Public Improvement Bonds issued by the County in 1994. Staff would like to take advantage of the lower interest rates and refund the portion of the bonds maturing on or **after** December 14, 2007, at a savings to the County of approximately \$16,000 to \$19,000 annually and total present value savings of approximately \$178,500.

Staff recommended the Board adopt the resolution to authorize the issuance and sale of 54,280,000 General Obligation Public Improvement Refunding Bonds, Series 2002.

Mr. **Goodson** inquired if adoption of the resolution would extend the term of the Bonds.

Ms. Mellen stated that it would not

Mr. Brown inquired if the \$16,000 - \$19,000 annual savings is a net savings.

Ms. Mellen stated that is an anticipated net savings.

Mr. **McGlennon** made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: **McGlennon**, Brown, **Goodson**, **Harrison**, Kennedy (5) NAY: (0).

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 ~~Indian~~ Circle, stated that other localities have turned down referenda on new schools due to conflicting information provided by the schools and requested that local educational opportunities include technical training.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Comprehensive Plan Steering Committee will be meeting on Mondays at 4 p.m. in the Building C Board Room at the Government Center, 101 Mounts Bay Road, and stated that citizens are invited to make comments regarding the Comprehensive Plan at the beginning and end of each meeting.

Mr. Wanner stated that at the High Growth Coalition meeting, Mr. Roger Wiley was engaged to represent the Coalition at the 2003 General Assembly. Mr. Wanner stated that the County's portion of Mr. Wiley's fee is \$1,000, and requested guidance from the Board on providing funding for this matter.

The Board supported the **funding** request of \$1,000.

Mr. Wanner requested Mr. **Larry** Foster, General Manager of the James City **Service** Authority, provide an update on the status of the Groundwater Desalinization Permit.

Mr. Foster **stated** that a Public Comment period would be open from November 17 – December 17 on the issuance of a Permit to James City Service Authority for Groundwater Desalinization. Mr. Foster stated that a Permit could be issued to the Service Authority as early as **January** of 2003 that would be another step forward in the development of the Groundwater Treatment Facility.

The Board and staff held a brief discussion regarding the conditions of the Permit and the impacts of a potential surface water source on the permit as well as the amount of groundwater withdrawal allowed by the Permit.

Mr. Wanner recommended that at the conclusion of the agenda, the Board adjourn until 4 p.m. on November 26, 2002.

K. BOARD REQUESTS AND DIRECTIVES

Mr. **Goodson** requested the Board adopt an Emergency **Ordinance** to rescind the Ordinance adopted by the Board in answer to the Governor's Executive Order 33.

The Board, *staff*, and County Attorney held a discussion on the impacts of adopting this Emergency Ordinance on the Groundwater Withdrawal Permit and lapse of any outdoor watering regulations until the Board reinstates an outdoor watering ordinance.

Mr. Morton stated that in regard to the impacts on the Groundwater Withdrawal Permit, *staff* will contact the Department of Environmental Quality and alert them of the County's situation and seek guidance from them.

Mr. Kennedy requested a roll call on the motion to **adopt the** Emergency Ordinance,

On a roll call vote, the vote was: AYE: Brown, **Goodson**, Kennedy (3) NAY: **McGlennon**, Hanison (2).

Mr. **McGlennon** requested *staff* contact Cox Cable to have a representative before the Board and citizens to address concerns about the increasing rates for cable service and other issues.

Mr. Wanner stated that **Hampton** Road localities are coming together to address cable rate impacts to the localities and to create a model franchise agreement for future cable **services**.

Mr. **Harrison** stated that on November 21 at 6:30 p.m. in Rooms A and B of the **James City/Williamsburg** Community Center on **Longhill** Road, there will be a Berkeley District town meeting and invited all County residents to attend and voice any **concerns** or issues.

Mr. Kennedy stated that citizens are invited to participate in the next Community Conversations on the 2003 Comprehensive Plan Update on **November** 13 at 7 p.m. at the Toano Middle School.

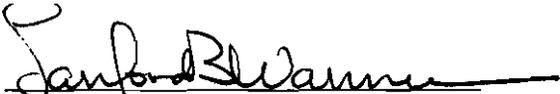
Mr. Kennedy **thanked** the volunteers at the Volunteer Fire Department for their service and congratulated those that were part of the Installation Ceremony.

L. ADJOURNMENT

Mr. Harrison made a motion to adjourn until 4 **p.m.** on November 26, 2002

On a roll call vote, the vote was: AYE: **McGlennon**, Brown, **Goodson**, Harrison, Kennedy (5) NAY: (0).

Mr. Kennedy adjourned the Board at 8:22 p.m


Sanford B. Wanner
Clerk to the Board

NOV 12 2002

ORDINANCE NO. 66A-49BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND **REORDAIN** CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE **III**, STOPPING, STANDING AND **PARKING**; SECTION **13-40.4**, PARKING WITHOUT A VALID LICENSE PLATE DECAL; AND SECTION 13-40.5, ISSUANCE OF CITATION; AMOUNT AND PRE-PAYMENT OF FINES; PROTEST; ARTICLE N, VEHICLE DECALS, SECTION 13-53, DECAL **REQUIRED**, SECTION 13-54, EXEMPTIONS; SECTION 13-55, DECAL YEAR; SECTION 13-56, DECAL PROCUREMENT; SECTION 13-59, APPLICATION; WHEN DECAL **AVAILABLE FOR SALE**; SECTION 13-60, PAYMENT OF FEE AND ISSUANCE OF DECAL GENERALLY, SECTION 13-62, PRESUMPTION **ARISING FROM ABSENCE** OF COUNTY DECAL; AND SECTION 13-65, TRANSFER OF DECAL TO ANOTHER VEHICLE.

BE IT ORDAINED by the Board of **Supervisors of the** County of James City, Virginia, that Chapter 13, Motor Vehicles and **Traffic**, is hereby amended and **reordained** by **amending** Section 13-40.4, Parking without a valid license plate decal or motor vehicle decal; Section 13-40.5, Issuance of citation; amount of prepayment of **finer; protest**; Section 13-53, Decal required; Section 13-54, Exemptions; Section 13-55, Decal **period**; Section 13-56, Decal procurement; Section 13-59, Application; **when decal** available for sale; Section 13-60, Payment of fee and issuance of decal generally; Section 13-62, Presumption arising from absence of county decal; and Section 13-65, Transfer of decal to another vehicle.

Chapter 13. Motor Vehicles and Traffic

Article N. Stopping, Standing, and Parking

Section **13-40.4.** Parking without a valid License plate decal or *motor vehicle decal*.

(a) It shall be unlawful for any owner of a vehicle required to have a license plate decal to park his or her vehicle (including motorcycles, motor-bikes and minibikes), trailer or semitrailer on any highway which is part of the state secondary system of highways within James City County without having obtained a valid license plate **decal** which is displayed on such vehicle (including motorcycles, motorbikes and minibikes), trailer or semitrailer.

(b) It shall be unlawful for any owner of a motor vehicle, trailer, or semitrailer required to have a county motor vehicle decal pursuant to section 13-53 to park his or her motor vehicle, trailer, or semitrailer on any of the streets, alleys, lanes, public places of the county, or parking lots that are open to the public within the county, without a valid county motor vehicle decal attached thereto.

(c) It shall be unlawful for any owner of a motor vehicle, trailer, or semitrailer from another locality to park his or her motor vehicle, trailer, or semitrailer on any of the streets, alleys, lanes, public places of the county, or parking lots that are open to the public within the county, without a valid local motor vehicle decal attached thereto, provided that the owner is required by a jurisdiction that is a party to a compact with James City County for the regional enforcement of local motor vehicle license requirements to obtain a local motor vehicle decal or local motor vehicle license.

Section **13-40.5.** Issuance of citation; amount and **pre-payment** of fines; protest.

(a) **Any** law enforcement officer of James City County may issue a citation charging a person parking in violation of this article, or if such person is not known, then the registered owner of the motor vehicle parked in violation of this article. Such citations may be posted on the windshield or other conspicuous place of each vehicle found illegally parked.

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(b) Except as **otherwise** noted in this article, violation of any provision of this article shall be a traffic infraction punishable **by** a **fine** according to the following schedule:

| Type of violation: | Fine paid within 5 days of violation: | F i e paid more than 5 days after violation: |
|---|--|---|
| Sec. 13-40.1 (handicapped parking) | \$100 | \$200 |
| Sec. 13-40.3 (fire lanes/near fire hydrants) | \$ 50 | \$100 |
| Sec. 13-40.4 (b) or (c) (no valid motor vehicle decal) | \$ 25 | \$ 50 |
| Other violations of this article | \$ 10 | \$ 20 |

Article N. Vehicle Decals

Section 13-53. Decal required.

(a) Every person **owning** a motor **vehicle**, trailer or **semitrailer** normally garaged, stored or parked in the county shall procure ~~an annual~~ a ~~multi-year~~ county motor **vehicle** decal

In the event it cannot be **determined** where such motor vehicle, trailer or semitrailer is normally garaged, stored or parked, the **situs** for the motor vehicle decal or license requirement shall be the domicile of the owner of such motor vehicle. For the purposes of this article, "motor vehicle, trailer and semitrailer" shall be defined in accordance with section 46.2-100 of the Code of Virginia.

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- (b) The following shall be the duty of persons taking residence in the county:
- (1) A nonresident or nondomiciled owner of a motor vehicle, trailer or semitrailer shall, upon taking residence or becoming domiciled in the county, procure a county motor vehicle decal within 30 days.
 - (2) Owners moving to the county from elsewhere in the **state** where a local decal or license **was** required, who at the time of moving to the county had obtained a local decal or license **from** that jurisdiction for ~~the~~ current year, **shall** obtain a current county motor vehicle decal and display it in accordance with the provisions **of this** article. Upon proof of purchase of a current motor vehicle decal or license from such other jurisdiction, the office of the county treasurer shall **provide** those newly moving into the county, ~~upon presentation of proof of registration with the commissioner of the revenue and payment of ——— a \$10.00 registration fee,~~ with a county motor vehicle decal ~~for that decal year~~. Upon expiration of the aforesaid local decal or license from another jurisdiction, and in all successive years in which the owner remains a resident of or domiciled in James City County, unless otherwise excepted, a current **county** motor vehicle decal **shall** be procured ~~for each decal year~~ in accordance with the provisions of this article.
- (c) Every purchaser of a new or used motor vehicle, trailer or semitrailer which will be normally garaged, stored or parked in the county shall have 30 days from the date of purchase to procure a county motor vehicle decal.
- (d) It shall be unlawful for any owner or operator of a motor vehicle, trailer, semitrailer, or motorcycle who is required by law by another locality to obtain and display on the owner's or operator's motor vehicle, trailer, semitrailer, or motorcycle a valid decal issued by such locality to drive or park such motor vehicle, trailer, semitrailer, or motorcycle on any highway in the county unless a current decal from such other locality is displayed thereon. This subsection shall only be applicable if such other locality is a party to a compact with the county pursuant to § 46.2-752(K), Code of Virginia, as amended, for the regional enforcement of licensing requirements.

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State law reference-Authority of county to license motor vehicles, **etc.**, and provisions relating thereto, Code of Va., §§ 46.2-752, 46.2-755.

Section 13-54. Exemptions.

(a) The **county** shall not require a county motor vehicle decal for any motor vehicle, trailer or semitrailer when:

- (1) A similar **tax** or license fee is imposed by the county, city or town wherein such motor vehicle, trailer or semitrailer is normally garaged, stored or parked,
- (2) The motor vehicle, trailer or semitrailer is owned by a nonresident of the county and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in paragraph (3) of this subsection;
- (3) The motor vehicle, trailer or semitrailer is owned by a nonresident and is used for transporting into and within the county for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him, and not purchased by him for sale;
- (4) The motor vehicle, trailer or semitrailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the county and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;
- (5) The motor vehicle, trailer or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration;
- (6) The motor vehicle, trailer or semitrailer is operated by a common carrier of persons or property operating between cities and towns in this Commonwealth and not in intracity transportation or between

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cities and towns on the one hand and points and places without cities and towns on the other and not in **intracity** transportation;

- (7) The motor vehicle, trailer or **semitrailer** is owned by a governmental agency and operated solely within such governmental agency's business.

(b) ~~The county shall provide, free of charge, a county~~ *Upon payment of the \$10.00 registration fee, the county shall provide a* motor vehicle decal for any one motor vehicle owned and used personally by any veteran **who** holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department of Motor Vehicles and **has been** issued a disabled veteran's motor vehicle license plate as prescribed in section 46.2-739 of the **Code** of Virginia.

(c) The county shall not require a county motor vehicle decal ~~for~~ any daily rental passenger car, the rental of which is subject to the **tax** imposed by section **58.1-2402(A)(4)** of the Code of Virginia.

(d) Every **nondomiciliary** member of the armed forces **residing in this county in compliance with military or naval orders** ~~are exempt from the county motor vehicle decal fee requirement shall be entitled to receive a county motor vehicle decal~~; provided, **however**, that all such military and naval personnel shall ~~obtain, free of charge, a county motor vehicle decal in accordance with the provisions of this article register the motor vehicle with the commissioner of the revenue and pay the \$10.00 registration fee~~

Section 13-55. Decal *year period*

~~Commencing in 1995, and continuing in each year thereafter, the decal year, under the terms of this article, shall commence on the fifteenth day of January and shall expire on the fifteenth day of February of the following calendar year. If the fifteenth of February falls on a Saturday, Sunday or a legal holiday, the decal year shall expire on the next day that is not a Saturday, Sunday or a legal holiday. The multi-year decal period~~

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shall commence on ~~January 1, 2003~~, and shall terminate on December 31, 2007, unless otherwise extended by the board of supervisors.

Section **13-56**. Decal procurement.

On or before February ~~fifteenth~~ of ~~each year 2003~~, *unless subject to a 30 day grace period otherwise provided in this article*, the owner of each motor vehicle, trailer or semitrailer required by ~~this chapter article~~ to procure a county motor ~~vehicle~~ decal shall procure such decal from the county treasurer

Section **13-59**. Application; when decal available for sale.

(a) Application for a ~~county motor vehicle decal~~ *motor vehicle registration* shall be made at the office of the county commissioner of the revenue or at any other location designated by him, on forms provided for the name and address of the applicant and a description of the motor vehicle, trailer or semitrailer for which the decal is to be issued.

(b) An applicant for a ~~decal~~ *registering a motor vehicle* shall provide the commissioner of the revenue the original or an accurate copy of the permanent ~~state~~ *Virginia* vehicle registration

(c) *Upon completing registration and payment of the registration fee*, ~~county motor vehicle~~ decals shall be available for sale in the office of the county treasurer, or at any location designated by ~~bun-~~
~~fifteenth of each year~~

Section **13-60**. Payment of fee and issuance of decal generally.

The county motor vehicle ~~decal registration~~ fee provided for in this article shall be paid at the office of the county treasurer, or at any ~~other~~ location designated by him. Upon the payment of such *registration* fee, the

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county treasurer or his agent shall issue to the applicant a county motor vehicle decal for the motor vehicle, trailer or semitrailer for which the fee is paid.

Section 13-62. Presumption arising from absence of county decal.

The finding of any motor vehicle, trailer or semitrailer registered in the county on any of the streets, alleys, lanes, parking lots or public places of the county, or parking lots that are open to the public within the county without a proper valid county motor vehicle decal attached thereto, shall be a prima facie evidence that such motor vehicle, trailer or semitrailer is normally garaged, stored or parked in the county by the owner thereof

Section 13-65. Transfer of decal to another vehicle.

(a) Any owner who sells or transfers a motor vehicle, trailer or semitrailer currently issued a decal under the provisions of this article may have the county motor vehicle decal and the registration number thereon assigned to another vehicle of like design and titled in such owner's name, upon application to the county commissioner of the revenue on forms providing for the name and address of the applicant and a description of the motor vehicle for which such decal has been issued, as well as a description of the motor vehicle for which such decal is to be transferred. Such application shall be accompanied by a registration fee of ~~\$5.00~~ \$10.00, provided, that ~~if the decal was issued under section 13-54, there shall be no charge for such transfer~~ no registration shall be required if exempted by section 13-54.

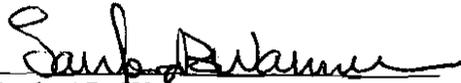
(b) For the purposes of this section, "like design" shall mean that the original vehicle issued a decal and the one to which the county motor vehicle decal is transferred either are both motorcycles or are both any other type of motor vehicles, trailers or semitrailers as defined by state law.

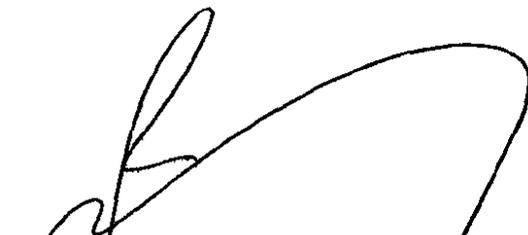
(c) No person shall display a county motor vehicle decal on a motor vehicle, trailer or semitrailer other than that decal issued for that vehicle, unless a transfer has been made under the circumstances covered by and as provided in this section.

This ordinance shall become effective January 1, 2003

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ATTEST:


Sanford B. Warner
Clerk to the Board



James G. Kennedy
Chairman, Board of Supervisors

| SUPERVISOR | VOTE |
|------------|------|
| MCGLENNON | AYE |
| BROWN | AYE |
| GOODSON | AYE |
| HARRISON | AYE |
| KENNEDY | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2002

NOV 12 2002

ORDINANCE NO. 31A-209

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 VII, **NONCONFORMITIES**, SECTION **24-634**, **RESTORATION/REPLACEMENT OF A NONCONFORMING USE**

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 VII, **Nonconformities**, Section 24-634, **Restoration/replacement** of a nonconforming use.

Chapter **24**. Zoning

Article VII. Nonconformities

Sec. 24-634. Restoration/replacement of a nonconforming use.

(a) A **nonconforming** use damaged by casualty may be restored in accordance with the provisions of this section, provided such restoration has started within **12** months of the date of the casualty and is complete within **24** months of the date of the casualty. By casualty shall mean as a result of a fire or other cause beyond the control of the owner or by an act of God. By casualty shall not include damage caused by age or ordinary wear and tear or damage intentionally caused by the owner or an agent thereof.

(b) Nonconforming uses other than buildings and signs (such as, but not **limited** to, underground storage tanks, private sewage disposal systems and parking lots) may be restored or replaced **when** such structures become unsafe or unsound. A relocation on the same lot may be approved by the zoning administrator, provided the new location is less **nonconforming** than the **original** location, and further provided that the new location shall not cause a greater detrimental impact on conforming uses in the neighborhood.

Ordinance to Amend and **Reordain**
 Chapter 24. Zoning
 Page 2

(c) Such restorations shall not include any minor alterations, cosmetic **modifications**, interior renovations or similar changes unless approved under the provisions of section 24-633 of this article, nor shall such restoration include any expansion unless approved under the provisions of section 24-633. Such restoration may include changes that make the use less nonconforming than it **was** prior to the **casualty**.

~~(d) Nonconforming mobile homes or manufactured homes in any district may be replaced with manufactured homes upon the issuance of a special use permit; however, a special use permit shall not be required where mobile or manufactured homes are a permitted use as stated in other sections of this zoning ordinance. Nothing in this section shall be construed to prevent the removal of a valid nonconforming manufactured home from property and replacement of that unit with another comparable manufactured home that meets the current HUD manufactured housing code, Such replacement unit shall retain the valid nonconforming status of the prior unit.~~ For purposes of this article, a "nonconforming mobile home or manufactured home" shall be **defined as** any mobile home or manufactured home which does not meet all current zoning requirements and **which** was:

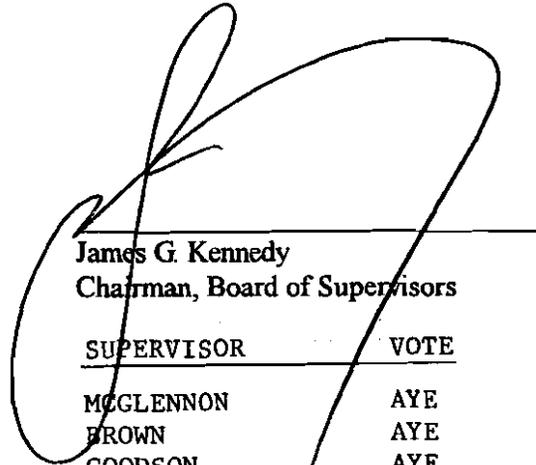
- (1) Located in the county prior to April of 1969, or any replacement thereof;
- (2) Located pursuant to a conditional use **permit**, either with or without an expiration date;
- (3) Located pursuant to a special use permit; provided, however, any manufactured home located pursuant to a special use **permit** with an expiration date shall be removed from the site upon expiration of the special use permit unless a new special use permit is approved to lawfully continue the use; or
- (4) A replacement for a mobile home or manufactured home located pursuant to a conditional or special use permit not specifically prohibited by the permit.

Ordinance to Amend and **Reordain**
Chapter 24. Zoning
Page 3

(e) **A nonconforming** office building meeting all current zoning requirements except connection to public water **and** sewer which is located within an industrial district may be replaced upon issuance of a special use permit excepting the use from the public water **and** sewer requirements. The replacement office building shall not exceed 4,000 square feet in floor area.

ATTEST:


Sanford B. Wanner
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| MCLENNON | AYE |
| BROWN | AYE |
| GOODSON | AYE |
| HARRISON | AYE |
| KENNEDY | AYE |

Adopted by the Board of Supervisors of James City County, **Virginia**, this 12th day of **November**, 2002.

nonconform.ord

NOV 32 2002

ORDINANCE NO. 198BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "PLAT OF THE **2ND** SUBDIVISION OF TEMPLE HALL ESTATES" AND MORE PARTICULARLY DESCRIBED AS THE VACATION OF LOUISE LANE AND THE ADJUSTMENT OF CERTAIN LOT LINES.

Whereas, the right-of-way for Louise Lane was dedicated by plat entitled "PLAT OF THE 2ND SUBDIVISION OF TEMPLE HALL ESTATES" recorded in the James City County Circuit Court Clerk's Office in Plat **Book** 20 at Page 47 ("Recorded Plat"); and

Whereas, the plat entitled "PLAT OF RIGHT-OF-WAY TO BE DEDICATED TO JAMES CITY COUNTY BEING A PORTION OF LOUISE LANE" dated August 28, 2002, prepared by Mitchell-Wilson Associates, P.C., (New Plat?), the property owners along Louise Lane indicated their desire to dedicate property in order to realign right-of-way for Louise Lane in order for the road to be improved and be dedicated into the State Secondary Highway System; and

Whereas, a public hearing **was** advertised pursuant Virginia Code Sections 15.2-2272 and 15.2-2204, and after holding such public hearing the Board of Supervisors of James City County **was** of the opinion that the vacation of portions of right-of-way for Louise Lane as shown on the New Plat would not result in any inconvenience and is in the best interests of the public **health**, safety and welfare; and

Whereas, in exchange for the dedication of the new right-of-way for Louise Lane, the vacated portions **of the** old right-of-way as shown on **the New** Plat should be conveyed **to the** adjacent property owners for no monetary consideration.

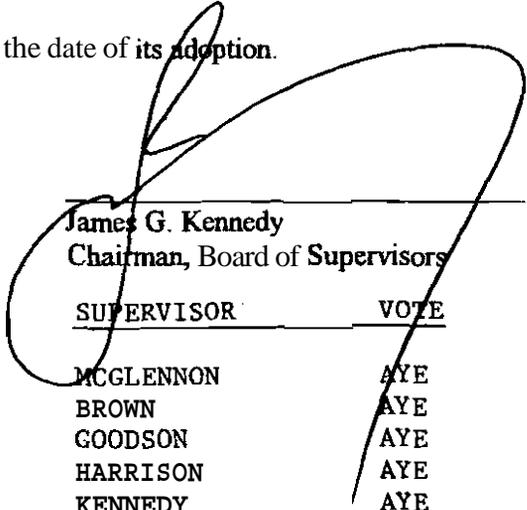
Now, therefore, be it ordained by the Board of Supervisors of James City County, Virginia that:

1. A portion **of the** Recorded Plat entitled "PLAT OF THE 2ND SUBDIVISION OF TEMPLE HALL ESTATES" recorded in the James City County Circuit Court **Clerk's** Office in Plat Book 20 at Page 47 be so vacated as to **permit** the **recording** of the New Plat vacating portions of the old right-of-way for Louise Lane, **conveying** such portions of the vacated right-of-way for Louise Lane to the adjacent property owners and creating new lot lines in accordance with the New Plat.
2. The New Plat entitled "PLAT OF RIGHT-OF-WAY TO BE DEDICATED TO JAMES CITY **COUNTY BEING** A PORTION OF LOUISE LANE" dated August 28, 2002, prepared by Mitchell-Wilson Associates, P.C., be approved by James City County and be put to record in the James City County Circuit Court Clerk's Office.
3. That the following persons be indexed as Grantors in the real estate records **of the** James City County Circuit Clerk: Robert A. ROSS; Joseph V. & Leesa L. MCKEON; Sarah C. PIERSA & Kelly L. BLACKWELL, Jr.; Kimberly A. HAZELWOOD; William ALLEN & Carmen Lee COWAN; Kelly S. ORDONIA; James E. & Barbara M. COOK; Christopher Lacy NELSON; Ronald L. & Deborah H. NELSON; and the COUNTY OF JAMES CITY, Virginia.

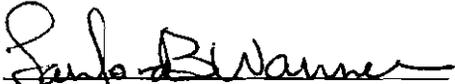
Ordinance No. 198

4. **That** the following persons be listed as Grantees in the real estate records of the James City County Circuit Court Clerk: Robert A. ROSS; Sarah C. PIERSA & Kelly L. BLACKWELL, Jr.; Kimberly A. HAZELWOOD; William ALLEN & Carmen Lee COWAN; Kelly S. ORDONIA; Ronald L. & Deborah H. NELSON and the COUNTY OF JAMES CITY, Virginia.

This Ordinance shall be in full force and effect **from** the date of its adoption.


James G. Kennedy
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

| SUPERVISOR | VOTE |
|------------|------|
| MCLENNON | AYE |
| BROWN | AYE |
| GOODSON | AYE |
| HARRISON | AYE |
| KENNEDY | AYE |

Adopted by the Board of **Supervisors** of James City County, Virginia, this 12th day of **November**, 2002

LouiseLn.ord

NOV 12 2002

EMERGENCY ORDINANCE NO. 196A-2

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN EMERGENCY ORDINANCE TO AMEND AND REORDAIN ORDINANCE NO. 196A-1
IMPLEMENTING THE AMENDMENT OF THE GOVERNOR OF VIRGINIA'S EXECUTIVE
ORDER 33.

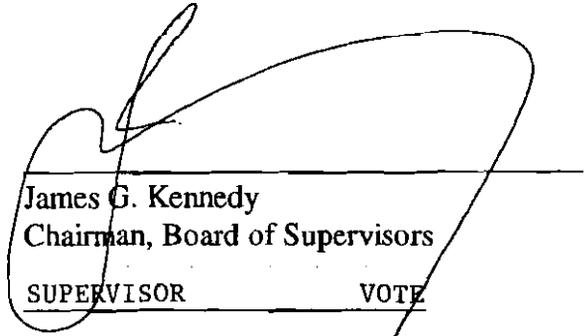
*Whereas, on November 12, 2002 the Governor of Virginia rescinded Executive Order 33 (2002);
and*

*Whereas, on October 22, 2002, the Board of Supervisors of James City County adopted
Ordinance 196A-1 implementing the restrictions on outdoor water use contained in
Executive Order 33 (2002).*

*Now, therefore, be it ordained by the Board of Supervisors of James City County, Virginia, that
Ordinance No. 196A-1 is hereby repealed.*

A TEST:


Sanford B. Wanner
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

| SUPERVISOR | VOTE |
|------------|------|
| MCLENNON | NAY |
| BROWN | AYE |
| GOODSON | AYE |
| HARRISON | NAY |
| KENNEDY | AYE |

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of
November, 2002.