

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JULY, NINETEEN HUNDRED NINETY-SEVEN, AT 5:33 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Robert A. Magoon, Jr., Chairman, Jamestown District (Absent)
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District (Absent)
Sanford B. Wanner, County Administrator
Leo P. Rogers, Deputy County Attorney

B. WORK SESSION

Mr. Edwards called the meeting to order.

1. Courthouse Design and Construction

Mr. Donald E. Allen, Project Manager, presented the key dates and cost estimate for the courthouse project. He stated that the Courthouse Steering Committee had been requested to ask the Board to authorize the architects to expand the plans to include a full basement in the section currently not planned to have a basement.

After Board and staff discussion, the Board indicated denial of the expansion of the Courthouse basement.

Mr. Jorge Hernandez, Architect, reviewed the building and site plans. The Board and staff discussed expansion options.

Mr. Edwards recessed the Board for dinner at 6:20 p.m.

Mr. Edwards reconvened the Board at 7:02 p.m. He explained that Mr. Robert Magoon was out of town on business and Mr. Stewart Taylor was recuperating from a recent illness.

C. MINUTES - July 8, 1997

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

Mr. Sisk made a motion to approve the minutes.

On a roll call, the vote was: AYE: Sisk, DePue, Edwards (3). NAY: (0).

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), stated that work on the Grove interchange on Interstate 64/Route 60 would begin in August; work on left-turn lane on Strawberry Plains at Tewning Road would begin in August; readvertised bids for both sections of Forge Road (Route 610) are to be opened shortly; construction of five turning lanes on Route 60, Grove area; and remaining section of Centerville Road (Route 614) from News Road (Route 613) to Brick Bat Road would be advertised in 1998.

Mr. DePue asked about the remaining section of Centerville Road from Legacy Drive to Route 5.

Mr. Elliott responded that that portion of Centerville Road was not proposed to be upgraded in the six-year plan.

E. CONSENT CALENDAR

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

Mr. DePue asked that Item No. 1 be removed.

Mr. Edwards made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was: AYE: Sisk, DePue, Edwards (3). NAY: (0).

2. Trash and Grass Liens:

Life Products Corporation

Colony Square Associates Limited Partnership

RESOLUTION**CODE VIOLATION LIEN**

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Life Products Corporation
199 Main Street
Norfolk, VA 23510

DESCRIPTION: 100 Herndon Jenkins Road
 TAX MAP NO.: (32-2)(01-0-0065)
 James City County, Virginia
 AMOUNT DUE: \$140.00

RESOLUTION

CODE VIOLATION LIEN

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Colony Square Associates Limited Partnership
 c/o First Union
 P.O. Box 2991-150 Fayette
 Raleigh, NC 27602

DESCRIPTION: 101 Colony Square
 TAX MAP NO.: (48-1)(01-0-0006)
 James City County, Virginia
 AMOUNT DUE: \$80.00

- 3. Dedication of Streets in The Vineyards at Jockey's Neck

RESOLUTION

DEDICATION OF STREETS IN THE VINEYARDS AT JOCKEY'S NECK

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on January 18, 1990, for the crossing of a dam which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

4. Virginia Department of Transportation Industrial Access Road Funds

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) INDUSTRIAL ACCESS FUNDS

WHEREAS, the Board of Supervisors of James City County has received \$300,000 in Industrial Access Road Funds from the Virginia Department of Transportation (VDOT) in reimbursement of construction spending at the James River Commerce Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the \$300,000 received from VDOT and authorizes a payment of 70 percent of those funds, in proportion to the total construction spending, to Williamsburg Development Inc., as follows:

Capital Projects Budget Revenue:

VDOT Industrial Access Funds	<u>\$300,000</u>
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Capital Projects Budget Spending:

Williamsburg Development, Inc.	\$210,000
James River Commerce Center	<u>90,000</u>
	<u>\$300,000</u>

5. Personnel Policies and Procedures Manual Welfare Reform**RESOLUTION****CHANGE TO PERSONNEL POLICIES AND PROCEDURES MANUAL****WELFARE REFORM**

WHEREAS, the Board of Supervisors of James City County, Virginia, desires to support welfare reform; and

WHEREAS, current personnel policies must be revised to implement and administer the County's efforts in supporting welfare reform.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision to amend Section 2.5 of Chapter 2 of the Personnel Policies and Procedures Manual. This resolution is effective on and after August 1, 1997.

6. Courthouse Design and Construction**RESOLUTION****AUTHORIZATION TO BEGIN PREPARATION OF CONSTRUCTION DOCUMENTS****WILLIAMSBURG- JAMES CITY COUNTY COURTHOUSE**

WHEREAS, the efforts for design development have been satisfactorily completed and plans reviewed; and

WHEREAS, the cost estimates provided indicate the project remains within the budgetary constraints.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize continuation of the design efforts for the courthouse to begin construction document preparation.

1. Resolution - The Reverend Junius H. Moody

Mr. DePue made a motion to approve and read the resolution. He asked staff to produce copies to present one to Reverend Moody's family at a later date and the other to the Community Action Agency for Reverend Moody's dedicated service.

Mr. Horne indicated that the resolution should read . . . Route 199 Overpass over Route 60 . . .

On a roll call, the vote was: AYE: Sisk, DePue, Edwards (3). NAY: (0).

RESOLUTION**THE REVEREND JUNIUS H. MOODY**

WHEREAS, Dr. Junius H. Moody, at the time of his death on July 7, 1997, was pastor emeritus at New Zion, Ebenezer, and Chickahominy Baptist churches in James City County, after having served the citizens for over sixty years as a pastor and community leader; and

WHEREAS, Dr. Moody taught in Williamsburg-James City County school system for many years and contributed greatly to the community and mankind by his leadership in civic organizations and events; and

WHEREAS, Dr. Moody served as an active member of the County's Three Hundred Fiftieth Anniversary Committee and was honored for his years of leadership by the naming of Route 199 Overpass over Route 60 in Lightfoot as Junius H. Moody Bridge; and

WHEREAS, Dr. Moody represented James City County as a member of the Community Action Agency Board of Directors for ten years and served as the alternate Powhatan District representative on that agency for a number of years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, on behalf of its citizens, hereby remembers The Reverend Junius H. Moody as a dedicated community leader, educator, and true friend.

BE IT FURTHER RESOLVED that this resolution be spread on the minutes of this Board and a suitable copy be presented to the family of Junius H. Moody.

F. PUBLIC HEARINGS**1. Case No. Z-7-97. Michael C. Brown. LTD/Toano Business Center**

Mr. Gary A. Pleskac, Senior Planner, stated that Mr. Michael A. Brown had applied to rezone approximately 7.25 acres from A-1, General Agricultural, and B-1, General Business, to M-1, Limited Business/Industrial District, with proffers, for construction of development of contractors offices and warehouses, and to rezone approximately 2.5 acres from B-1, General Business District, to B-1, General Business District, with proffers, located at 8105 Richmond Road, further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (12-4) and a portion of Parcel No. (1-9A) on James City County Real Estate Tax Map No. (12-4). The applicant had requested deferral of this case at the June 24, 1997, Board of Supervisors meeting.

Mr. Pleskac stated that the applicant requested deferral of this case until the August 19, 1997, Board of Supervisors meeting to resolve land acquisition issues with an adjacent property owner. Staff concurred with that request.

Mr. Edwards opened the public hearing and, without Board objection, continued the public hearing until the August 19, 1997, Board of Supervisors meeting.

2. Ordinance Amendment, Chapter 18, Taxation, Add Article IX, Exemption of Certain Airport Property

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Board had requested the amended ordinance to exempt from local taxation runways of privately owned airports that are declared to be works of public improvement. He further stated that Williamsburg-Jamestown Airport was the only qualifying property in James City County.

Mr. Edwards suggested action be taken at next Board of Supervisors meeting after Mr. Magoon had returned.

Mr. Edwards opened the public hearing, and without objection, continued the public hearing until the August 19, 1997, Board of Supervisors meeting.

3. Ordinance Amendment Chapter 13, Offenses - Miscellaneous Section 13-35. Same - Carrying Concealed Weapons. Require Fingerprinting

Mr. Leo P. Rogers, Deputy County Attorney, stated that recent changes were made to the State Code and this amendment would change the concealed weapons provision to require all applicants for concealed handgun permits to submit to fingerprint analysis. He further stated that the information would be used to conduct a national criminal history record check coordinated by the Virginia State Police and Federal Bureau of Investigation.

Staff recommended approval.

Mr. Edwards opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, asked whether another finger printing would be required if card was picked up and/or destroyed.

Mr. Rogers stated that the Sheriff had the discretion to require the fingerprint analysis and whether or not an additional finger printing would be necessary for another criminal record check.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to approve the ordinance amendment.

On a roll call, the vote was: AYE: Sisk, DePue, Edwards (3). NAY: (0).

G. BOARD CONSIDERATION

1. Support of Industrial Development Authority's Purchase of Mainland Farm

Mr. Rogers stated that a 1997 Internal Revenue Service ruling would make taxable the Mainland Farm purchase/sale by Mr. and Mrs. Albert L. White, III to the County. Staff recommended that the Industrial Development Authority (IDA) purchase the farm and convey it to the Williamsburg Land Conservancy with the same terms that the Board of Supervisors approved; but, with two exceptions: 1) that the IDA will use a deed of trust to secure payment; and, 2) the Note term will be ten years rather than twenty years.

Staff recommended approval of the resolution.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, DePue, Edwards (3). NAY: (0).

RESOLUTION**ENDORSEMENT OF INDUSTRIAL DEVELOPMENT AUTHORITY****PURCHASE/SALE OF MAINLAND FARM AND APPROPRIATION OF \$330,000 TO****THE INDUSTRIAL DEVELOPMENT AUTHORITY**

WHEREAS, the Industrial Development Authority of James City County, Virginia ("IDA") will consider an option purchase agreement to acquire 217± acres of Mainland Farm from Albert L. White, III, and Frances M. White; and

WHEREAS, The Board of Supervisors wishes to encourage the IDA to preserve farm properties, historical land and potential attractions for tourism; and

WHEREAS, the Williamsburg Land Conservancy, Inc., has already paid James City County \$30,000 as a part of a conditional sale contract to acquire 210± acres of Mainland Farm.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, supports the Industrial Development Authority acquiring 217± acres of Mainland Farm and then entering into a contract to sell 210± acres of Mainland Farm to the Williamsburg Land Conservancy.

BE IT FURTHER RESOLVED that the Board of Supervisors, subject to annual appropriations by future Boards of Supervisors, supports funding the Industrial Development Authority's \$330,000 option payment, \$720,000 payment at closing, and \$1.2 million ten year note. These payments make up the purchase price for Mainland Farm.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby approves the payment of \$330,000 to the Industrial Development Authority of James City County from the County's Greenspace Fund in the Capital Improvement Fund contingent on the Industrial Development Authority entering into an option agreement to purchase 217± acres of Mainland Farm and Conditional Sales Contract to sell 210± acres to the Williamsburg Land Conservancy.

H. PUBLIC COMMENT

1. Mr. Dean F. Duling, 719 Madison Road, expressed dissatisfaction with the County's response to clean up a large amount of yard debris at 714 Madison Road.

Mr. Edwards stated that staff would be in contact with Mr. Duling.

2. Mr. Oliver H. Jackson, 206½ Alesa Drive, sought permission to drive a vehicle to work without being ticketed for not having a current County decal.

Mr. Rogers responded that the Treasurer implemented a payment agreement with Mr. Jackson for personal property taxes. Mr. Wanner responded that the decal was the receipt for payment of those taxes.

3. Mr. Kingston W. Fairclough, 4 Peale Court, expressed displeasure at the appearance and cost of the proposed courthouse; requested County contact Cox Communications regarding his complaint about not being able to be connected to cable; opposed allowing construction of cellular communications towers that would destroy this beautiful scenic area; and asked that a study be made for a master plan of the County.

4. Mr. Ed Oyer, 139 Indian Circle, spoke in agreement with Mr. Fairclough's statement regarding the courthouse and stated that shortages of certain skilled industrial workers were creating problems with completion schedules at the new Jamestown High School.

5. Mr. R. M. Hazelwood, Jr., Toano, agreed that the design did not look like a courthouse and stated cellular communications towers were not a problem and were an asset to the County.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that staff was contacted by representatives of PrimeCo PCS Communications requesting withdrawal of Case No. SUP-17-96 (Sand Hill Road) as the site was no longer needed for cellular telecommunications towers. He reminded the Board that the public hearing remained open at the April 8, 1997, Board of Supervisors meeting and that with the withdrawal request, the case was closed.

Mr. Wanner announced that the 1997 James City County Fair would be held August 8 and 9 at Upper County Park and recommended a recess from this meeting to 5:00 p.m., August 19, 1997, for a work session.

Mr. Wanner responded to citizens' remarks that the Courthouse building budget cost estimate was almost \$8 million for 70,000 square feet. He explained that the Comprehensive Plan was the master plan for James City County that had input from citizens, Planning Commission and staff resulting in the recent adoption of James City County's 1997 Comprehensive Plan. Mr. Wanner stated that Mr. Fairclough's cable television complaint would be forwarded by County staff to Cox Communications.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards noted that the dedication in the brochure of the 20th Annual James City County Fair was to Stonehouse Supervisor, Stewart U. Taylor.

Mr. Sisk made a motion to recess as recommended by the County Administrator.

On a roll call, the vote was: AYE: Sisk, DePue, Edwards (3). NAY: (0).

The Board recessed at 7:50 p.m.



Sanford B. Wanner
Clerk to the Board



ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways

Attachment to one) Board of Supervisors Resolution Surety Dated: _____
 Name of Subdivision: Vineyards at Jockey's Neck (pls 1-7)

Attachment 1 of 2
 James City (47) County

Ref. No.	Name of Street (Required Data Field)	Street Addition Terminus	R-O-W Width (ft)	Miscellaneous Notes	Centerline Length (mi)
1	The Vineyards	From: Route 617 To: 0.21 mi east to Jockey's Neck Trail Plat Recorded Date: 11/27/91 Plat Book: 55 Page 19	60	# Occupied Dwt. Other Service: Collector Road Description: Bit. conc. surface, curb & gutter	0.21
2	Jockey's Neck Trail	From: The Vineyards To: 0.08 mi north to terminus Plat Recorded Date: 11/27/91 Plat Book: 55 Page 18-22	50	# Occupied Dwt. 3 Other Service: Description: Bit. conc. surface, curb & gutter	0.08
3	Jockey's Neck Trail	From: The Vineyards To: 1.37 mi south to terminus Plat Recorded Date: 11/27/91 Plat Book: 55 Page 18-22	50	# Occupied Dwt. 12 Other Service: Description: Bit. conc. surface, curb & gutter	1.37
4	Goodrich Duffey	From: Jockey's Neck Trail To: 0.18 mi southeast to terminus Plat Recorded Date: 11/27/91 Plat Book: 55 Page 19	50	# Occupied Dwt. 3 Other Service: Description: Bit. conc. surface, curb & gutter	0.18
5	Pate's Creek	From: Jockey's Neck Trail To: 0.18 mi southwest to terminus Plat Recorded Date: 11/27/91 Plat Book: 55 Page 20	50	# Occupied Dwt. 3 Other Service: Description: Bit. conc. surface, curb & gutter	0.18
6	Burnweather Lane	From: Jockey's Neck Trail To: 0.11 mi north to terminus Plat Recorded Date: 03/04/93 Plat Book: 58 Page 96	50	# Occupied Dwt. 3 Other Service: Description: Bit. conc. surface, curb & gutter	0.11
7	Campbell Close	From: Burnweather Lane To: 0.14 mi west to terminus Plat Recorded Date: 03/04/93 Plat Book: 58 Page 96	50	# Occupied Dwt. 3 Other Service: PB 59, p93, 08/14/94; PB 64, p76, 08/01/96 Description: Bit. conc. surface, curb & gutter	0.14
Total Mileage					2.25

Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage.

Magisterial District: Jamestown

CERTIFICATION OF ATTACHMENT (by county clerk or surety agent)
 This attachment is certified part of the document above.
Sanford B. Wanner
 (Name and Title) Sanford B. Wanner, County Administrator / Clerk



ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways

Attachment to one) Board of Supervisors Resolution Surety Dated:

Attachment 2 of 2

Name of Subdivision: Vineyards at Jockey's Neck (sts 8-10)

James City (47) County

Ref. No.	Name of Street (Required Data Field)	Street Addition Termini	R.O.W Width (ft)	Miscellaneous Notes	Centerline Length (mi)
1	Richard Bolling	From: Jockey's Neck Trail To: 0.11 mi south to terminus Plat Recorded Date: 11/27/91 Plat Book: 55 Page 18-22	50	# Occupied Dwt. 3 Other Service: Description: Bit. conc. surface, curb & gutter	0.11
2	Andre' Esteve	From: Richard Bolling To: 0.05 mi east to terminus Plat Recorded Date: 11/27/91 Plat Book: 55 Page 21	50	# Occupied Dwt. 3 Other Service: Description: Bit. conc. surface, curb & gutter	0.05
3	Sarah Spence	From: Jockey's Neck Trail To: 0.11 mi southwest to terminus Plat Recorded Date: 11/27/91 Plat Book: 55 Page 22	50	# Occupied Dwt. 5 Other Service: Description: Bit. conc. surface, curb & gutter	0.11
4		From: To: Plat Recorded Date: Plat Book: Page		# Occupied Dwt. Other Service: Description:	
5		From: To: Plat Recorded Date: Plat Book: Page		# Occupied Dwt. Other Service: Description:	
6		From: To: Plat Recorded Date: Plat Book: Page		# Occupied Dwt. Other Service: Description:	
7		From: To: Plat Recorded Date: Plat Book: Page		# Occupied Dwt. Other Service: Description:	
Total Mileage					0.27

Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage.

Magisterial District: Jamestown

CERTIFICATION OF ATTACHMENT (by county clerk or surety agent)

This attachment is certified a part of the document above.

Sanford B. Wanner

(Name and Title) Sanford B. Wanner, County Administrator/Clerk

be discharged at the will of the County Administrator, without cause or hearing.

- E. Other position - An other position is one in a department or office which does not follow all or some of the County's Personnel Policies. An other position may include: members of boards and commissions; elected and appointed officials; positions in agencies for which the County serves as fiscal agent; or positions in offices of Constitutional or appointed officials. An other position is projected to continue indefinitely and may be either full-time or part-time. Specific information regarding policies followed by other positions may be obtained from the Human Resource Department.

Section 2.4 Hours of Employment

- A. Full-Time Employment - Full-time employment refers to all positions so declared by the Board of Supervisors or the County Administrator. The employee filling a full-time position shall work the number of hours so designated by that department as full-time, which shall be a minimum of 40 hours per week, or 2,080 hours per year as a regular work schedule.
- B. Part-Time Employment - A part-time position is one which has as its regular work schedule, fewer hours per week or year than a comparable full-time position.
- C. Official Work Hours - The official hours of work for the County office and administrative personnel shall be 8:00 a.m. to 5:00 p.m. Monday through Friday with one hour for lunch. Because of differing requirements, schedules may vary from these times.

Section 2.5 Recruitment for Employment Vacancies

The Human Resource Department shall work with a department with a vacant position to determine the recruitment required to obtain qualified applicants to fill the vacancy.

- A. Internal Recruitment Policy: In those instances where it is felt that employees within the organization may possess the knowledge, skills, and abilities required for a vacant position, the Department Manager may request that recruitment be restricted to James City County and James City Service Authority employees in full-time and part-time permanent, limited-term, temporary and on-call positions and all individuals serving in the Community Work Experience Placement (CWEP) program placements in James City County and James City Service Authority.
- B. External Recruitment Policy: In those instances where recruitment is not restricted exclusively within the organization, recruitment for the vacant

JUL 22 1997

ORDINANCE NO. 56A-9

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 13-35, SAME - CARRYING CONCEALED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Offenses-Miscellaneous, is hereby amended and reordained by amending Section 13-35, Carrying concealed weapons.

Chapter 13. Offenses - Miscellaneous

Sec. 13-35. Same - Carrying concealed ~~weapons.~~

(a) If any person carry about his person, hid from common observation, any pistol, revolver, or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, ~~springstick balling knife,~~ switchblade knife, razor, slingshot, metal knucks, blackjack, any flailing instrument consisting of two (2) or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nunchuck, nunchaku, shuriken, or fighting chain, ~~any disc or spinner configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,~~ or any weapon of like kind, he shall be guilty of a Class 1 misdemeanor, and such weapon shall be forfeited to the commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers, conservators of the peace, and the division of consolidated laboratory services shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

Ordinance to Amend and Reordain
Chapter 13. Offenses - Miscellaneous
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- (b) This section shall not apply to:
- (1) Any person while in his own place of abode or the curtilage thereof;
 - (2) Any police officers, sergeants, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to chapter ~~32~~ of title 29 (section ~~29-24 29-1-200~~ et seq.) of the Code of Virginia;
 - (3) Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range; provided, that the weapons are unloaded and securely wrapped while being transported;
 - (4) Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition; provided, that the weapons are unloaded and securely wrapped while being transported; and
 - (5) Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
 - (6) ~~Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions; and~~

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Chapter 13. Offenses - Miscellaneous
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~~(f) Any State Police officer retired from the Department of State Police and any local law-enforcement officer retired from a police department or sheriff's office within the Commonwealth with a service disability or following at least fifteen years of service, other than a person terminated for cause, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed weapon issued by the chief law-enforcement officer of the agency from which the officer retired.~~

(c) This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

- (1) Carriers of the United States mail in rural districts;
- (2) Officers or guards of any state correctional institution;
- (3) Campus police officers appointed pursuant to chapter 17 of title 23 (section 23-232 et seq.) of the Code of Virginia;
- (4) Conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed weapon without obtaining a permit as provided in section 18.2-308D of the Code of Virginia:
 - a. Notaries public;
 - b. Registrars;

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 Chapter 13. Offenses - Miscellaneous
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- c. Drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire;
 - d. Commissioners in chancery; and
- (5) Noncustodial employees of the department of corrections designated to carry weapons by the secretary of public safety or the director of the department of corrections pursuant to section 53-3953.1-29 of the Code of Virginia;

(6) Law enforcement agents of the Armed Forces of the United States and federal agents who are otherwise authorized to carry weapons by federal law while engaged in the performance of their duties;

(7) Law enforcement agents of the United States and Criminal Investigative Service;

(8) Any person wishing to obtain a permit to carry a concealed handgun pursuant to Section 18.2-308D of the Code of Virginia. In order to determine the applicant's suitability for a concealed handgun permit, the applicant shall be fingerprinted. The fingerprints and descriptive information may be forwarded to the Virginia State Police and/or the Federal Bureau of Investigation in order to obtain a criminal history record check and fingerprint identification information. Fingerprints taken pursuant to this section shall not be copied, held, or used for any other purposes.

State law reference - For state law as to the carrying of concealed weapons, see Code of Virginia, §18.2-

Ordinance to Amend and Reordain
Chapter 13. Offenses - Miscellaneous
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Jack D. Edwards
Vice Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	ABSENT
SISK	AYE
DEPUE	AYE
EDWARDS	AYE
MAGOON	ABSENT

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of July,
1997.

Chp13Ofs.ord