

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

October 22, 2002

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Thomas Nichols, a sixth-grade student at James Blair Middle School

D. PUBLIC COMMENT

E. PRESENTATIONS

1. Volunteer Recognition – Second Quarter – James D. Dorsey
2. Head Start Awareness Month – October, 2002 – Patricia Banks
3. Weatherization Day – October 30, 2002 – Kathy McCoin
4. Local Travel Industry Update – Dave Schulte

F. HIGHWAY MATTERS

G. CONSENT CALENDAR

1. Minutes - October 8, 2002, Regular Session
2. Resolution Commending Dr. Thomas T. Shields, Sr.
3. Head Start Awareness Month – October, 2002
4. Weatherization Day – October 30, 2002
5. Installation of “Watch for Children” Sign – Scott’s Pond
6. Partnership – Eastern State Bath House
7. Dedication of School House Lane

H. PUBLIC HEARINGS

1. Case No. Z-5-01. Ford’s Colony Proffer Amendment
2. An Ordinance to Amend and Reordain Emergency Ordinance No. 196 Implementing the Governor of Virginia’s Executive Order 33
3. Guest Register Ordinance

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

- CONTINUED -

L. CLOSED SESSION

1. Acquisition of a Parcel of Property, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

M. ADJOURNMENT

102202bs.age

MEMORANDUM

DATE: October 22, 2002
TO: The Board of Supervisors
FROM: Carol A. Schenk, Volunteer Services Coordinator
SUBJECT: Volunteer Recognition - Second Quarter, 2002

James City County is fortunate to have outstanding volunteers who donate their time and talents to enhance our community. This quarter, staff would like to recognize James D. Dorsey, who has served on the Parks and Recreation Advisory Commission for fourteen years.

Just two short months after his appointment, Jim identified a need for open space and asked the Planning Division to meet with the Commission to identify tracts of land for future parks. He also identified a need for water access and has been a strong advocate for this project. He assisted staff in 1990 with the beginnings of a joint school agreement to expand the number of facilities that were available for citizens to use for recreational pursuits and worked on the master plans for Little Creek Reservoir Park and for Mid County Park to include Kidsburg. In 1984, he participated in the passing of the bond that increased the amount and quality of recreational facilities in the County.

Jim has served as a facilitator for Community Conversations to gain citizen input in trail development and to update the Parks and Recreation Master Plan. Just this year, he participated in the community meetings that helped to create the Greenway Master Plan. This past spring, he provided the 15-minute narration for the Division's Gold Medal Video submission.

On behalf of our citizens, staff would like to thank Mr. Dorsey for his extraordinary volunteer service to James City County and recognize him as Outstanding Volunteer.

Carol A. Schenk

CONCUR:

Carol M. Luckam

CAS/tlc
dorsey.mem

MEMORANDUM

DATE: October 22, 2002
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Local Travel Industry Update

Dave Schulte, Executive Director, Williamsburg Area Convention & Visitors Bureau, will be making a brief presentation regarding the performance of the local travel industry through the summer. This is a follow-up to Mr. Schulte's report last spring on the effects of September 11, 2001, on the travel industry.

William C. Porter, Jr.

WCP/adw
ltravrp.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF OCTOBER, 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
Leo P. Rogers, Deputy County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Ms. Natalie Fort, a Junior at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

Mr. Ed Oyer, 139 Indian Circle, requested an anti-loitering ordinance for the County, the Country Village fence line needs to be extended at the west end of the development to the I-64 right-of-way, commented on the cost of the proposed third high school, stated that his cable bill has increased by 26 percent over the past year, and that the letters to the Editor resound with messages of no new taxes and for the schools to raise standards in the schools without increasing funding.

E. PRESENTATION

Mr. James L. Eason, President and CEO of Hampton Roads Partnership, presented the Board with an overview of the Partnership's transportation referendum campaign and efforts to educate the region on the impacts of the proposed referendum.

Mr. McGlennon thanked Mr. Eason for his leadership in the Partnership, stated that as a region there are serious transportation concerns, inquired in what ways the referendum would assist in improving the regional situation: including the widening of I-64 and air quality standards.

Mr. Eason stated that in addition to improving transportation through the region, the per capital income of the region may benefit from the passing of the referendum, the air quality should improve and if the referendum were to fail, the area could become a non-attainment area and costs to citizens would increase due to increased inspections and would decrease federal funding to the region.

Mr. McGlennon inquired about the sales tax associated with the referendum.

Mr. Eason clarified that the sales tax would not be on food and prescription drugs.

Mr. Goodson inquired about the preservation of the I-64 mediums.

Mr. Eason stated that the County and City's voice has been heard on the issue and that commitments have been made to preserve the medium and the character of the I-64 corridor.

F. CONSENT CALENDAR

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

Mr. Goodson 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. September 24, 2002, Work Session
- b. September 24, 2002, Regular Meeting

2. Williamsburg Area Transport

RESOLUTION

APPROPRIATIONS - WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) has implemented two significant service enhancements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriations to the FY 03 James City County Transit Company Fund:

Revenues:

College of William and Mary (Operations)	\$ 55,950
College of William and Mary (Full-Time Personnel)	24,787
Special Trips	122,000
City of Newport News	<u>23,500</u>
Total	<u>\$226,237</u>

Expenditures:

College of William and Mary	\$ 80,737
Special Trips	122,000
HRT Connection	<u>23,500</u>
Total	<u>\$226,237</u>

RESOLUTION

NEW POSITIONS - WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) has implemented two significant service enhancements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one full-time limited-term bus driver position to provide service to the College of William and Mary.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the establishment of 4,300 on-call hours to provide special trips.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, establishes two part-time (1,040 hours each) limited-term bus driver positions to operate the connections with Hampton Roads Transit.

G. PUBLIC HEARINGS

1. Establishment of Carter’s Grove Agricultural and Forestal District (AFD-1-02)

Ms. Karen Drake, Senior Planner, stated that the Colonial Williamsburg Foundation has applied to create a new Agricultural and Forestal District (AFD) containing 320 acres, zoned R-2, General Residential; R-8, Rural Residential; and LB, Limited Business, and identified as Parcel No. (1-2) on the James City County Real Estate Tax Map No. (58-2) and Parcel Nos. (1-21) and (1-30A) on the James City County Real Estate Tax Map No. (59-1).

Staff found the proposal to be compatible with surrounding zoning and land uses.

Staff recommended the Board approve the establishment of the 320-acre Agricultural and Forestal District for a four-year term with conditions, and also recommended that the AFD exclude all land within 50 feet of the existing right-of-way on both sides of Route 60 (Pocahontas Trail), all land within the Colonial Pipeline Easement; all land within the Hampton Roads Sanitation District Easement; and all land within ten feet adjacent to both sides of the Hampton Roads Sanitation District Easement be excluded from the District as needed for future improvements and expansion.

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 establishing the Carter’s Grove Agricultural and Forestal District (AFD-1-02).

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

2. Case No. SUP-16-02. Williamsburg Honda

Ms. Karen Drake, Senior Planner, stated that John Dodson has applied to amend the existing special use permit conditions in SUP-2-87 and SUP-31-89 to permit the sale and repair of utility trailers in addition to the sale and repair of vehicles on about 3.75 acres, zoned B-1, General Business, at 7277 Richmond Road and further identified as Parcel No. (1-42) on the James City County Real Estate Tax Map No. (23-2).

Staff found the proposed amendment to be a valid commercial enterprise and complementary land use, and believes that through conditions limiting the display of the trailers, the Dealership will retain its current degree of conformity to the Neighborhood Commercial Land Use Designation and compliment the Norge Community Character Area.

On September 9, 2002, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff stated that the applicant has requested an amendment to the resolution in Condition Number 4 to include the statement “or landscaping agreement.”

Staff has reviewed the requested and is agreeable that the proposed change would still permit the landscape plan to be reviewed for approval by the Planning Director.

Staff recommends approval of the amendment to the existing special use permit with conditions and with the noted amendment proposed by the applicant.

Mr. Kennedy opened the Public Hearing.

1. Mr. John Dodson, applicant, stated that the landscaping plan previous presented with the other two SUPs will remain the same and that landscaping work to be performed will be in the replacement of shrubs and greenery that was previously planted in accordance with the approved landscaping plan but has died as a result of the drought.

Mr. Dodson stated concern about the County’s water conservation requirements impacting the landscaping plans in a manner not favorable to applicants, and requested the Board align the two requirements.

Mr. McGlennon stated support for the application and proposed amendment, and stated that the Board will consider the aligning the landscape requirements with water conservation requirements.

Mr. Harrison concurred with Mr. McGlennon.

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

Mr. Harrison made a motion to adopt the resolution with the amendment to include the phrase “or landscaping agreement.”

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

RESOLUTION

CASE NO. SUP-16-02. WILLIAMSBURG HONDA

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

WHEREAS, the sale and repair of automobiles and trailers are a specially permitted use in the B-1, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 9, 2002, recommended approval of Case No. SUP-16-02 by a vote of 7 to 0 to permit the sale and repair of automobiles and trailers at 7277 Richmond Road and further identified as Parcel No. (1-42) on James City County Real Estate Tax Map No. (23-2).

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-16-02 as described herein with the following conditions that replaces conditions in Special Use Permit No. SUP-02-87 and Special Use Permit No. SUP-31-89:

1. This special use permit shall allow the sale of new and used automobiles and trailers. All automobile and trailer repairs shall take place within an enclosed building.
2. There shall be no more than seven trailers displayed at any given time in the front row of parking directly adjacent to Richmond Road. All such trailers should be located in the first seven parking spaces closest to the northeast property corner of the site and the trailers shall be parked perpendicular to Richmond Road. All other trailers shall be stored in the parking spaces located adjacent to the north property line with no enclosed trailers located in the first five parking spaces closest to Richmond Road. Of the seven trailers displayed in front of the dealership in the spaces perpendicular to Richmond Road, no more than three shall be an enclosed trailer at any given time and none of the seven trailers on display shall be longer than twenty feet. No signs or banners shall be placed on any trailers. All trailers will be placed on existing paved areas and no additional areas may be paved unless approved by the Planning Director through an approved site plan.
3. The entire site of the Williamsburg Honda Dealership shall have at least 30 percent of the total lot area as landscaped open space. The landscape plan shall exceed the minimum landscaping requirement as necessary to provide a visual effect so as to make the Williamsburg Honda Dealership compatible with adjacent properties and to provide a reasonable buffer between properties. The Development Review Committee shall review and approve any future changes to the landscaping.
4. Within sixty days of approval of this special use permit, the applicant will arrange a meeting on-site with Planning Division staff to verify that all landscaping on the approved site plan has been planted. Any approved landscaping material that is missing from the site must be planted or bonded within ninety days of approval of this special use permit. The owner shall submit a replacement landscape plan or landscaping agreement for existing landscape material that is dead or dying prior to final site plan approval for the trailers and said landscape plans shall be approved by the Planning Director prior to final site plan approval for the trailers.

5. The owner shall be responsible for developing and enforcing water conservation standards which shall be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells; the use of approved landscaping materials, including the use of drought tolerant plants, if and where appropriate; and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers. The water conservation standards shall be approved by the James City Service Authority within three months of adoption of this special use permit and shall apply to any future building construction or renovation and any new landscaping plans.
6. The Williamsburg Honda Dealership shall be limited to the two existing ingress/egress ways onto Richmond Road. The existing ingress/egress ways may be relocated on the property with an approved site plan.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Sale of Surplus Property at 115 Hazelwood Avenue

Mr. John T. P. Horne, Development Manager, stated that staff has negotiated and executed a contract of sale for 115 Hazelwood Avenue, further identified as Parcel No. (4-3) on the James City County Real Estate Tax Map No. (1-22), to David G. and Patricia Byerly in the amount of \$9,000. Mr. Horne stated that part of the contract for the property is that no dwelling unit may be built on the property.

Staff recommends the Board approve the resolution authorizing the County Administrator to execute a deed and other documents that are necessary to convey the property.

Mr. Kennedy opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

SALE OF SURPLUS PROPERTY AT 115 HAZELWOOD AVENUE

WHEREAS, James City County currently owns a certain 0.76-acre parcel at 115 Hazelwood Avenue, further described as Lot 3, Section 2, Temple Hall Estates; and

WHEREAS, staff can identify no need for the County to retain ownership of this property; and

WHEREAS, David G. Byerly and Patricia M. Byerly, neighboring property owners, have offered to pay \$9,000 for this property and have executed a contract of sale dated July 19, 2002, that is contingent upon approval of the Board of Supervisors; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey this property to David G. Byerly and Patricia M. Byerly, their successors, or assigns for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the contract of sale for 115 Hazelwood Avenue dated July 19, 2002, and authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the property at 115 Hazelwood Avenue to David G. Byerly and Patricia M. Byerly, their successors, or assigns for the sum of \$9,000.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Annual Virginia Association of Counties Business Meeting will be held in November and stated that the County needs to submit its Voting Credentials Form and requested nominations for the voting delegate and alternate delegate.

Mr. McGlennon made a motion to nominate Mr. Goodson as the voting delegate and Mr. Wanner as the alternate delegate.

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

Mr. Wanner stated that at 7 p.m. on October 9, 2002, there will be a Growth Forum at the library and citizens are invited to attend.

Mr. Wanner stated that another economic development success will be the groundbreaking ceremony of Avid Medical Inc. on October 9, 2002.

Mr. Wanner recommended that at the conclusion of the agenda, the Board adjourn until 4 p.m. on October 22, 2002.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy requested staff contact the Virginia Department of Transportation (VDOT) regarding the request for signage along Chickahominy Road.

Mr. Porter stated that Mr. Brewer, VDOT, sent staff an Email indicating that the signage request has been submitted and should be installed shortly.

K. ADJOURNMENT

Mr. Harrison made a motion to adjourn until 4 p.m. on October 22, 2002.

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

Mr. Kennedy adjourned the Board at 7:52 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: October 22, 2002
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Resolution Commending Dr. Thomas T. Shields, Sr.

Dr. Thomas T. Shields, Pastor, First Baptist Church, Williamsburg, will be retiring December 31, 2002, after 37 years in the ministry. The attached resolution honors Dr. Shields for years of service to the First Baptist Church, the City of Williamsburg, and the community.

Staff recommends adoption of the attached resolution honoring Dr. Shields.

William C. Porter, Jr.

WCP/gs
shields.mem

Attachment

RESOLUTION

COMMENDING DR. THOMAS T. SHIELDS, SR.

WHEREAS, Dr. Thomas T. Shields was called as Pastor of the historic First Baptist Church, Williamsburg, in November 1982 and during his tenure, the Church has continued its role as a leader in the religious and civic life of the community; and

WHEREAS, Dr. Shields has served as President of the Williamsburg Clergy Fellowship, the Tri-County Pastors Association, President of Area II Ministers Council for the American Baptist Churches of the South, and member of the Board of Directors, Williamsburg Pastoral Counseling Center; and

WHEREAS, Dr. Shields is a past First Vice President of the local NAACP, former member of the Community Action Board of Directors, former local chair of the Souther Christian Leadership Council, former chair of the Schools Minority Achievement Committee, and served on the Board of Trustees of Thomas Nelson Community College; and

WHEREAS, he has been honored for his achievements and contributions to the community by the Kappa Alpha Psi Fraternity and The Williamsburg Men's Club, and has received the Public Schools Friends of Education Award and the Virginia Leadership Award from former Governor James Gilmore; and

WHEREAS, Dr. Shields will retire from the First Baptist Pastorate on December 31, 2002, after 20 years of service to the Church and after more than 37 years in the ministry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commend Dr. Thomas T. Shields, Sr., for his service to the First Baptist Church and to the community and does wish Dr. Shields a long and happy retirement.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of October, 2002.

tshields.res

MEMORANDUM

DATE: October 22, 2002

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator

SUBJECT: Head Start Awareness Month - October 2002

At the national level, October 2002, has been designated as Head Start Awareness Month. As part of the national designation, the Board of Supervisors has been requested to designate October 2002 as Head Start Awareness Month in James City County.

Staff recommends adoption of the attached resolution designating October 2002 as Head Start Awareness Month.

William C. Porter, Jr.

WCP/gs
headstart.mem

Attachment

RESOLUTION

HEAD START AWARENESS MONTH - OCTOBER 2002

WHEREAS, established in 1965, Head Start is a national, Federally funded early childhood development program that serves children and families and whose purpose is to help children achieve their full potential; and

WHEREAS, Head Start provides comprehensive health, nutritional, educational, social services, family and community development, and meaningful parent involvement; and

WHEREAS, Head Start focuses on children's language development, early literacy, social skills, numeracy skills, and giving their parents the skills in becoming their child's first and best teacher; and

WHEREAS, Head Start is committed to the development of each child and provides preventative and early intervention of services to children and families regardless of their economic status; and

WHEREAS, the Williamsburg-James City County Community Action Head Start serves 147 diverse preschool children including children with special needs and their families.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby designate October 2002 as Head Start Awareness Month and encourage all parents of preschool-age children to participate in literacy activities, such as reading a book with your child, attending a play with your child, and going to the library with your child during the month of October.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of October, 2002.

headstart.res

MEMORANDUM

DATE: October 22, 2002
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Weatherization Day - October 30, 2002

At the national level, October 30, 2002, has been designated as Weatherization Day. As part of the national designation, the Board of Supervisors has been requested to designate October 30, 2002, as Weatherization Day in James City County.

Staff recommends adoption of the attached resolution designating October 30, 2002, as Weatherization Day.

William C. Porter, Jr.

WCP/gs
weatherday.mem

Attachment

RESOLUTION

WEATHERIZATION DAY - OCTOBER 30, 2002

WHEREAS, the County of James City, Virginia, has long recognized the plight of low-income families and individuals in meeting their home energy needs; and

WHEREAS, low-income households spend a disproportionate percentage of their annual incomes on home energy bills; and

WHEREAS, the United States Department of Energy developed the Weatherization Assistance Program in 1976 as the Federal government's cost-effective, permanent solution for reducing the heavy burden on low-income Americans; and

WHEREAS, the Weatherization Assistance Program keeps jobs and dollars in local communities by operating through a network of well-trained program providers serving every community in Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim October 30, 2002 as:

Weatherization Day

in James City County, Virginia, and encourages State and local weatherization professionals to deliver cost-effective, advanced technologies to increase energy savings in each home served, to leverage State, local, and private resources to get the most from every Federal dollar, and to heighten the awareness of energy efficiency in communities throughout the State.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of October, 2002.

weatherday.res

MEMORANDUM

DATE: October 22, 2002
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Installation of "Watch for Children" Sign - Scott's Pond

Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch for Children" signs. The law requires that a Board of Supervisors resolution be submitted to the Department authorizing them to take this action and allocating secondary road system maintenance funds for this purpose.

Residents of the Scott's Pond community have requested the Board of Supervisors have a "Watch for Children" sign installed on the neighborhood entrance road at the location shown on the attached drawing.

The attached resolution requests VDOT install and maintain one "Watch for Children" sign in the Scott's Pond subdivision.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/gs
watchsign3.mem

Attachments

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGN - SCOTT’S POND

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the residents of Scott’s Pond have requested that a “Watch for Children” sign be installed on Scott’s Pond Road as illustrated on the attached drawing titled “Scott’s Pond ‘Watch for Children Sign’.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain one “Watch for Children” sign as requested with funds from the County’s secondary road system maintenance allocation.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of October, 2002.

watchsigns3res

MEMORANDUM

DATE: October 22, 2002

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services

SUBJECT: Partnership - Eastern State Hospital Bathhouse

The Board of Supervisors, in adopting the FY2003 Capital Budget, set aside \$150,000 for a bathhouse at the Eastern State Hospital (ESH) swimming pool. The Williamsburg Aquatics Club (WAC) has installed a bubble over the pool and has made other improvements to make the pool available for winter swimming. The purpose of the new bathhouse is to provide restrooms, showers, and a dressing area for high school swimmers early in the morning. These swimmers currently use the James City/Williamsburg Community Center (JCWCC) pool, but are restricted by the pool depth that is not deep enough for racing dives.

A possible solution was to build a bathhouse adjoining the ESH pool. As presently envisioned, it would be approximately 2,200 square feet, with toilets, dressing areas, lockers, and showers to accommodate 30 males and 30 females. It would allow at least one of the two high school teams to practice at ESH, allowing showers and an area to dress before the swimmers have to go to school.

The State requires that any permanent improvements to the ESH property belong to the State. Staff is proposing an agreement that would allow the construction of the facility in the following manner:

- Parent volunteers from the high school swim teams and WAC would design and build the facility. Parent volunteers from AES and Carlton Abbott Design Group would provide the design and engineering and are confident that an experienced contractor could be found, from a list of local building contractors that support high school sports teams, to build the facility at cost. ESH would shepherd the proposal through the State review process and expects that it will be a simple one since the State is not being asked to provide any money.
- All operating costs will be assumed by ESH.

The JCWCC benefits by eliminating the conflicting use of at least one high school swim team for early morning practices. It is also better able to work with ESH to use the ESH pool for deep-water activities such as lifeguard training and diving.

ESH benefits since they can be more flexible in programming daytime use of the pool for both staff and residents.

The Schools benefit from a deep-water facility for team practices. The pool is a 25-meter pool, not the high school standard 25 yards, but it could be used for a high school swim meet. There is a diving well at the ESH pool and diving is a new element of the high school athletic program. The diving board may have to be replaced to meet high school sports standards. Daytime programming options for high school lifeguard classes or elementary school learn-to-swim programs are also enhanced.

WAC sees some benefits for swimmers in the winter months but also assumes the responsibility of most operating costs, maintenance, and cleaning of the facility.

The pool has also been the site of the summer swim program championships for the Virginia Peninsula Swimming Union the past two years, having restrooms and shower areas on-site will be helpful in expanding summer use for both ESH and the community.

The County, although providing the funding for the facility, is otherwise not involved. No operating costs or maintenance responsibilities are assumed. On the other hand, we can claim no ownership rights in the facility as it will be owned by the State.

The basics of this arrangement have been unofficially negotiated with ESH. The attached resolution authorizes the County Administrator to enter into an agreement with ESH for the construction of the facility and amends the appropriation to allow that money to be used to reimburse WAC, who is acting as the agent for ESH, for costs incurred in the construction.

Staff recommends approval of the attached resolution.

John E. McDonald

CONCUR:

Anthony Conyers, Jr.

JEM/gs
ESHbathhs.mem

Attachment

RESOLUTION

PARTNERSHIP – EASTERN STATE HOSPITAL BATHHOUSE

WHEREAS, the varsity swim teams of both Jamestown and Lafayette High Schools have early morning practices at the James City/Williamsburg Community Center (JCWCC) and it has proven difficult to allow both teams, as well as members of the JCWCC, unencumbered use of the pool; and

WHEREAS, an outdoor pool at Eastern State Hospital (ESH) has been converted, by the acquisition and installation of a bubble enclosure by the Williamsburg Aquatic Club (WAC) into a year-round swimming facility; and

WHEREAS, both ESH and WAC have agreed to work with the County to build a bathhouse at the ESH pool to allow one or both of the high school swim teams the ability to practice at the ESH pool and the ability to shower and dress before going to school; and

WHEREAS, the Board of Supervisors previously appropriated funds in the Capital Budget to build a bathhouse, which must, since it is located on ESH property, be owned by ESH with ESH responsible for all maintenance and utility bills; and

WHEREAS, WAC has agreed to facilitate the construction of the bathhouse for ESH through the use of parent volunteers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the needed agreements with both Eastern State Hospital (ESH) and the Williamsburg Aquatic Club to facilitate the construction of a bathhouse adjoining the ESH pool.

BE IT FURTHER RESOLVED that funds set aside for the capital construction of such a bathhouse, in the amount of \$150,000 in the FY 2003 Capital Budget, be available to execute such agreements.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of October, 2002.

bathhouse.res

**REZONING 5-01. Ford’s Colony Proffer Amendment
Staff Report for October 22, 2002, Board of Supervisors Public Hearing**

This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
Planning Commission: October 1, 2001, 7:00 p.m.
 November 5, 2001, 7:00 p.m.
 July 1, 2002, 7:00 p.m.
 August 5, 2002, 7:00 p.m.
 September 9, 2002, 7:00 p.m.
 October 7, 2002, 7:00 p.m.
Board of Supervisors: October 22, 2002, 7:00 p.m.

SUMMARY FACTS
Applicant/Land Owner: Vernon M. Geddy, III, on behalf of Realtec, Incorporated

Proposed Use: Rezone the property from R-4, with proffers, to R-4 with amended proffers, to allow access to the proposed Section XII development in Ford’s Colony from Country Club Drive.

Location: At the intersection of Longhill Road and Williamsburg West Drive and following the extent of Country Club Drive; Powhatan District

Tax Map and Parcel No.: (32-3)(1-11)

Primary Service Area: Inside

Existing Zoning: R-4, Residential Planned Community, with proffers

Proposed Zoning: R-4, Residential Planned Community, with amended proffers

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-2, Williamsburg Plantation
 South: R-8, New Town
 East: R-2, Eastern State Hospital
 West: R-2, Windsor Forest

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:
Staff recommends approval of this application with the attached proffers. Staff believes that the amended proffers sufficiently address the issues and concerns identified by staff, the Virginia Department of Transportation (VDOT), and the Williamsburg West Civic Association. The proposed

development of Ford's Colony, Section XII, is consistent with surrounding zoning and development and the Comprehensive Plan. On October 7, 2002, the Planning Commission recommended approval of this application by a vote of 7-0.

Description of Project

Mr. Vernon M. Geddy, III, has applied on behalf of Realtec, Inc., to rezone property from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers. The request seeks to amend Proffer No. 4 of the Amended and Restated Ford's Colony Proffers dated September 29, 1995, made by Realtec, Inc., which currently prohibits access from Ford's Colony onto Lexington Drive or Country Club Drive. The application does not seek to change the density or use of the property from that which is currently identified on the Ford's Colony Master Plan. The proposed development of Section XII calls for 70 lots on 45-acres with access provided to the development from Country Club Drive. Without the Board of Supervisors approval of an amendment to the existing proffers to allow access to the development from Country Club Drive, the proposed subdivision cannot be approved. Ford's Colony is generally located east of Centerville Road and south of Longhill Road. The affected property is identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (32-3).

History

Ford's Colony was originally developed under a different name "Middle Plantation" that began in the early to mid 1970's as a golf course community and, as of 1978, consisted of an approved 1,844 dwelling units on approximately 1,308 acres. Realtec acquired Middle Plantation in the early 1980's and, with a subsequent Master Plan amendment in 1984, changed the name to "Ford's Colony," and increased the number of approved dwelling units to 2,855. Since then, the Master Plan has changed several more times and additional lands and dwelling units have been added. Following the most recent Master Plan amendment in 1999, Ford's Colony currently contains approximately 2,778 acres with an approved 3,250 dwelling units.

The proffer in question in this rezoning application was made in connection with a Master Plan Amendment (MP-3-93) approved by the Board of Supervisors in 1995. That Master Plan amendment relocated a recreation area within Ford's Colony to its present location near the Williamsburg West subdivision. There was considerable discussion and negotiation regarding the proffers during the review of that case to insure that the relocation would not adversely impact residents in Williamsburg West. **As approved, Proffer No. 4 reads: "No Access. Owner shall not provide access from Ford's Colony onto Lexington Drive or Country Club Drive."** Staff reports presented to the Planning Commission and Board of Supervisors made no reference to the proposed project area or access to and from Section XII. The Master Plan Amendment also led to the development of Section XV in Ford's Colony. This development acts as a buffer between the recreation area and Williamsburg West and precludes access from the recreation area to either Lexington and Country Club Drives. The applicant has stated that the intent of Proffer No. 4 was to preclude access from the new recreation area to Lexington Drive and Country Club Drive, not to limit access to and from Section XII to Country Club Drive.

When this case was presented to the Planning Commission in October 2001, the application sought to delete Proffer No. 4. At the request of the applicant, the Planning Commission indefinitely deferred this case to allow Realtec, Inc., time to engage in discussions with representatives of the Williamsburg West Civic Association and adjacent property owners concerning the proffers and proposed Section XII development. The applicant reactivated this case in May 2002. The Planning Commission deferred this case on July 1, 2002, in order to allow staff time to review and evaluate VDOT comments on the proposed Section XII development plans and the findings of a professional traffic engineering and transportation planning firm that was evaluating the proposed roadway alignment, entrance design, and turning movements. The applicant requested deferral of the application at the August 5, 2002, and

September 9, 2002, meetings in order to continue the ongoing discussions with staff, VDOT, and adjacent property owners over the access issues associated with the development of Section XII.

Development Plan Analysis

Conflicting opinions were expressed by Realtec, Inc., VDOT, and Williamsburg West residents over the initial entrance design and roadway alignment identified in the development plans submitted to staff for Section XII in May 2002. Staff determined that an independent review of the proposal by a traffic engineering and transportation planning firm was warranted and hired a consultant to examine the proposed entrance design, turning movements, roadway realignment, and safety concerns. Following receipt of the consultant's findings, staff met with the applicant and VDOT to discuss alternative entrance designs. The site plan referenced in the proffers is the resulting product of these meetings between the applicant, staff, VDOT, and adjacent property owners.

Proffers

The applicant has made several revisions to the proffers to address the issues and concerns raised during a series of meetings with staff, VDOT, adjacent property owners and members of the Williamsburg West Civic Association. The Amended and Restated Proffers submitted by the applicant include the following statements:

- The Owner shall not provide access from Ford's Colony onto Lexington or Country Club Drive except as shown on a site plan entitled "Proposed Intersection of Ford's Colony Section XII and Country Club Drive, Ford's Colony, Section XII" prepared by AES Consulting Engineers and dated August 26, 2002.
- The final design of the intersection and related improvements, including the column locations and curbing locations and design, shall be generally as shown on the Plans as determined by the Development Review Committee and constructed concurrently.
- All median curbing along Country Club Drive from Williamsburg West Drive to Lexington Drive shall be of a consistent material.
- The entrance columns shall not exceed seven feet in height.
- Landscaping shall be installed as shown on a landscape plan submitted to and approved by the Director of Planning.
- Realtec and/or a homeowner's association in which lot owners in Section XII of Ford's Colony are members shall be responsible for maintenance of the intersection and related improvements, including the column, curbs, and landscaping shown on the Plans and landscape plan.

The Williamsburg West Civic Association has conditionally endorsed this plan in a letter dated September 30, 2002. The owner of Bazzle Apartments located adjacent to the proposed entrance to Section XII is aware of the VDOT required median changes adjacent to the entrances to his property and has expressed support for this proposal. Staff believes that the amended proffers offered by the developer sufficiently address the issues and concerns identified by staff, VDOT, and the Williamsburg West Civic Association.

Recommendation:

Staff recommends that the Board of Supervisors approve this application and accept the voluntary proffers. Staff believes that the proffers offered by the developer sufficiently address the issues and concerns identified by staff, VDOT, and the Williamsburg West Civic Association. The proposed development of Ford's Colony, Section XII, is consistent with surrounding zoning and development and the Comprehensive Plan. On October 7, 2002, the Planning Commission recommended approval of this application by a vote of 7-0.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gs
z-5-01.wpd

Attachments:

1. Unapproved Minutes from the October 7, 2002, Planning Commission meeting
2. Location Map
3. Proffers
4. Letter from the Williamsburg West Civic Association dated August 30, 2002
5. Letter from John Barr, VDOT Assistant Resident Engineer, dated September 11, 2002
6. Resolution
7. Site Plan "Proposed Intersection of Ford's Colony Section XII and Country Club Drive, Ford's Colony at Williamsburg, Section XII" prepared by AES Consulting Engineers and dated August 26, 2002 (Previously distributed with the October 7, 2002, Planning Commission packet)

RESOLUTION

CASE NO. Z-5-01. FORD'S COLONY PROFFER AMENDMENT

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-5-01 for rezoning approximately 2,778 acres from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 7, 2002, recommended approval of Case No. Z-5-01, by a vote of 7 to 0; and

WHEREAS, the property is identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (32-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-5-01 and accepts the voluntary proffers.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of October, 2002.

z-5-01.res

MEMORANDUM

DATE: October 22, 2002

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: An Ordinance to Amend and Reordain Emergency Ordinance No. 196 Implementing the Governor of Virginia's Executive Order 33

Because the Commonwealth is experiencing one of the most severe droughts in over 100 years, on August 30, 2002, the Governor issued Executive Order 33. The Order implements water use restrictions that cover most of the State of Virginia. The restrictions prohibit the watering of lawns and golf courses, filling of swimming pools, and washing cars from any water source. This includes private wells or a public water system. The Governor delegated the enforcement of the Order to local governments. This requires the approval of a local ordinance establishing the requirement of the Governor's Order. To implement the Order in an expedient manner, an Emergency Ordinance was approved by the Board on September 10, 2002. Because it was approved under the Emergency Provisions of the Code of Virginia, the Ordinance must be reenacted within 60 days of its original approval. This meeting has been advertised as a public hearing on the Ordinance.

The official Emergency Ordinance includes the following provisions:

- New and repaired swimming pools may be filled as needed to maintain the structural integrity of the pool.
- New and refurbished lawns may be watered for a period not to exceed 30 days. "Refurbished" is defined as a physically disturbed area of an existing lawn.
- Commercial car washes are exempt including car washing for the automotive industry. Corporate fleets are not exempt.
- Golf Courses are allowed to water tees and greens between 8 p.m. and 8 a.m., and to hand-water greens with an automatic cut-off between 8 a.m. and 8 p.m.

Attached is a copy of the permanent Ordinance implementing Executive Order 33 in James City County. The Ordinance incorporates the provisions and exemptions described above. It also includes a system of penalties that includes:

- Warning
 - 1st Offense - \$100 penalty
 - 2nd Offense - \$250 penalty
 - 3rd Offense - \$500 penalty
- \$250 for each additional offense with a single offense not to exceed \$2,500.

To date, only a few warnings and no penalties have been issued in the enforcement effort of the Emergency Ordinance. The Ordinance will remain in effect until the Governor lifts Executive Order 33 and the Board repeals this Ordinance.

Staff recommends approval of the Ordinance as presented.

An Ordinance to Amend and Reordain Emergency Ordinance No. 196 Implementing the Governor of
Virginia's Executive Order 33
October 22, 2002
Page 2

Larry M. Foster

CONCUR:

Sanford B. Wanner

LMF/gs
OrdExec33.mem

Attachment

ORDINANCE No. _____

AN ORDINANCE TO AMEND AND REORDAIN EMERGENCY ORDINANCE NO. 196 IMPLEMENTING THE GOVERNOR OF VIRGINIA’S EXECUTIVE ORDER 33, DECLARING A WATER SUPPLY EMERGENCY PURSUANT TO VIRGINIA CODE SECTION 15.2-924 AND TO ADOPT RESTRICTIONS FOR OUTDOOR WATER USE; TO PROVIDE PENALTIES FOR A VIOLATION THEREOF; AND TO REPEAL ORDINANCE NO. 116A-33 DEALING WITH OUTDOOR WATERING AND RESTRICTIONS ON OUTDOOR WATER USE.

Whereas, the Commonwealth of Virginia, the Hampton Roads Area and the County of James City have experienced an extended period of drought and the level of surface water impoundments, rivers, underground aquifers, and other drinking water sources have declined substantially; and

Whereas, August 30, 2002, the Governor of Virginia has issued Executive Order 33 (2002) which prohibits many uses of surface water and groundwater, including but not limited to watering lawns, washing vehicles, filling swimming pools, irrigating golf courses (with certain limited exceptions for each) and;

Whereas, the Governor’s Executive Order 33 (2002) authorizes localities to “establish, collect and retain fines for violation of these restrictions”; and

Whereas, on July 23, 2002, the Board of Supervisors of James City County adopted Ordinance 116A-33 restricting outdoor water use; and

Whereas, pursuant to Virginia Code Section 15.2-924, the Board of Supervisors of James City County, Virginia, is empowered to declare that a water supply emergency exists and adopt restrictions on the use of outdoor water is necessary in order to protect the health, safety, and welfare of the citizens of the County of James City.

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

Section 1. Declaration of emergency affecting water supply.

Due to the decreased level of above ground and underground water supplies affecting the public water systems serving county residents and the anticipated demand for water in the immediate future, and due to the Governor's Executive Order 33 (2002), the Board of Supervisors of James City County hereby declares and finds that a water supply emergency exists which necessitates the adoption of this ordinance mandating restriction on the use of water in the county under the terms and condition set forth herein.

Section 2. Definitions.

The following words and phrases, when used in this ordinance, shall have the meaning ascribed to them below, except in those instances where the context clearly indicates a different meaning:

Assessment date: The date of the notice imposing the fine for a violation of this ordinance.

Lawn: Grass areas of any property, including residential, commercial or industrial areas, but excluding agricultural fields and athletic fields.

New or refurbished lawn or fairway: a new lawn or fairway under construction or disturbing and overseeding existing lawn area or fairway area.

Person: Any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

Vehicle: A motor vehicle or semi-trailer as defined in Virginia Code Section 46.2-100, which requires titling and registration pursuant to Virginia Code Section 46.2-600 et. seq.

Section 3. Mandatory surface and ground water use restriction measures.

All persons and households in the county shall limit their use of water, which includes water from the public water system, and ground water consistent with the Executive Order, and in accordance with this section:

1. Lawns. Watering of lawns is prohibited at all times. New or refurbished lawns may be watered for a period not to exceed 30 days.

2. Vehicle Washing. Vehicle washing by persons other than commercial car washes is prohibited at all times. Commercial car washes, auto dealers, body shops and car rental agencies are permitted to operate under normal conditions.

3. Swimming Pools. Filling is prohibited at all times, with the exception of pools used by health care facilities for patient care and rehabilitation, which are permitted to operate under normal conditions. New or repaired pools may be filled as needed to maintain the structural integrity of the pool. Indoor pools may be filled as necessary to ensure swimmer health and safety.

4. Golf Courses. Watering of tees and greens is permitted daily between the hours of 8:00 p.m. and 8:00 a.m. All other watering is prohibited at all times, except that new and refurbished fairways may be watered for a period not to exceed 30 days and the hand watering of greens by means of a hose with an automatic shut-off nozzle which is continuously attended.

Section 4. When restrictions go into effect.

The water use restrictions set forth in this ordinance shall take effect immediately.

The water use restrictions shall remain in effect so long as the Executive Order remains in full force and effect.

Section 5. Violation.

It shall be a violation of this ordinance for any person to use water, or allow or cause the use of water, in violation of the provisions of this ordinance.

Section 6. Penalty.

a. Any person who violates any provision of this ordinance shall be subject to the following fines:

- 1) For the first offense, violators shall receive a written warning.*
- 2) For the second offense, violators shall be fined \$50.00.*
- 3) For the third offense, violators shall be fined \$100.00.*
- 4) For the fourth offense and subsequent offense, violators shall be fined \$250.00.*
- 5) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.*

- b. The county, or its designee, shall serve the written warning or assessment of fine by either:*
- 1) Hand delivering the document to the violator or other adult occupying or employed by a business on the property where the violation occurred; or*
 - 2) Posting the document on the front door of the primary structure and mailing, by first class U.S. Mail, a copy of the document to the owner of record at the current mailing address contained in the county's real estate assessment records for the property where the violation occurred.*
- c. Persons who have been assessed a fine shall have the right to challenge the assessment by providing a written notice to the county administrator within ten (10) days of the date of the assessment of the penalty. The county administrator or his designee shall determine whether the fine was properly assessed and notify the complaining person in writing of his determination. Should the county administrator or his designee determine that the fine was properly assessed, the person may challenge that determination within ten (10) calendar days of receiving the notice of determination by filing an action in court.*
- d. The county administrator or his designee may waive the penalty if he determines that the violation occurred due to no fault of the person.*

Section 7. Supersede prior ordinance.

That this ordinance shall supersede and replace Ordinance No. 116A-33, adopted by the Board of Supervisors on July 23, 2002, for such time as this ordinance is effective.

Section 8. Severability.

That the provisions of this ordinance are severable, and the invalidity of any provision in the ordinance, as determined by a court of competent jurisdiction, shall not affect the validity of any other provision in the ordinance.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of October, 2002.

waterord1002.wpd

MEMORANDUM

DATE: October 22, 2002

TO: The Board of Supervisors

FROM: Dee Linhart, Colonial Drug Task Force Coordinator
Leo P. Rogers, Deputy County Attorney

SUBJECT: Guest Register Ordinance

Attached for your consideration is a proposed Ordinance to require places of lodging to maintain a guest register. The Ordinance requires that guests at places of lodging accurately provide their name, home address, a description of their vehicle and license plate information. Failure of guests to provide such accurate information would constitute a Class 1 misdemeanor. Places of lodging would be required to keep registration information for one year.

The proposed Ordinance is authorized by Virginia Code Section 35.1-9. The proposed Ordinance is consistent with ordinances adopted by other Virginia localities. Staff has worked with the City of Williamsburg and York County to develop a model ordinance for the three jurisdictions.

Staff has also worked with the Williamsburg Hotel and Motel Association to get its comments on the Ordinance. In addition, the Hotel and Motel Association has offered to help disseminate information to its members to facilitate implementation. The delayed effective date of December 1, 2002, is intended to give the other localities time to consider adopting the Ordinance and to provide time for places of lodging to prepare for its implementation.

The purpose of the proposed Ordinance is to protect the public safety of local residents, guests to the area and employees of places of lodging. The proposed Ordinance will assist law enforcement personnel in locating fugitives, suspects, and witnesses. Currently, law enforcement personnel need to reveal privileged and confidential information in order to secure the needed records. Not only could this jeopardize an investigation or the source of a lead, but it may be perceived as negatively impacting an innocent person. To date, the local hotel, motels, and campgrounds have been very helpful in assisting law enforcement investigations. By adopting this Ordinance, the secrecy of an investigator's lead can be protected. The Ordinance will also protect the place of lodging by establishing the required information that guests must provide, and requiring that the guest registers be open to inspection by law enforcement personnel.

Staff recommends adoption of the proposed Ordinance.

Dee Linhart

Leo P. Rogers

CONCUR:

Ken Middlebrook

DLH/gs
reghotel.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING SECTION 15-37, GUEST REGISTER GENERALLY; AND SECTION 15-38, FALSE REGISTRATION BY GUESTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses - Miscellaneous, is hereby amended and reordained by adding Section 15-37, Guest register generally; and Section 15-38, False registration by guests.

Chapter 15. Offenses - Miscellaneous

Section 15-37. Guest register generally.

(a) Every person conducting any lodging place in the county shall at all times keep and maintain therein a guest register, in which shall be inscribed, electronically, or with indelible ink, the name and home address of each guest or person renting or occupying a room or camping space therein, as well as the guest's vehicle description and license plate information. Such register shall be signed by the person renting a room or camping space, or by someone signing by his or her authority or the person's identity is electronically verified. The proprietor of such lodging place, or his or her agent, shall thereupon enter or write, electronically, or with indelible ink, opposite such name so registered, the number of each room or camping space assigned to and occupied by such guest, together with the date(s) when such room or camping space is rented. Until all of the aforesaid entries have been made in such register, no guest shall be suffered or permitted to occupy any room in such lodging place. When the occupant of a room or camping space so rented vacates and surrenders the same, it shall be the duty of the proprietor of the lodging place, or his or her agent, to maintain for one year, a record of the date(s) when such room or camping space was vacated and surrendered.

(b) The register required by this section shall be subject to inspection at any and all reasonable times by any public safety officer in the performance of his or her duties.

(c) The guest vehicle parking area of every lodging place shall be accessible at any and all reasonable times to any public safety officer in the performance of his or her duties.

(d) Lodging place means any bed and breakfast, campground, condominium, hotel, inn, motel, rooming house, time share business, tourist cabin, tourist camp, tourist home, or similar establishment within the city which offers lodging, for compensation, to any transient.

(e) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

State law reference - Code of Va., §35.1-9

Section 15-38. False registration by guests.

It shall be unlawful for any person to write, or cause to be written, or knowingly permit to be written, in any guest register in any lodging place in the county, any other or different name or designation than the true name of the person registered therein, or the name by which such person is generally known, or to enter false information regarding any vehicle. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

The effective date of this ordinance shall be December 1, 2002.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of October, 2002.

offenses-misc.ord