

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

September 22, 2009

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Navon Matthews, a fifth-grade student at James River Elementary School

D. HIGHWAY MATTERS

E. PUBLIC COMMENT

F. PRESENTATIONS

1. Virginia Association of Counties Achievement Award
2. Community Services Building – Alex Kuras

G. CONSENT CALENDAR

1. Minutes – September 8, 2009, Regular Meeting
2. Revenue Sharing Program Emergency Traffic Signal – Fire Station 2 (UPC # 94645)
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
3. Dedication of Streets in Fenwick Hills Sections 1, 2, and 3
4. Contract Award – James City/Williamsburg Community Center Gym Floor Replacement - \$140,977
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
5. County/State Project Administration Agreement, American Reinvestment and Recovery Act, Project # 0060-047-598, P101, C501 (UPC # 94542)
Supports County's Strategic Pathway 3.b - ensure ongoing operational costs are funded & 3.d - invest in the capital project needs of the community
6. Appropriation of \$518,394 for the American Reinvestment and Recovery Act Project, Project # 0060-047-598, P101, C501 (UPC # 94542)
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
7. Award of Bid – Oakland Estates Drainage Improvements and Yarmouth Creek Stream Stabilization Project - \$239,662.70
Supports County's Strategic Pathway 4.f - manage stormwater effectively and protect groundwater

-CONTINUED-

H. PUBLIC HEARINGS

1. SUP-0016-2009, James City County Police Headquarters
2. Abandonment of a Portion of the Right-of-Way for Route 658 (Olde Towne Road), Section 1
3. Ordinance to Amend James City County Code, Chapter 15, Offenses – Miscellaneous, by Adding Section 15-39, Graffiti; to Authorize the County to Remove or Repair the Defacement of Buildings, Walls, Fences and other Structures, as Permitted under Section 15.2-908, Code of Virginia
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable & 2.f - enhance community appearance
4. Ordinance to Amend James City County Code, Chapter 15, Offenses – Miscellaneous, by Adding Section 15-40, Drug Blight; to Authorize the County to Require Removal, Repair, Etc., of Buildings and other Structures Harboring Illegal Drug Use, as Permitted under Section 15.2-907, Code of Virginia
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable & 2.f - enhance community appearance
5. Ordinance to Amend James City County Code, Chapter 15, Offenses – Miscellaneous, by Adding Section 15-41, No Wake Zone; to Authorize the County to Establish a Procedure for No Wake Zones, as Permitted under Section 29.1-744, Code of Virginia

I. BOARD CONSIDERATIONS

1. Adoption of Planning Commission Job Description

J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Historical Commission

N. ADJOURNMENT to 7 p.m. on October 13, 2009

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF SEPTEMBER 2009, 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
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District - Absent
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Kaitlynn Adkins, a fifth-grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

Mr. Kennedy opened the Public Comment.

As no one wished to comment, Mr. Kennedy closed the Public Comment.

E. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the Consent Calendar with the amendments to the minutes.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

1. Minutes – August 11, 2009, Regular Meeting

2. Dedication of Opportunity Way into the State Secondary Highway System

RESOLUTION

DEDICATION OF OPPORTUNITY WAY INTO THE STATE SECONDARY HIGHWAY SYSTEM

WHEREAS, the Williamsburg Residency Office of the Virginia Department of Transportation recommends that the street(s) referenced in this Board's resolution be added to the secondary system of State highways as a no-cost rural addition pursuant to Section 33.1-229 and Commonwealth Transportation Board policy, because the street(s) meets current minimum standards, the condition of the existing hard surface is serviceable, the street(s) has provided continuous public service since its establishment in March 31, 2008, and currently serves a public school and public recreational facilities; and

WHEREAS, the Williamsburg Residency Office of the Virginia Department of Transportation confirms that no Department funds are required to improve the street(s) described on the attached additions form AM-4.3 to meet current minimum design or maintenance standards of the Department.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that this Board requests the Virginia Department of Transportation to add the street(s) described on the attached additions form AM-4.3 to the secondary system of State highways, pursuant to Section 33.1-229, Code of Virginia and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described on the attached form AM-4.3, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

3. Award of Bid – Freedom Park Water Main – \$176,610

RESOLUTION

AWARD OF BID – FREEDOM PARK WATER MAIN – \$176,610

WHEREAS, competitive bids were advertised for a water main to be constructed within Freedom Park; and

WHEREAS, bids were received with the low bidder being Walter C. Via Enterprises with a bid of \$171,610; and

WHEREAS, previously authorized Bond Referendum funds are available for this contract bid award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents with Walter C. Via Enterprises for the Freedom Park Water Main in the total amount of \$171,610.

F. PUBLIC HEARINGS

1. Case No. SUP-0012-2009. 101 Birch Circle Accessory Apartment

Mr. Kennedy stated that the case was withdrawn by the applicant.

2. Easement Agreement – The Pointe Homeowners Association – 4669 Sir Gilbert Loop

Mr. Darryl Cook, County Engineer, stated that this item was to grant The Point Homeowners Association an easement agreement to gain legal access and maintain a stormwater management facility on County property.

Staff recommended approval of the resolution.

Mr. Icenhour asked if the Homeowners Association would be responsible for maintenance once the easement is granted to the Homeowners Association.

Mr. Cook stated that the Homeowners Association is responsible for the maintenance once the easement is granted.

Mr. Kennedy opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

RESOLUTION

EASEMENT AGREEMENT – THE POINTE HOMEOWNERS ASSOCIATION –

4669 SIR GILBERT LOOP

WHEREAS, James City County (County) owns 15.02 acres located at 4669 Sir Gilbert Loop, designated as Parcel No. 0100041 on James City County Real Estate Tax Map No. (46-2) (the “Property”); and

WHEREAS, there is a stormwater management facility located on the Property that was constructed for and controls stormwater runoff from The Pointe at Jamestown subdivision; and

WHEREAS, The Pointe Homeowners Association requires an easement to access and maintain the stormwater facility in its proper working condition; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey an easement to The Pointe Homeowners Association.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute any and all documents necessary to convey an easement to The Pointe Homeowners Association for access to and maintenance of the stormwater management facility at 4669 Sir Gilbert Loop.

3. Cricket Communications, Inc. – Lease of Space on Virginia Peninsula Regional Jail Cellular Tower

Mr. Leo Rogers, County Attorney, stated that this is a lease of space that the County already owns. He stated that there are other cellular providers that are currently on the lease and Cricket Communications approached the County to also be on the lease. Mr. Rogers also stated that there is a small area of ground space that would also go on to the 25-year lease.

Staff recommended approval of the resolution.

Mr. Icenhour asked if this was the last space on the lease.

Mr. Rogers stated that there is more physical and frequency space that remains on the tower for other providers.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

RESOLUTION

CRICKET COMMUNICATIONS, INC. - LEASE OF SPACE ON

VIRGINIA PENINSULA REGIONAL JAIL CELLULAR TOWER

WHEREAS, James City County owns a 280-foot tower (the “Tower”) located on James City County Real Estate Tax Map Parcel No. 6010100011 and more commonly known as 9320 Merrimac Trail, Williamsburg, Virginia; and

WHEREAS, Cricket Communications, Inc. (“Cricket”) wishes to lease space on the Tower to erect a cellular array as well as approximately 150 square feet of ground space to place necessary support equipment; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should enter into a lease agreement with Cricket.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute a Lease Agreement between James City County and Cricket Communications, Inc., for space on the Tower upon which Cricket may erect a cellular array and 150 square feet of ground space for necessary support equipment and such other memoranda, agreements, or other documents as may be necessary to effectuate the Lease.

G. PUBLIC COMMENT

Mr. Kennedy opened the Public Comment.

As no one wished to comment, Mr. Kennedy closed the Public Comment.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that the Board convene into closed session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of a parcel(s) of property for public use. Mr. Wanner also noted that the sale of the Police Building Bond was on September 9, 2009. He noted that he was expecting favorable interest rates for the County. He stated that he and staff were working through the impact of the Governor's budget reductions that were released.

I. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that at the August 11, 2009, meeting she commented on the Green Jobs Alliance and noted that Van Jones, who wrote the stimulus package that helped form the organization. She stated that this was an opportunity for one group to tap into the funds of the stimulus. She stated she did not support the Green Jobs Alliance applications. She wanted to make a correction that Van Jones was not the founding member, but was the inspiration behind forming the organization.

Mr. Icenhour asked for Environmental staff to look into the pond at Chisel Run. He stated that the pond was green and turned brown over the course of three days and he suspects it to be runoff due to construction in the area. He asked that staff help minimize this problem.

Mr. McGlennon stated that he has scheduled a meeting with Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, and representative engineers of VDOT, to discuss the plans for the installation of a traffic light on Jamestown Road and to talk about the concerns of residents in that area.

J. CLOSED SESSION

Mr. McGlennon made a motion to go into closed session pursuant to 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of a parcel(s) of property for public use.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

At 7:19 p.m. Mr. Kennedy recessed the Board into closed session.

At 7:38 p.m. Mr. Kennedy reconvened the Board into open session.

Mr. McGlennon made a motion to adopt the closed session resolution.

On a roll call vote, the vote was AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcel(s) of property for public use.

K. ADJOURNMENT to 4 p.m. on September 22, 2009.

Sanford B. Wanner
Clerk to the Board

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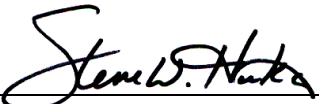
MEMORANDUM

DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Steven W. Hicks, Manager of Development Management
SUBJECT: Revenue Sharing Program Emergency Traffic Signal – Fire Station, UPC # 94645

The County has been notified by the Virginia Department of Transportation (VDOT) that revenue sharing funds are available to match local funds for the construction or improvements of roadways in the locality. The program requires a dollar-for-dollar match along with the unmatched amount of \$100 by the County for road improvements to the local road system.

Staff proposes to use revenue sharing funds for an Emergency Traffic Signal at the Pocahontas Trail (Route 60) UPC # 94645 project. The total cost of this project is \$160,100, with the County share being \$80,100.

Staff recommends that the Board of Supervisors adopt the attached resolution which authorizes the County's intent to participate in the FY 2010 Revenue Sharing Program.



Steven W. Hicks

SWH/gb
TrafSignal_mem

Attachment

RESOLUTION

REVENUE SHARING PROGRAM EMERGENCY TRAFFIC SIGNAL –

FIRE STATION, UPC # 94645

WHEREAS, the Board of Supervisors of James City County desires to submit an application for an allocation of funds of \$80,000 through the Virginia Department of Transportation (VDOT) Fiscal Year 2010 Revenue Sharing Program; and

WHEREAS, \$80,000 of these funds are requested to fund Emergency Traffic Signal at Pocahontas Trail – Fire Station 2 (UPC # 94645), to match the Revenue Sharing Program funds; and

WHEREAS, the County will allocate a dollar-for-dollar along with the unmatched amount of \$100; and

WHEREAS, the combined County and State funding totaling \$160,100 is requested to fund Emergency Traffic Signal – Fire Station 2 (UPC # 94645).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation of \$80,000 through the VDOT Revenue Sharing Program and the County will contribute \$80,100 as follows:

Revenue:

| | |
|----------------------|-----------------|
| VDOT Revenue Sharing | <u>\$80,000</u> |
|----------------------|-----------------|

Expenditures:

| | |
|-----------------------------------|------------------|
| Station 2 Emergency Traffic Light | \$160,100 |
| Operating Contingency | <u>(80,100)</u> |
| | <u>\$ 80,000</u> |

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 September 2009.

JCC Fire Station UPC # 94645



MEMORANDUM

DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Scott J. Thomas, Environmental Director
SUBJECT: Dedication of Streets in: Fenwick Hills Sections 1, 2, and 3

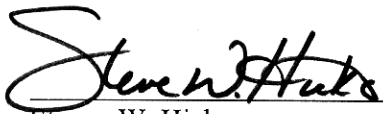
Attached is a resolution requesting acceptance of streets within Fenwick Hills Sections 1, 2, and 3 into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.



Scott J. Thomas

CONCUR:



Steven W. Hicks

SJT/gb
FenwickSts_mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN FENWICK HILLS SECTIONS 1, 2, AND 3

WHEREAS, the streets described 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 Residency Administrator for the Virginia Department of Transportation advised the Board that 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 entered into an agreement on July 1, 1994, for comprehensive stormwater detention 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 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the 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 Residency Administrator for the Virginia Department of Transportation.

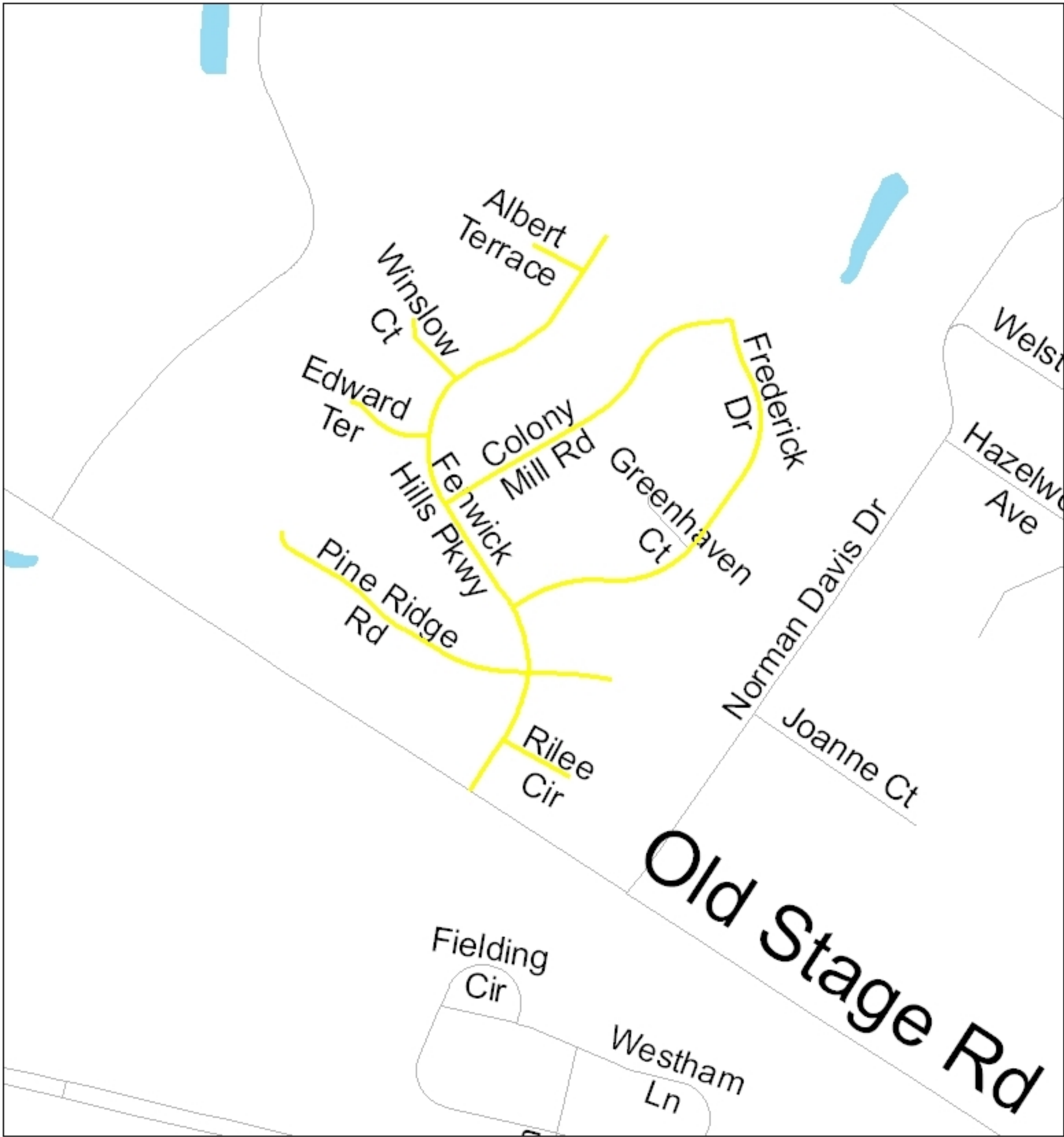
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of
September, 2009.

FenwickSts_res



**DEDICATION OF STREETS IN
FENWICK HILLS SECTIONS 1, 2, AND 3**

 Streets Being Dedicated

1 inch = 427 feet



MEMORANDUM

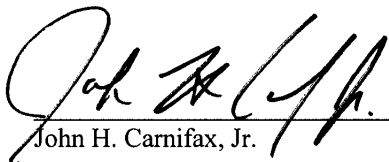
DATE: September 22, 2009
TO: The Board of Supervisors
FROM: John H. Carnifax, Jr., Acting Director, Division of Parks and Recreation
SUBJECT: Contract Award - James City/Williamsburg Community Center Gym Floor Replacement - \$140,977

The James City/Williamsburg Community Center gymnasium floor sustained heavy water damage during a late July rain event. A storm drain adjacent to the temporary entrance of the building became covered with straw, clogging it and causing water to flood into the building.

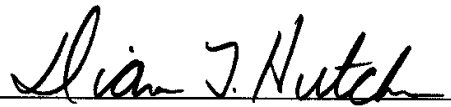
Facts of this occurrence point to negligence on the part of the contractor doing renovation work at the Center. An insurance claim has been filed against the contractor's insurance company. In order to expedite the availability of insurance funds for repair and re-opening of the gym floor, a claim has also been filed under the County's property insurance through Virginia Association of Counties (VACo) Risk Insurance Pool, pending outcome of the claim against the contractor. Successful recover from the contractor's insurance company will include full replacement cost for the floor. Recovery from VACo will include full replacement cost less a \$25,000 deductible. If payment is made under the County's insurance, VACo will subrogate against the contractor for full recovery. The attached resolution appropriates an estimated \$140,977 in insurance recovery proceeds to cover the costs of the project.

A Request for Proposals (RFP) for the replacement of the James City/Williamsburg Community Center gymnasium floor was advertised. The following four firms submitted proposals: Recreational Plus, Royalwood Associates, Inc., Scott Floor Company and Weyer's Floor Service. Staff members from Parks and Recreation, General Services and Purchasing evaluated the proposals and determined Royalwood Associates, Inc. was the most fully qualified firm and their proposal best suited the County's needs as defined in the Request for Proposals. A price of \$140,977 was negotiated with Royalwood Associates, Inc. for this project.

Staff recommends approval of the attached resolution.


John H. Carnifax, Jr.

CONCUR:


Diana F. Hutchens

JHC/tlc
GymFlorRep_mem

Attachment

RESOLUTION

CONTRACT AWARD - JAMES CITY/WILLIAMSBURG COMMUNITY CENTER

GYM FLOOR REPLACEMENT - \$140,977

WHEREAS, a Request for Proposals to replace the gymnasium floor at the James City/Williamsburg Community Center was publicly advertised and staff reviewed proposals from firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Royalwood Associates, Inc. was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the Request for Proposals.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the \$140,977 contract to replace the gymnasium floor at the James City/Williamsburg Community Center to Royalwood Associates, Inc.

BE IT FURTHER RESOLVED that \$140,977 in anticipated insurance proceeds be appropriated as revenue in the Capital budget, with the offsetting increase added to the budget for the James City/Williamsburg Community Center Renovation Project.

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 September, 2009.

GymFlorRep_res

MEMORANDUM


DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Steven W. Hicks, Manager of Development Management
SUBJECT: County/State Project Administration Agreement, American Reinvestment and Recovery Act, Project #0060-047-598, P101, C501 (UPC #94542)

The County has been notified by the Virginia Department of Transportation (VDOT) that the County is eligible to locally administer the Route 60 shoulder and drainage improvements for the above subject project funded with the American Reinvestment and Recovery Act (ARRA).

The improvements will include appropriate spot improvements at sections of Route 60 (Pocahontas Trail) in the vicinity of 8702 Pocahontas Trail within VDOT's right-of-way. The total cost of the project is \$518,394. These ARRA funds are eligible for 100 percent reimbursement to James City County. During the design, the County will work with VDOT to consider appropriate spot improvements that are safe and cost effective.


To administer the project, a County/State Project Administration Agreement for Federal-aid projects is needed between the County and VDOT. This agreement (attached) generally outlines the terms to administer the Route 60 ARRA project. The County plans to administer the project utilizing consultant and contract services to design and construct the project.

Staff recommends that the Board of Supervisors adopt the attached resolution authorizing the County Administrator authority to execute the Route 60 (ARRA) Project 0060-047-598, P101, C501 (UPC # 94542) County/State Project Administration Agreement.



Steven W. Hicks

CONCUR:



Sanford B. Wanner

SWH/nb
CSAdminAgmt_mem

Attachment

RESOLUTION

COUNTY/STATE PROJECT ADMINISTRATION AGREEMENT,

AMERICAN REINVESTMENT AND RECOVERY ACT,

PROJECT # 0060-047-598, P101, C501 (UPC # 94542)

WHEREAS, in accordance with the Code of Virginia to provide localities the opportunity to administer projects financed by the American Recovery and Reinvestment Act (ARRA) in accordance with the Guide for Local Administration of Virginia Department of Transportation; and

WHEREAS, the Board of Supervisors of the James City County of Virginia, has expressed its desire to administer the work of the Route 60 ARRA project located in the Roberts District for shoulder and drainage improvements within the vicinity of 8702 Pocahontas Trail known as Project No. 0060-047-598, P101, C501 UPC # 94542 in the amount of \$518,394.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Project Administration Agreement for the Route 60 ARRA project.

James G. Kennedy
Chairman, Board of Supervisors

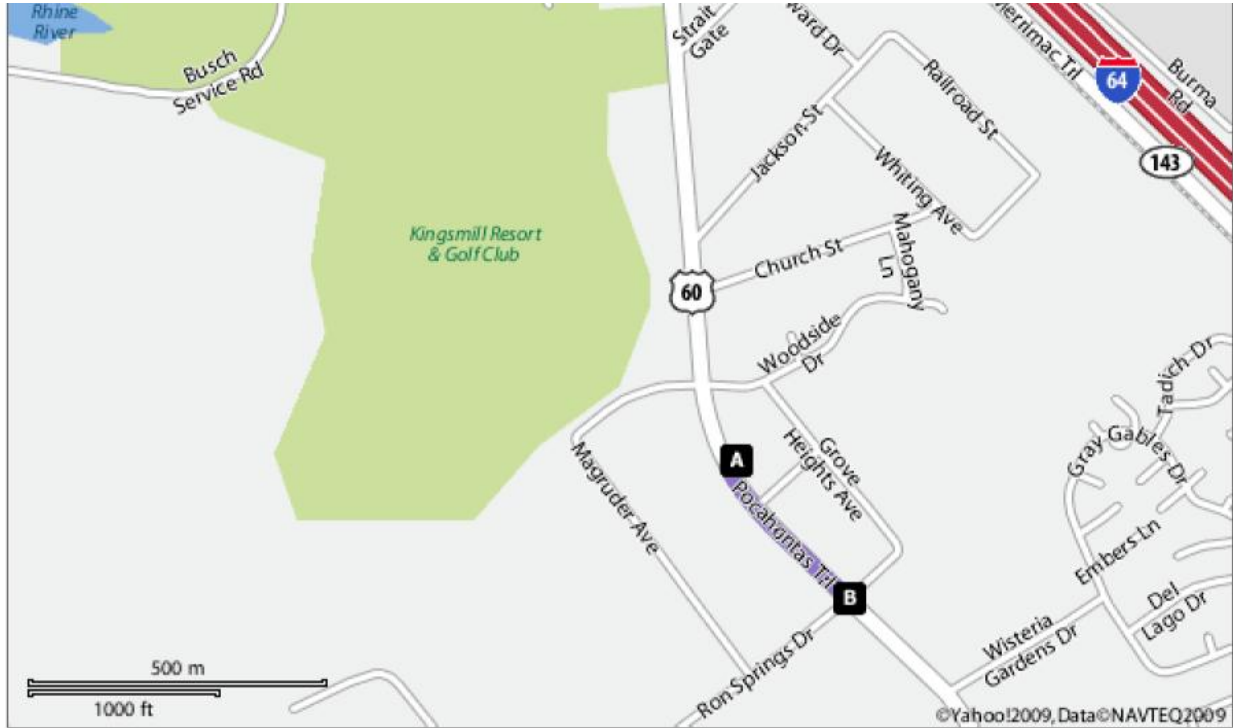
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of
September, 2009.

CSAdminAgmt_res

**County/State Project Administration Agreement
American Reinvestment and Recovery Act
Project # 0060-047-598, P101, C501 (UPC # 94542)**



STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

| Project Number | UPC | Local Government |
|---------------------------------|-------|-------------------|
| ARRA - 0060-047-598, P101, C501 | 94542 | James City County |

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 200_, by and between the **COUNTY** of **JAMES CITY**, Virginia, hereinafter referred to as the **LOCALITY** and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the **DEPARTMENT**.

WHEREAS, the **LOCALITY** has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the **LOCALITY** will progress with the development of each Project so that any federal funds allocated to each Project may be obligated within three years of allocation to each Project in accordance with the current Statewide Transportation Improvement Program, unless otherwise specified in writing by the Department; and

WHEREAS, both parties have concurred in the **LOCALITY**'s administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The **LOCALITY** shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the **DEPARTMENT**, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the **DEPARTMENT**.
 - b. Receive prior written authorization from the **DEPARTMENT** to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.

- c. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- d. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- e. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- f. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- g. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- h. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- i. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, or local laws and regulations. If the locality expends over \$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.

- j. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - k. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - l. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.e, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been appropriated. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated and allocated.
6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.e, 1.f, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF JAMES CITY, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Commonwealth Transportation Commissioner
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A – UPC 94542 (ARRA)

APPENDIX A

Project Number: (ARRA) 0060-047-598, P101, C501
UPC: 94542

Locality: County of James City

| Project Narrative | |
|---|---|
| Scope: | Restoration & Rehab to include Shoulder and Drainage Improvements; Spot Improvements along Route 60 (Pocahontas Trail) in the approximate vicinity of 8702 Pocahontas Trail. (ARRA-MPO) |
| From: | 8702 Pocahontas Trail |
| To: | Grove Heights Avenue |
| Locality Project Manager Contact Info: Steven Hicks @ 757-253-6674; email: steven.hicks@james-city.va.us | |
| Department Project Coordinator Contact Info: Carolyn S. Daliege @ 757-253-4832; email: Carolyn.Daliege@VDOT.virginia.gov | |

| Project Costs and Reimbursement | | | | |
|--|--------------------------------|---|---|--|
| Phase | Estimated Project Costs | Estimated Eligible Project Costs | Estimated Eligible VDOT Project Expenses | Estimated Reimbursement to Locality |
| Preliminary Engineering | \$75,000 | \$75,000 | \$7,500 | \$67,500 |
| Right-of-Way & Utilities | | | | |
| Construction | \$443,394 | \$443,394 | \$40,000 | \$403,394 |
| Total Estimated Cost | \$518,394 | \$518,394 | \$47,500 | \$470,894 |

| | |
|--|-----------|
| Total Maximum Reimbursement by Locality to VDOT | |
| Total Maximum Reimbursement by VDOT to Locality | \$518,394 |

| Project Financing | | | | |
|--------------------------|-----------------|-----------------|-----------------|---------------------------------|
| A | B | C | D | E |
| ARRA | <fund source B> | <fund source C> | <fund source D> | Aggregate Allocations (A+B+C+D) |
| \$518,394 | | | | \$518,394 |

| Program and Project Specific Funding Requirements |
|---|
| <ul style="list-style-type: none"> • This project shall be administered in accordance with VDOT’s Locally Administered Projects Manual. • This Project is funded in whole or in part with ARRA (stimulus) funds. Compliance with the reporting requirements of ARRA sections 902 and 1515(a) in the manner prescribed by the Department is mandatory. The Locality also agrees to include the special contract provision, provided by VDOT, in any contract agreement for ARRA projects. • Pursuant to the certification requirements of the ARRA, James City County is cognizant of the timeline for expenditure of these funds and is committed to satisfying all state and federal requirements necessary to fully obligate these funds by March 2, 2010 and complete the project phase(s) supported in whole or part with ARRA funding by February 2012. • This is a limited fund source project, James City County shall be responsible for any costs in excess of \$518,394 |

This attachment is certified and made an official attachment to this document by the parties of this agreement

 Authorized Locality Official and date

 _ Typed or printed name of person signing

 Residency Administrator’s/Urban Program Manager’s
 Recommendation and date

 Typed or printed name of person signing

MEMORANDUM

DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Steven W. Hicks, Manager of Development Management
SUBJECT: Appropriation of \$518,394 for the American Reinvestment and Recovery Act Project, Project # 0060-047-598, P101, C501 (UPC # 94542)

The Department of Development Management requests an appropriation of \$518,394 to design, engineer, and construct the Route 60 shoulder and drainage improvements for the above subject project funded by the American Reinvestment and Recovery Act (ARRA).

The improvements will include spot improvements at sections of Route 60 (Pocahontas Trail) in the vicinity of 8702 Pocahontas Trail within the Virginia Department of Transportation (VDOT) right-of-way. The total cost of the project is \$518,394. These ARRA funds are eligible for 100 percent reimbursement to James City County. During the design, the County will work with VDOT to consider appropriate spot improvements that are safe and cost-effective.

To move forward with administering the Route 60 ARRA project, staff requests that the Board appropriate \$518,394 to allow the award of contracts to design, engineer, and construct.

Fiscal Year 2010 Special Projects/Grants fund:

Revenue:

Federal ARRA Funds – Route 60 Shoulder and Drainage Improvement: \$518,394

Expenditure:


Route 60 Shoulder and Drainage Improvement: \$518,394

Staff recommends approval of the attached resolution.



Steven W. Hicks

CONCUR:



Sanford B. Wanner

SWH/nb
ARRA_mem

Attachment

RESOLUTION

APPROPRIATION OF \$518,394 FOR THE AMERICAN REINVESTMENT AND RECOVERY ACT,

PROJECT # 0060-047-598, P101, C501 (UPC # 94542)

WHEREAS, on September 22, 2009, the County/State Project Administration Agreement for Federal Aid Projects was adopted to authorize the County Administrator to execute the Route 60 American Reinvestment and Recovery Act (ARRA) Project 0060-047-598, P101, C501 (UPC # 94542) project; and

WHEREAS, the appropriation of these funds will allow the award of contracts for the Route 60 ARRA project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted Capital Budget for the Fiscal Year ending June 30, 2010, and appropriates the following sum in the amount and for the purpose indicated below:

Fiscal Year 2010 Special Projects/Grant Fund

Revenue:

Federal ARRA Funds – Route 60 Shoulder and Drainage Improvement: \$518,394

Expenditure:

Route 60 Shoulder and Drainage Improvements \$518,394

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 September 2009.

MEMORANDUM

DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Frances C. Geissler, Stormwater Director
SUBJECT: Award of Bid – Oakland Estates Drainage Improvements and Yarmouth Creek Stream Stabilization Project – \$239,662.70

This two-part project is located on County-owned property off Crescent Drive in the Stonehouse District. The first part of the project will open up and reshape the drainage outfall from Crescent Drive in order to improve drainage conditions for the Oakland Estates neighborhood. The second part of the project will repair actively eroding headwater stream channels along the eastern side of the parcel. The property's previous land use was agricultural and the site has been vegetated as a meadow. The soils are fragile and highly erodible.

The Oakland Estates neighborhood has experienced chronic problems with standing water and poor drainage after larger storms. Reshaping and clearing out the aging outfall will improve the ability of stormwater to move away from the neighborhood.

Over the years, areas of severe erosion known as head cuts have developed along the eastern portion of the tract. These are now contributing substantial amounts of sediment into the headwaters of the Yarmouth Creek. The sediment causes downstream erosion of the stream by scouring the channel during periods of high water. Left alone, these head cuts will continue to grow and will ultimately render portions of the site unusable. Furthermore, damage in the stream will continue and the stream's ability to store and infiltrate floodwater will continue to diminish. Given this condition, the Stormwater Division intends to repair the head cuts and stabilize the site at the same time work is done on the Oakland Estates outfall.

Four competitive bids were received from previously pre-qualified bidders on June 25 2009, for the Oakland Estates Drainage Improvements and Yarmouth Creek Stream Stabilization project in James City County. The project is being completed in accordance with the Yarmouth Creek Watershed Plan. Bids were received as outlined below with the low bidder being Riverworks, Incorporated.

| <u>Firm</u> | <u>Amount</u> |
|---|---------------|
| Riverworks, Inc., Cary, NC | \$239,662.70 |
| Environmental Quality Resource, Arbutus, MD | 243,882.41 |
| Meadville Land Service, Meadville, PA | 272,871.00 |
| Shamrock Environmental Corporation, Browns Summit, NC | 273,405.70 |

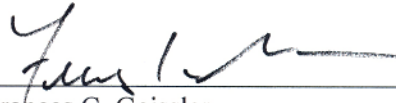
The bid amount of \$239,662.70 is consistent with the estimated costs and funding for this construction project and is available in the Capital Improvements Program (CIP) account. Investigations by staff show the low bidder, Riverworks, Inc., to be a responsible registered contractor with sufficient financial resources to complete a project of this size.

Award of Bid – Oakland Estates Drainage Improvements and Yarmouth Creek Stream Stabilization 08-0078IFB – \$239,662.70

September 22, 2009

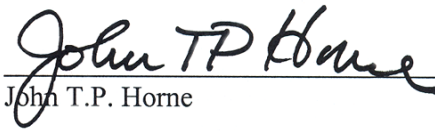
Page 2

Staff recommends adoption of the attached resolution authorizing the award of the construction bid to Riverworks, Inc. for construction of the Oakland Estates Drainage Improvements and Yarmouth Creek Stream Stabilization Project in the amount of \$239,662.70.



Frances C. Geissler

CONCUR:



John T.P. Horne

FCG/nb

AOB_OakIndEst_mem

Attachment

RESOLUTION

AWARD OF BID – OAKLAND ESTATES DRAINAGE IMPROVEMENTS AND

YARMOUTH CREEK STREAM STABILIZATION PROJECT - \$239,662.70

WHEREAS, competitive bids were advertised for the above-referenced project to be constructed in James City County; and

WHEREAS, bids were received with the low bidder being Riverworks, Inc. with a bid of \$239,662.70; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are available to fund this contract bid award and construction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the Oakland Estates Drainage Improvements and Yarmouth Stream Stabilization Project in the total amount of \$239,662.70.

James G. Kennedy
Chairman, Board of Supervisors

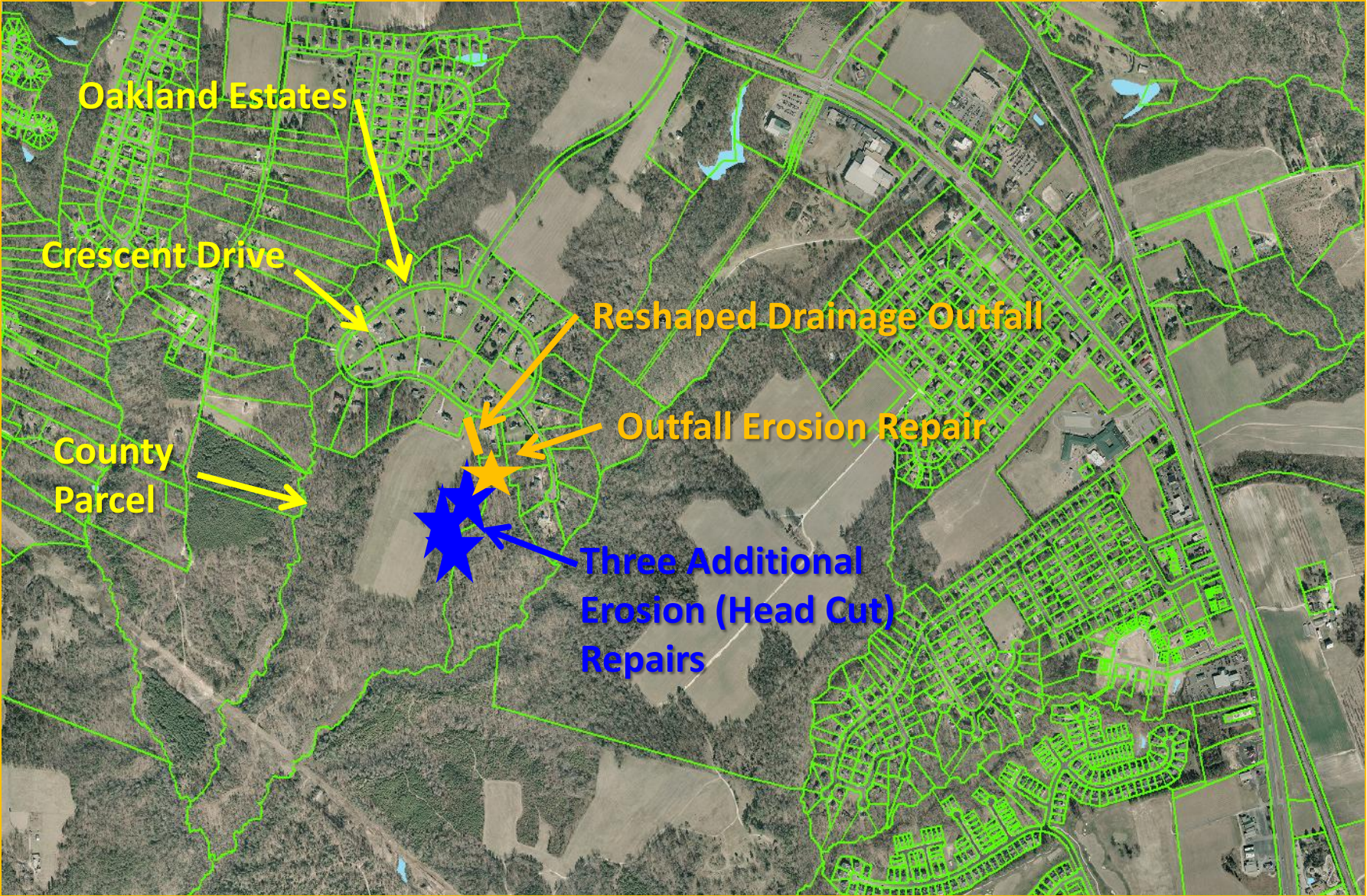
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 2009.

AOB_OaklndEst_res

Oakland Estates Drainage Improvements & Yarmouth Creek Stream Stabilization



**SPECIAL USE PERMIT-0016-2009. JCC Police Headquarters
Staff Report for the September 22, 2009, Board of Supervisors Public Hearing**

This staff 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

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

September 9, 2009, 7:00 p.m.
September 22, 2009, 7:00 p.m.

SUMMARY FACTS

Applicant: Shawn Gordon, General Services, James City County

Land Owner: James City County

Proposal: To construct the Police Headquarters building (approx. 47,000 sq. ft.)

Location: 4600 Opportunity Way

Tax Map/Parcel No.: 3210100016

Parcel Size: 7.77 acres

Zoning: PL, Public Lands

Comprehensive Plan: Mixed-Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. The Police headquarters provides a valuable service to the County and its central location will make it more convenient for the community. Additionally, the proposed conditions will help mitigate the impacts of the headquarters and the proposed architectural design, which is similar to nearby buildings of Thomas Nelson Community College (TNCC) and Warhill High School and will help the facility blend in with the community. Staff recommends the Board of Supervisors approve the Special Use Permit (SUP) application with the attached resolution.

Staff Contact: Jason Purse, Senior Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On September 9, 2009, the Planning Commission voted 7-0 to recommend approval of this application.

Proposed Changes Made Since Planning Commission Meeting

The Planning Commission recommended changes to Condition Nos. 3 and 6. The Commission requested that the Development Review Committee, instead of the Planning Director, review the screening and landscaping plan, as well as the final architectural elevations prior to final site plan approval. Both staff and the applicant were comfortable with those changes.

PROJECT DESCRIPTION

Mr. Shawn Gordon, on behalf of the James City County Police Department, has applied to construct the new Police headquarters at 4600 Opportunity Way, across the street from the new Thomas Nelson Community College campus. The headquarters will consist of a main building, approximately 47,100 sq. ft. in size, an accessory building for additional storage, specialty vehicle storage, as well as an impound lot located near the rear of the property. The new Police headquarters will allow the Police department to oversee all of its functions from one central site in the County and allow for its anticipated expansion well into the future. In fact, should additional expansion be required in the future, the building has been designed to accommodate that need.

The building is two stories and a total of 36 feet tall. Total impervious cover on the 7.77-acre site represents around 43.9 percent or 338,444 sq. ft. There are 119 parking spaces behind the security fence to serve an expected 157 officers and their patrol cars by 2030. Since shifts are staggered, not all of the officers will be there at the same time. There is not a specific parking requirement for Police Stations in the Zoning Ordinance. The closest similar use would be general office, but in this instance the greatest parking need would be generated by the on-duty officers rather than the public visiting the site. The applicant has provided documentation of their needs to staff and the Planning Director has determined that the parking spaces provided will adequately serve the site.

Currently the Police Department has divisions spread over a variety of areas in the County. The Community Services Division is operating from Prime Outlets. The officers dealing with narcotics and gangs are housed in Fire Station 3, and the traffic unit is renting space in Norge. Many of the specialty vehicles are housed at the different fire stations in the County. The Police headquarters would allow all of these units to operate from the same location.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek Watershed

Staff Comments: Environmental staff has reviewed the application and concurs with the Master Plan and proposed conditions. The applicant has worked with the Environmental Division on establishing credits for the special storm water criteria required to be met as a part of this application, and they have listed a number of those techniques on the Master Plan.

The applicant has also incorporated a number of design components from the leadership in energy and Environmental Design (LEED) certification criteria, and those points are shown on the Master Plan. The applicant has included a provision in the contract with his builders that the building become LEED-certified, so many of the design components have followed closely with those principles.

Public Utilities

This parcel is currently served by public water and sewer.

Staff Comments: The James City Service Authority (JCSA) staff has reviewed the application and concurs with the Master Plan and proposed conditions. A water conservation condition has been placed on the application, and prior to final site plan approval the applicant is responsible for submitting water conservation standards for review and approval by the JCSA.

Transportation

The Police headquarters is expected to generate approximately 61 a.m. and p.m. peak hour trips. VDOT has stated that this project will not adversely impact the surrounding roadway network. A number of intersection improvements have already been completed at the Opportunity Way and Centerville Road intersection. No additional intersection improvements are proposed as a part of this application. The applicant is proposing two entrances on the site. The first entrance, as you enter from Centerville Road,

will be served by a right-in and right-out to serve the main entrance to the Police building. A second entrance will be located further up Opportunity Way and will be served by a full entrance with both left and right movements onto the main road.

VDOT Comments: The Virginia Department of Transportation (VDOT) staff has reviewed the application and concurs with the Master Plan as proposed.

COMPREHENSIVE PLAN

Land Use Map

| | |
|-------------------------------|--|
| Designation | <p>Mixed-Use-Lightfoot area (Page 127): Recommended uses for Lightfoot Mixed-Use in this area include a mixture of public uses and commercial, office, and limited industrial in support of the relocated Williamsburg Community Hospital.</p> <p>Staff Comment: The Police headquarters is a public use and also complements the other public uses in the area (Warhill High School and Wahill Sports Complex, as well as TNCC) and therefore is in conformance with the recommended uses of the Comprehensive Plan.</p> |
| Development Standards | <p><i>General Land Use Standard #1-Page 134:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, and traffic.</p> <p><i>General Land Use Standard #4-Page 134:</i> Protect environmentally sensitive resources including the Powhatan Creek and other sensitive resources by locating conflicting uses away from such resources and utilizing design features, including building and site design, buffers and screening to adequately protect the resource.</p> <p>Staff Comment: The Opportunity Way corridor also contains the TNCC campus, as well as Warhill High School and the Warhill Sports Complex. The new Police headquarters will complement all of these buildings in terms of size, scale, and architectural design. The submitted elevations demonstrate a building with unique architectural features that will serve as a visually aesthetic focal point upon turning onto Opportunity Way from Centerville Road.</p> <p>The applicant has acknowledged this site as being situated in the Powhatan Creek watershed and has demonstrated a number of possible techniques to meet the special storm water criteria requirements. The applicant has also committed to obtaining LEED certification for the building and a number of those design techniques have been shown on the Master Plan. Staff believes all of the Development Standards are being met and exceeded as a part of this application.</p> |
| Goals, strategies and actions | <p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p><i>Strategy #6-Page 138:</i> Promote the use of land consistent with the capacity of existing and planned public facilities and services and the County’s ability to provide such facilities and services.</p> <p>Staff Comment: The building has been placed towards the front of the parcel with all of the parking and vehicle storage to the rear of the property. There are few existing trees along the frontage of the property along Opportunity Way, so orienting the building as shown allows for the maximum protection of existing vegetation along the rear of the property, which will better screen the use from adjacent properties. Having the building along the frontage also allows the police to have a secured parking area for their vehicles and impounded vehicles screened from public view along Opportunity Way. Because of this design, staff finds that the Police headquarters is more visually aesthetic for those visiting the site and also provides the most mitigation for adjacent property owners.</p> |

Public Facilities

| | |
|-------------------------------|---|
| Public Facility Standards | <p><i>Standards (page 29):</i></p> <ul style="list-style-type: none"> • The quantity and quality of facilities will be maintained in relation to the population size and demand. • The location of public facilities should be close to the greatest number of people served, where appropriate. <p><i>Public Safety: Law Enforcement (page 30):</i></p> <ul style="list-style-type: none"> • Maintain an average response time for high priority calls to within seven minutes. • Construct any new police stations on a minimum of two acres in order to provide the necessary minimum station square footage for civilian personnel, sworn officers, equipment, and department and visitor vehicles. • Locate any new police stations in areas that allow police to meet community service needs with good access to all parts of the service area; and provide adequate parking for police, employees, and visitors. <p>Staff Comment: The existing Law Enforcement Center is located along John Tyler Highway and is no longer large enough to support the growing Police Department in the County. The proposed Police headquarters will be located in a more central location in the County, off Centerville Road and will be closer to the upper County which has seen population growth in recent years.</p> <p>The new Police headquarters will allow for both on-site storage of Police vehicles as well as impounded vehicles and specialty storage. Furthermore, the building has been designed in a way that will allow for future expansion should it be necessary in the future. The Police provide an invaluable service to the County and the new Police headquarters will be vital to their continued success in the protection of the growing population.</p> |
| Goals, strategies and actions | <p><i>Strategy #4-Page 31:</i> Design facilities to accommodate future expansion.</p> <p><i>Strategy #5-Page 32:</i> Design facilities to allow for maximum site utilization while providing optimum service to, and compatibility with, the surrounding community.</p> <p><i>Action #6-Page 32:</i> Evaluate all proposed public facilities for potential impacts and provide buffering and mitigation equal to or greater than required under County ordinances.</p> <p>Staff Comment: As discussed previously, the Police headquarters provides for all of the needs of the department and serves as a one-stop-shop for the community. Many of the functions of the Police department have been spread across the County. A number of different units are housed in fire stations or rented space, because the existing Law Enforcement Center is not large enough to accommodate them. This site has been arranged in a way that will allow for future building expansion should it be necessary, and the building, as shown, will be able to accommodate department growth well into the future.</p> <p>Site design has been oriented in a way that uses the existing vegetation in the rear of the property to effectively screen the use from adjacent properties, while the front of the site has been oriented so the building is the prominent design feature with the parking screened from public view.</p> |

Environment

| | |
|---------|--|
| General | <p><i>Action #3 (page 65):</i> Ensure that development projects, including those initiated by the County, are consistent with the protection of environmentally sensitive areas and the maintenance of the County’s overall environmental quality.</p> <p><i>Action #18 (page 67):</i> Fully implement the watershed protection and restoration goals and priorities identified in the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors in 2002.</p> <p><i>Action #22 (page 67):</i> Promote the use of LEED (Leadership in Energy and Environmental Design) “green building” techniques as a means of developing energy and water efficient buildings and landscapes.</p> <p>Staff Comment: The applicant has committed to site design that protects environmentally sensitive features of the Powhatan Creek watershed and furthermore, has committed to designs that will achieve LEED certification. The builder has a clause in the contract that requires at least Silver certification for the building upon completion.</p> |
|---------|--|

Comprehensive Plan Staff Comments

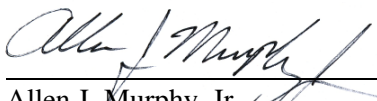
Overall, this application, as proposed, is in general compliance with the Comprehensive Plan. Given the existing surrounding uses, the architectural design, and the LEED certification design techniques, staff believes the Police headquarters will complement the community. Site design has been oriented in a way that uses the existing vegetation in the rear of the property to effectively screen the use from adjacent properties, while the front of the site has been oriented so the building is the prominent design feature with the parking screened from public view. Additionally, staff believes proposed Condition Nos. 2, 3, 4, and 6 adequately mitigate its objectionable features.

RECOMMENDATION

Staff finds the proposal, with the conditions in the attached resolution, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. The Police headquarters provides a valuable service to the County and its central location will make it more convenient for the community. Additionally, the proposed conditions will help mitigate the impacts of the headquarters and similar architectural design to nearby buildings (TNCC and Warhill HS) will help the facility blend in with the community. Staff recommends the Board of Supervisors approve the SUP application with the attached resolution. At its September 9, 2009, meeting, the Planning Commission voted 7-0 to recommend approval of this application.

Jason Purse

CONCUR:



Allen J. Murphy, Jr.

JP/gb
Sup0016-09Police.doc

ATTACHMENTS:

1. Resolution
2. Unapproved minutes from the September 9, 2009, Planning Commission meeting
3. Location Map
4. Master Plan
5. Architectural Elevations

RESOLUTION

CASE NO. SUP-0016-2009. JCC POLICE HEADQUARTERS

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 (SUP) process; and

WHEREAS, Mr. Shawn Gordon, on behalf of the James City County (JCC) Police Department, has applied for an SUP to allow for the construction of the JCC Police Headquarters; and

WHEREAS, the subject parcel may be identified as JCC Real Estate Tax Map Parcel No. 3210100016. The 7.77-acre parcel is zoned PL, Public Land, and is located at 4600 Opportunity Way; and

WHEREAS, the proposed development is shown on a Master Plan, entitled "Special Use Permit Master Plan JCC Police Headquarters" dated August 24, 2009; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 9, 2009, recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0016-2009 with the following conditions:

1. This SUP shall be valid for the operation of the JCC Police Headquarters and accessory uses thereto as shown on the Master Plan titled "Special Use Permit Master Plan JCC Police Headquarters" dated August 24, 2009 (the "Master Plan"). The Police Headquarters shall be located at 4600 Opportunity Way, further identified as JCC Real Estate Tax Map No. 3210100016 ("Property"). Development of the site shall be generally in accordance with the Master Plan as determined by the Director of Planning. Minor changes may be permitted by the Development Review Committee (DRC), as long as they do not change the basic concept or character of the development.
2. All exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from any side. Fixtures, which are horizontally mounted on poles, shall not exceed 30 feet in height. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
3. The Police Headquarters shall be developed in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the Police Headquarters and related facilities. A screening and landscaping plan shall be provided for approval by the Director of Planning and the Development Review Committee prior to final site plan approval.

4. The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color, or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
5. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. The standards shall 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-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Prior to final site plan approval, the Director of Planning and the Development Review Committee shall review and approve the final building materials and colors for consistency with renderings entitled "Proposed James City County Police Headquarters" and dated August 24, 2009.
7. If construction has not commenced on this project within 24 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
8. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

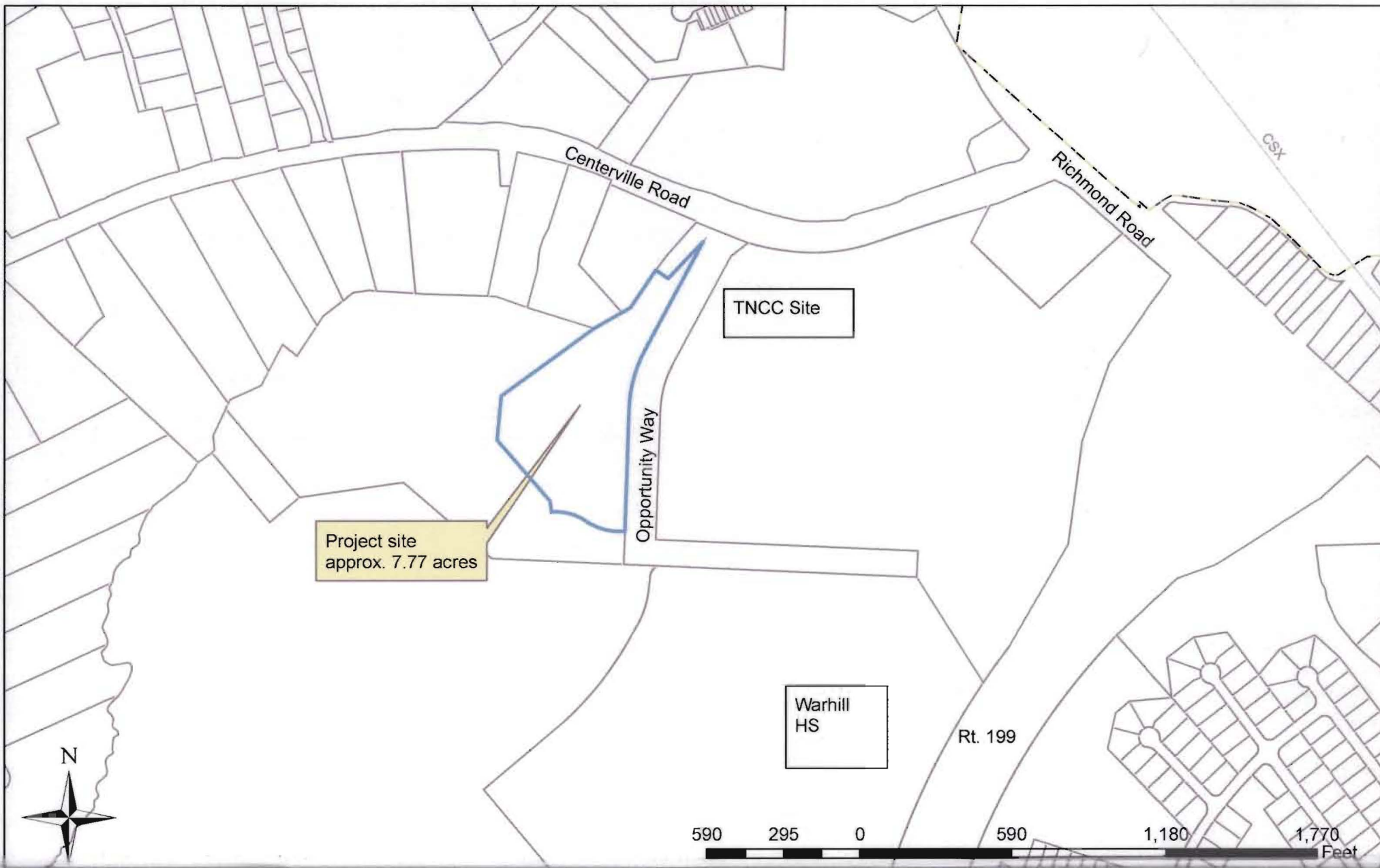
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 2009.

Sup0016-09Police_res

SUP-0016-2009

JCC Police Headquarters



UNAPPROVED MINUTES FROM THE SEPTEMBER 9, 2009 PLANNING
COMMISSION MEETING

SUP-0016-2009 JCC Police Headquarters

Mr. Jason Purse stated that Mr. Shawn Gordon of General Services had applied for a Special Use Permit to allow for the construction of the new Police headquarters at 4600 Opportunity Way. The subject parcel is 7.77 acres and is zoned PL, Public Lands. The headquarters will consist of a main building, approximately 47,000 sq. ft. in size, an accessory building for additional storage, specialty vehicle storage, as well as an impound lot located near the rear of the property. The new Police headquarters will allow the Police department to oversee all of their functions from one central site in the County and allow for their anticipated expansion well into the future. There are 119 proposed parking spaces behind the security fence to serve an expected 157 officers and their patrol cars by 2030. Since shifts are staggered, not all of the officers will be there at the same time. The applicant has provided documentation of their needs to staff and the Planning Director has determined that the parking spaces provided will adequately serve the site.

Environmental staff has reviewed the application and concurs with the Master Plan and proposed conditions. The applicant has worked with the Environmental Division establishing credits for the special storm water criteria required to be met as a part of this application, and they have listed a number of those techniques on the Master Plan. The applicant has also incorporated a number of design components from the LEED certification criteria, and those points are also shown on the Master Plan.

The parcel is designated Mixed-Use (Lightfoot area) on the 2003 Comprehensive Plan Land Use Map. Recommended uses for Lightfoot Mixed-Use include a mixture of public uses and commercial, office, and limited industrial in support of the relocated Williamsburg Community Hospital. The Police headquarters is a public use, and also complements the other public uses in the area, and therefore is in conformance with the recommended uses of the Comprehensive Plan. Given the existing surrounding uses, the architectural design, and the LEED certification design techniques, staff believes the Police headquarters will complement the community. Site design has been oriented in a way that uses the existing vegetation in the rear of the property to effectively screen the use from adjacent properties, while the front of the site has been oriented so the building is the prominent design feature with the parking screened from public view. Staff recommends the Planning Commission recommend approval of the special use permit application with conditions to the Board of Supervisors.

Mr. Chris Henderson asked whether this building was in compliance with any regulations established by the National Office of Homeland Security.

Mr. Purse answered that he believed that this was taken into consideration when the building was designed, but he will defer to the architects when they make their presentation.

Mr. Joe Poole asked if staff was comfortable with amending condition #3 to allow for review by the Development Review Committee along with the Planning Director on the landscape plan of the property.

Mr. Purse answered that staff would be agreeable to that, and also mentioned that the site plan will be reviewed by the DRC due to the building being greater than 30,000 square feet.

Mr. George Billups asked whether this would be the only Police Office in the County. Currently there are other outreach offices in areas throughout the County.

Mr. Purse answered that this would be the main office for the Police Department but he would defer that question to the Department.

Major Steve Rubino of the Police Department stated that the Department will still maintain their field offices in apartment complexes and other locations.

Mr. Jack Fraley stated that this project was the number one priority in the ranking of CIP projects last year that came before the Planning Commission. He stated that during this discussion it was mentioned that the Fire Department or Emergency Services would be located in this building.

Mr. Shawn Gordon of the General Services Department answered that the plan is for when the Police Department vacate their current location, that building would be upgraded, and the Fire Department would then relocate there.

Mr. Henderson asked if the Emergency Services Department would be located in this new facility.

Mr. Purse answered that Emergency Services will remain in their current location in Toano.

Mr. Rich Krapf opened the public hearing.

Mr. Gordon stated that the County has contracted with David Nice Builders to construct the new police facility. He stated the County is committed to building an energy efficient and environmentally friendly building. The comprehensive agreements stipulate that the design build team will meet a minimum Leadership in Energy and Environmental Design (LEED) certified facility as governed by the Green Building Certification Institute, which has set the national standards for green buildings. LEED practices that are intended for this facility include a geothermal well system, energy efficient windows and doors, and energy efficient lighting. The site development will include low impact development (LID) stormwater measures, the planting of Virginia native plants, a construction waste management plan which will encourage recycling of building materials when possible, and the use of regional building recycled materials. Mr. Gordon stated that all contractors and subcontractors will be trained in green practices to ensure that LEED standards are implemented in the field. The County will be hiring a third party to oversee the design and construction of the facility. This third party will also ensure that the

building operating systems are working properly and that the energy standards that were originally intended to be in place are in fact working efficiently.

Ms. Ann Henry, of Rancorn and Wildman, gave an overview of the project. She displayed the overall site plan, pointing out that the parcel is triangular and on the corner of Centerville Road and Opportunity Way. The building will be a two story facility with approximately 40,000 square feet with the flexibility to accommodate future expansion. Ms. Henry stated that the design team determined that a linear building pushed to the front part of the parcel is the optimal use for the property. She stated that the building forms a secure boundary between the public functions on the property and the police functions to the rear. A two story linear building allows for future expansion for the largest number of departments with the least amount of internal disruption during construction. The linear design also allows the different departments to be housed together. Ms. Henry showed where the public and employee entrances would be on the property. She stated the public would not have access to the police and employee parking lot. She stated that sustainable site strategies would be incorporated since that is a condition to becoming LEED certified. These would include highly reflective materials on the roof, landscaping that would require little or no irrigation, and investigating installing part of the roof as a "green" roof. Ms. Henry mentioned the methods that are being discussed with regards to energy efficiency, the conservation of building materials, environmental quality, and pollution control. She stated ways that this project will go beyond the requirements for the LEED certification. This includes the training for the contractors and subcontractors, possibly integrating a pest management and cleaning products schedule so that the least harmful products are entered into the building, and public educational opportunities.

Mr. Henderson asked if a cost analysis was done with regards to the LEED certification.

Ms. Henry answered that an analysis has not been done since all the cost of the building materials are not known yet.

Mr. Henderson felt that this analysis would be important since public funds are being used for the project. He believed that the public should be aware of what the public benefit was.

Mr. Kevin Allen, the engineer who is designing the geo-thermal system and the internal systems of the building, stated that there is an initial cost with the geo-thermal system. The payback would be generated by the energy analysis that is being calculated as the project moves forward. He stated for projects that he has done in the past; it was calculated at up to 30% energy cost reduction, which would typically be within the ten to fifteen year range. Mr. Allen stated the initial cost is approximately in the \$300,000 range over the cost of a more traditional heating system.

Ms. Deborah Kratter stated she was very impressed with the plan, and with the environmental protections that it offers. She believes it is crucial that the County take the lead when it comes to energy efficient and green buildings. She stated that this could be a good example for other developers in the County that the County is actually showing that these buildings are cost effective and environmentally friendly.

Mr. Billups asked if there was any discussion with regards to expansions that involved having at third floor.

Ms. Henry answered that the zoning of the parcel limits the building's height to 36 feet, which is essentially a two story building.

Mr. Billups asked if a reduction in the ceiling height is an option that would allow for a third floor.

Mr. Fraley stated that there is an option of requesting a height waiver.

Ms. Henry stated that even with a height waiver there is an issue with setbacks. There is a condition that for every foot over the 36 feet there is an increase in setbacks. Currently the building is at the maximum setback line.

Mr. Billups asked if there were any discussions with the Thomas Nelson Community College Police with regards to sharing services.

Major Rubino answered that he did not believe there were going to have a large security force at the college at this time. He did state that there will be opportunities in the building for other agencies and departments to use the building as well as the Police Department. Major Rubino stated that they are willing to work with Thomas Nelson Community College and any other jurisdictions and agencies. He stated that the building also has training facilities for the Department, and other departments and agencies.

Mr. Fraley asked what the percentage of pervious cover was.

Mr. Purse answered that it was approximately 44% of the site.

Mr. Fraley asked if pervious pavers will be used in any of these areas.

Mr. Bill Cain, of the Environmental Division, stated that staff has looked at various options for this site. He stated that what is being presented in this application are some general ideas. As the site plan progresses, more options may become available and will be reviewed at that time. Mr. Cain stated that this area has "D" soils so it will be difficult to infiltrate. The applicants have satisfied stormwater criteria and LEED credits.

Mr. Fraley questioned the need for the long entrance way off of the main road.

Mr. Purse answered that VDOT has made this requirement of the long entrance way; however, staff is working with VDOT to see if this lane can be reduced in size.

Mr. Fraley asked what the amount was for the buffer in front of the parcel.

Mr. Purse answered it was approximately 39 ½ feet.

Mr. Fraley asked for the typical setback in that area.

Mr. Purse answered that the setback for public lands is 35 feet, but in this instance it is 36 feet due to the height of the building. Many of the buildings in the area have parking in the front, which was discouraged at this site for security reasons. The design in the back actually allows for some buffering along the property line.

Mr. Fraley mentioned the 50 foot buffers for intermittent streams. He congratulated the applicant for the design of the building and all of the environmental protections it offers.

Ms. Henry addressed Mr. Henderson's concerns about homeland security requirements. She stated there are architects on staff who specialize in designing public buildings on this project that will be taking into consideration all of those requirements.

Mr. Nelson Rancorn, of Rancorn and Wildman, spoke on the project. He displayed the site with the details of the building. He stated that there will be a two story lobby with the lobby being transparent. He stated the front of the building will be masonry with windows with the idea of it being a "strong looking" building. Most of the offices will face the front, with the rear of the building being more transparent. This area will be facing the police and employee parking lot. Mr. Rancorn showed both corridors in the back with a glass wall overlooking the parking lot. This area with the glass walls will be a very transparent and open area. He pointed out the two staff towers. Mr. Rancorn stated that some features of the Thomas Nelson Community College building were incorporated into the design of the police building to help tie it with other buildings in the area. He also stated that recycled brick will be used in constructing the building.

Mr. Krapf stated that he felt the building had a very "institutional" looking feel to it. He asked if there were any discussions at extending the white trim at the top to include the two staff towers, or adding a curve to the top so it did not look so institutional.

Mr. Rancorn answered thought that extending the white trim was a good suggestion.

Mr. Krapf questioned the size of the windows in the front of the building. He felt that were small compared to the size of the building.

Mr. Rancorn said that this project is still in the concept drawing stage. He would look at other designs to see if something else might work better.

Mr. Krapf stated that this project had some big benefits, including the LEED certification, the LID measures and the interior design of the building.

Mr. Rancorn stated that most of the offices will have partitions above the door so that light will filter in from the exterior glass wall.

Ms. Henry stated that there was a conscious choice to have the staff entrance centered in the parking lot and have everyone use the same entrance. The idea behind the glass corridors was to give the employees a feeling of openness and that they shared the same space. Otherwise,

people can get departmentalized and never really intermingling with other departments.

Mr. Poole stated he was impressed with the building's architecture. He is convinced that with the LEED certification and the costs associated with this, that the costs can be recouped over the lifespan of the building. He felt the County was moving in the right direction in making public buildings that are attractive and function well. Mr. Poole appreciated the more contemporary architecture for a new building.

Being there were no further public comments, Mr. Krapf closed the public hearing.

Mr. Fraley moved for approval of the application with a second from Mr. Poole.

Mr. Murphy stated that Mr. Poole made the suggestion of the additional review by the DRC with regards to landscaping.

Mr. Poole suggested that in public uses and possibly some private cases, where there is trees and vegetation in place, it might be beneficial to have the DRC review along with the Director of Planning.

Mr. Henderson asked if the DRC review would apply to the architectural drawings of the building.

Mr. Poole stated his suggestion was just address the screening and landscaping that was mentioned in condition #3. There was no mention of any kind of architectural review.

Mr. Purse stated that the architectural plan needs to be reviewed before final approval of the site plan is given. Currently it is noted that this review will be done by the Director of Planning. If the Commission requested a DRC review, it would probably need to be done at a special meeting.

Mr. Poole stated he was comfortable adding that condition of DRC review and having a special meeting.

Mr. Murphy stated the motion was to approve with the DRC reviewing the landscaping and screening, along with the architectural drawings.

In a roll call vote the motion was approved. (7-0, AYE: Poole, Fraley, Kratter, Henderson, Billups, Peck, Krapf)

M E M O R A N D U M

DATE: September 22, 2009

TO: The Board of Supervisors

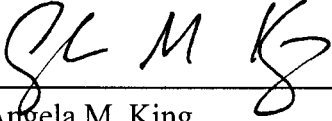
FROM: Angela M. King, Assistant County Attorney

SUBJECT: Abandonment of Portions of the Right-of-Way for Route 658 (Olde Towne Road), Section 1

Attached is a resolution abandoning portions of the right-of-way for Route 658 (Olde Towne Road). The portion of the right-of-way to be abandoned begins at Station 22-74 and proceeds northeast approximately .35 miles to Station 40-73. Two drawings are attached. The Virginia Department of Transportation (VDOT) sketch shows the old right-of-way portion to be abandoned and the new alignment for Olde Towne Road. The Land Tech Resources plat provides a more inclusive view of the property line extinguishment and right-of-way dedication.

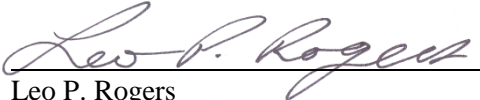
Olde Towne Road is part of the VDOT secondary road system. A new alignment of Olde Towne Road has been constructed. The new road will serve the same citizens as the old road. The old right-of-way for Olde Towne Road is no longer needed for the traveling public. VDOT holds fee simple interest in the right-of-way.

Staff recommends adoption of the attached resolution.



Angela M. King

CONCUR:



Leo P. Rogers

AMK/nb
AbandSR658_mem

Attachments

RESOLUTION

ABANDONMENT OF PORTIONS OF THE RIGHT-OF-WAY FOR ROUTE 658

(OLDE TOWNE ROAD), SECTION 1

WHEREAS, the Virginia Department of Transportation (VDOT) has provided the James City County Board of Supervisors a sketch dated October 16, 2003, entitled "Changes in the Primary and Secondary Systems Due to Relocation and Construction on Route 199, Project 0199-047-F03, C-501" (VDOT sketch) which resulted in the reconstruction and relocation of a portion of State Route 658, Olde Towne Road, which sketch is hereby incorporated herein by reference; and

WHEREAS, the new road serves the same citizens as those portions of the old road identified to be abandoned and those segments no longer serve a public need.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby abandons from the Secondary System of State Highways those portions of Route 658 identified as Section 1, on the VDOT sketch, pursuant to Sections 33.1-155 and 33.1-151 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board orders that a certified copy of this resolution be forwarded to the Resident Administrator for VDOT.

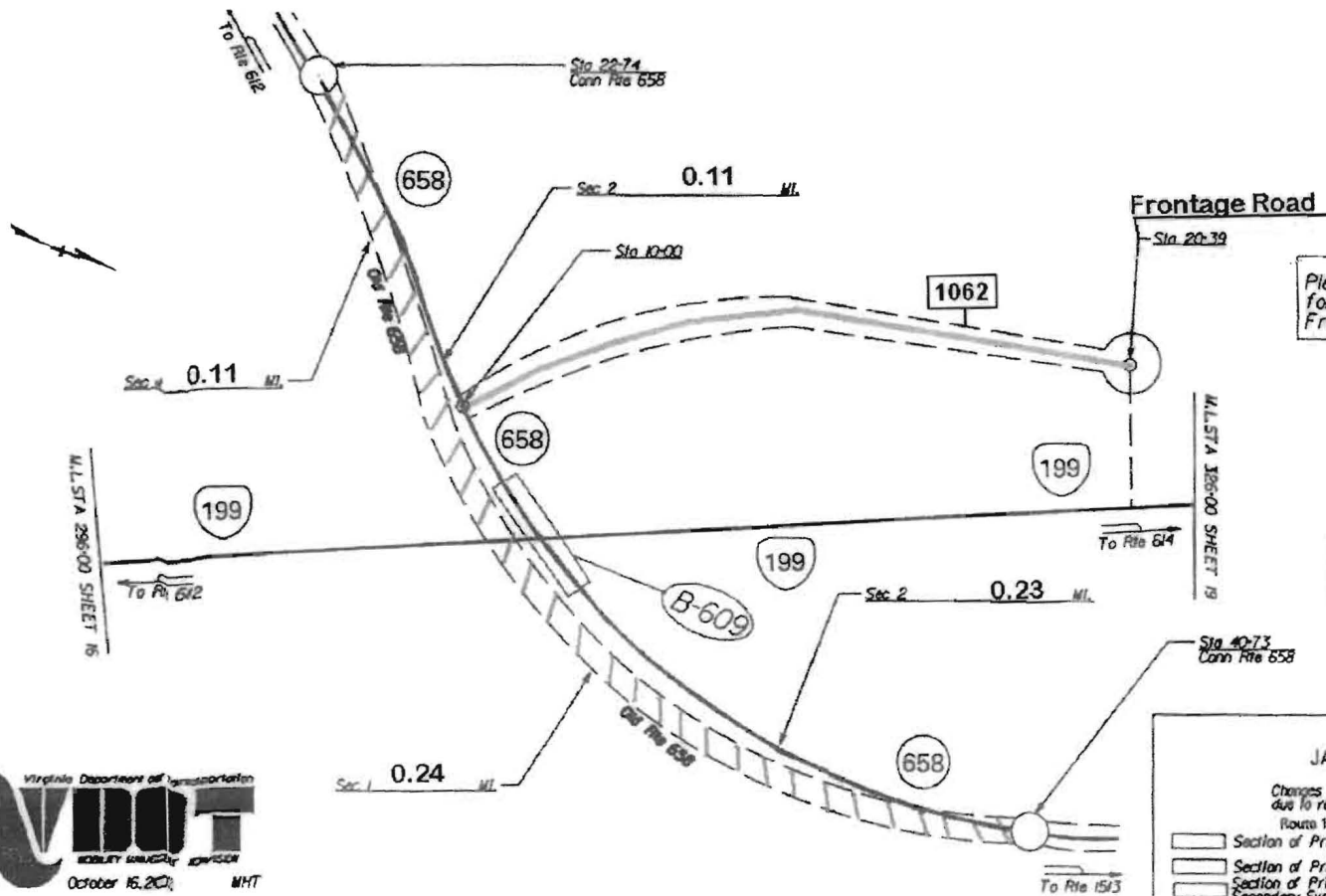
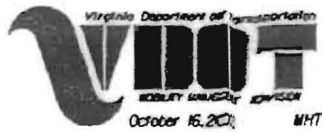
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 2009.

AbandSR658_res



Please submit sketch and Form TE-SYSINV-1 for all Frontage Roads to be added to the Frontage Road System

Please identify and reference any bridges to be removed or abandoned.

Please submit form TE-SYSINV-1 for the entire project. Give a Breakdown of the mileage and the pavement types, including post-construction conditions for all routes within the project limits.

Legend
JAMES CITY COUNTY

Changes in the Primary and Secondary Systems due to relocation and construction on:
Route 199, Project 0199-047-F03, C-501

- Section of Primary Road location to be abandoned (3.3J-143)
- Section of Primary Road location to be discontinued (3.3J-144)
- Section of Primary Road location to be transferred to the Secondary System (3.3J-135)
- Section of Secondary Road location to be abandoned (3.3J-155)
- Section of Secondary Road location to be discontinued (3.3J-150)
- Section of new location to be added to the Secondary System (3.3J-229)
- Connection to be added to the Secondary System (3.3J-229)
- Section of old location to be renumbered

| Route | Action | Segment | Station | Length |
|--------------------|-------------|---------|----------------------------|--------|
| 658 Old Route 658 | Abandon | 1 | From: Sta. 22+74 To: 40+73 | 0.35 |
| 658 Old Route 658 | Addition | 2 | From: Sta. 22+74 To: 40+73 | 0.34 |
| 1062 Frontage Road | Frontage Rd | | From: Sta. 10+00 To: 20+39 | 0.20 |

MEMORANDUM


DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Adam R. Kinsman, Deputy County Attorney
Emmett H. Harmon, Chief of Police
SUBJECT: Graffiti Ordinance

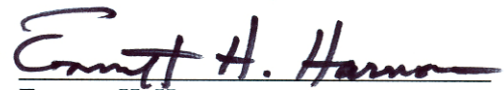
While the appearance of graffiti is not entirely new to the County, the number of graffiti occurrences has increased over the past several years. Though graffiti has generally been promptly removed by property owners, this may not always be the case and an ordinance is necessary to establish a procedure by which staff may remove the graffiti should the property owner be missing or otherwise unwilling to do so.

The proposed ordinance generally mirrors the corresponding section of the Code of Virginia and establishes a process by which staff must follow prior to removing the graffiti. All graffiti located upon any public building, wall, fence, or other structure is subject to removal, as well as graffiti located upon private property but visible from a public right-of-way. The property owner must be given at least 15 days notice prior to any removal action by County staff or its agents.

If the removal occurs upon unoccupied property, the County may charge its removal costs upon the property owner and may collect such costs as taxes are collected. Further, the court may order any person convicted of defacing property to pay full or partial restitution to the County for its costs incurred.

Staff recommends adoption of the attached ordinance.


Adam R. Kinsman


Emmett H. Harmon

ARK/nb
Graffiti_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES – MISCELLANEOUS, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY ADDING SECTION 15.39, GRAFFITI.

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 15-39, Graffiti.

Chapter 15. Offenses – Miscellaneous

Section 15-39. Graffiti.

For purposes of this section, the term "defacement" means the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type.

(a) The county may undertake or contract for the removal or repair of the defacement of any public building, wall, fence, or other structure or any private building, wall, fence, or other structure where such defacement is visible from any public right-of-way. Whenever the property owner, after reasonable notice, fails to remove or repair the defacement, the county may have such defacement removed or repaired by its agents or employees. Such agents or employees shall have any and all immunity normally provided to an employee of the county.

If the defacement occurs on a public or private building, wall, fence, or other structure located on an unoccupied property, and the county, through its own agents or employees, removes or repairs the defacement after complying with the notice provisions of this section, the actual cost or expenses thereof

shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes are collected. No lien shall be chargeable to the owners of such property unless the county shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement.

Every charge authorized by this section with which the owner of any such property shall have been assessed and that remains unpaid shall constitute a lien against such property, ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia. The county may waive and release such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(b) The court may order any person convicted of unlawfully defacing property described in subsection (a) to pay full or partial restitution to the locality for costs incurred by the county in removing or repairing the defacement.

(c) An order of restitution pursuant to this section shall be docketed as provided in Section 8.01-446 of the Code of Virginia when so ordered by the court or upon written request of the county and may be enforced by the county in the same manner as a judgment in a civil action.

State law reference – Code of Va., § 15.2-908. Authority of localities to remove or repair the defacement of buildings, walls, fences, and other structures.

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 September, 2009.

Ch15Graffiti_ord

MEMORANDUM

DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Adam R. Kinsman, Deputy County Attorney
Emmett H. Harmon, Chief of Police
SUBJECT: Drug Blight Ordinance

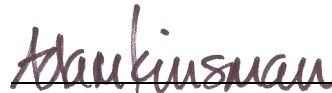
The James City County Police Department has been aggressive in its efforts to combat the proliferation of gangs and spread of illegal drugs in the County. While these actions have been largely successful, staff is always looking for additional tools to aid these efforts. One such tool is a drug blight ordinance, which would allow the Police Department, in conjunction with the County building official, to quickly address properties which are subject to “drug blight.”


A property which is the subject of “drug blight” is one which endangers the health and safety of the residents of the County and is caused by (1) the regular presence on the property of people under the influence of controlled substances, or (2) the regular use of the property to illegally possess, manufacture, or distribute controlled substances.

Once the police chief identifies a property as one which is blighted by drugs and has unsuccessfully attempted to abate the drug blight by other means, he may then forward an affidavit to the building official stating that the property is the subject of drug blight. The building official must then notify the owner of the blighted property, giving the owner 30 days to abate the problem. If the problem is not abated within 30 days, the building official must then give the owner one final notice, after which the County is authorized to take whatever action is necessary to abate the drug problem. The County may then recover its abatement costs by placing a lien on the property.

While drug blight is not a common problem in the County, it has occurred in the past and this ordinance will allow the County to quickly react should it occur in the future.

Staff recommends adoption of the attached ordinance.


Adam R. Kinsman


Emmett H. Harmon

ARK/EHH/nb
DrugBlight_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES – MISCELLANEOUS, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY ADDING SECTION 15-40, DRUG BLIGHT.

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 15-40, Drug blight.

Chapter 15. Offenses - Miscellaneous

Section 15-40. Drug blight.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Affidavit. The affidavit prepared by the county in accordance with subdivision (a)(1) hereof.

Building Official. The James City County building official or his designee.

Controlled substance. Illegally obtained controlled substances or marijuana, as defined in section 54.1-3401 of the Code of Virginia.

Corrective action. The taking of steps which are reasonably expected to be effective to abate drug blight on real property, such as removal, repair or securing of any building, wall or other structure.

Drug blight. A condition existing on real property which tends to endanger the public health or safety of residents of a locality and is caused by the regular presence on the property of persons under the influence of controlled substances or the regular use of the property for the purpose of illegally possessing, manufacturing or distributing controlled substances.

Owner. The record owner of real property.

Police Chief. The James City County chief of police or his designee.

Property. Real property.

(a) The building official is hereby authorized to undertake corrective action with respect to property in accordance with the procedures described herein:

(1) The police chief shall execute an affidavit, citing this section, to the effect that (i) drug blight exists on the property and in the manner described therein; (ii) the county has used diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or welfare.

(2) The building official shall then send a notice to the owner of the property, to be sent by regular mail to the last address listed for the owner on the county's assessment records for the property, together with a copy of such affidavit, advising that (i) the owner has up to 30 days from the date thereof to undertake corrective action to abate the drug blight described in such affidavit and (ii) the county will, if requested to do so, assist the

owner in determining and coordinating the appropriate corrective action to abate the drug blight described in such affidavit.

(3) If no corrective action is undertaken during such 30-day period, the building official shall send by regular mail an additional notice to the owner of the property, at the address stated in the preceding subsection, stating the date on which the county may commence corrective action to abate the drug blight on the property, which date shall be no earlier than 15 days after the date of mailing of the notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the county. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the locality, to seek equitable relief, and the county shall initiate no corrective action while a proper petition for relief is pending before a court of competent jurisdiction.

(b) If the county undertakes corrective action with respect to the property after complying with the provisions of subsection (a) the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes are collected.

(c) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

(d) If the owner of such property takes timely corrective action pursuant to this section, the county shall deem the drug blight abated, shall close the proceeding without any charge or cost to the

owner and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the county from initiating a subsequent proceeding if the drug blight recurs.

(e) Nothing in this section shall be construed to abridge or waive any rights or remedies of an owner of property at law or in equity.

State law reference-§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures harboring illegal drug use.

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, on the 22nd day of September, 2009.

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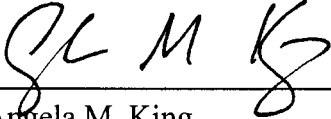
MEMORANDUM

DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Angela M. King, Assistant County Attorney
Leo P. Rogers, County Attorney
SUBJECT: No Wake Ordinance


Virginia Code Section 29.1-744(E) permits any person who desires to place or remove no wake markers relating to the safe and efficient operation of vessels pursuant to any local ordinance to apply to the local governing body. The local governing body then takes action on the request and forwards it to the Virginia Department of Game and Inland Fisheries (VDGIF) for further action.

A local ordinance is required under the Virginia Code in order to have VDGIF designate areas as "No Wake" zones. The attached ordinance sets forth the process for considering No Wake zones. Under this process, the cost to install and maintain the no wake markers is the responsibility of the applicant. Because approval of VDGIF is required, enforcement would be a cooperative effort of state and local law enforcement officers. Violation of the ordinance is a Class 4 Misdemeanor, punishable by a fine up to \$250. Tickets would be issued by the State Conservation Police Officers and the County Police Department's Marine Patrol using the Virginia Uniform Summons; therefore, payments would be directed to the court and then passed along to the County.

Staff recommends adoption of the attached ordinance.



Angela M. King



Leo P. Rogers

AMK/gb
NoWakeOrd_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 15-41, NO WAKE REGULATORY MARKERS ON WATERWAYS.

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 15-41, No wake regulatory markers on waterways.

Chapter 15. Offenses – Miscellaneous

Section 15-41. No wake regulatory markers on waterways.

(a) *As used in this section, the following terms shall have the meanings listed below:*

Motorboat. Any vessel propelled by machinery whether or not the machinery is the principal source of propulsion.

No wake. Operation of a motorboat at the slowest possible speed required to maintain steering and headway.

Operate. To navigate or otherwise control the movement of a motorboat or vessel.

Personal watercraft. A motorboat less than 16 feet in length which uses an inboard motor powering a jet pump, as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside, the vessel.

Vessel. Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

- (b) *No person shall operate a motorboat or vessel, which shall include personal watercraft, at such a speed as to create a wake, swell, or displacement wave in and on any waterway in James City County that has been designated by a “no wake” buoy or other marker pursuant to the authority provided in section 29.1-744 of the Code of Virginia.*
- (c) *Any person who desires to place “no wake” buoys or other markers relating to the safe and efficient operation of vessels shall apply to the county administrator who shall prepare the material necessary for the request to be formally considered and acted on by the board of supervisors (the “board”). As used in this section, the term “person” or “applicant” may include the board of supervisors acting on its own initiative.*
- (1) *The applicant shall be responsible for paying the costs of any legal advertisements required in connection with the application.*
 - (2) *The following county departments/divisions shall provide technical assistance and recommendations to the board: development management, police/fire, parks and recreation, stormwater, and attorney.*
 - (3) *The board shall approve, disapprove, or approve with modifications the application.*
 - (4) *The application shall be forwarded to the director of the Department of Game and Inland Fisheries (the “Director”).*
 - (5) *Within 30 days, the director shall approve, disapprove, or approve with modifications the placement and type of marker to be used or the removal of “no wake” buoys or other markers.*
 - (6) *Upon authorization by the department, the applicant shall place and maintain the approved regulatory marker(s), at the expense of the applicant.*

(7) *Any marker or buoy which is not in conformance with the department's regulations shall be removed.*

(d) *Every conservation police officer, Marine Resources Commission inspector, and every other law enforcement officer of the commonwealth and its subdivisions shall have the authority to enforce the proper observance by watercraft operators of any marker installed under this section.*

(e) *Violations of this section shall constitute a Class 4 Misdemeanor.*

(f) *This section shall not apply to a motorboard or vessel, which shall include personal watercraft, operated by law enforcement or other emergency response personnel in performance of their duties.*

State law reference: Code of Virginia § 29.1-744(E).

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 September, 2009.

NoWakeOrd_ord

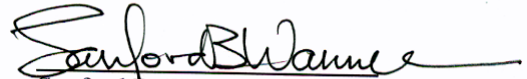
MEMORANDUM

DATE: September 22, 2009
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney
SUBJECT: Adoption of Planning Commission Job Description

At the request of the Board, staff has prepared a job description for the Planning Commission and its members. The job description identifies the objectives, duties, and functions of the Planning Commission which are based on State Code, County Code, and other adopted County policies and procedures. Additionally, the job description sets forth general expectations and duties of the appointed Planning Commissioners.

Attached for your consideration is a resolution adopting the Planning Commission job description.

Staff recommends adoption of the attached resolution approving the job description for the Planning Commission.


Sanford B. Wanner


Leo P. Rogers

SBW/gb
PCjobDesc_mem

Attachments

RESOLUTION

ADOPTION OF PLANNING COMMISSION JOB DESCRIPTION

WHEREAS, pursuant to James City County Code Section 2-18, and a resolution on April 13, 1953, the Board of Supervisors created the James City County Planning Commission; and

WHEREAS, the Planning Commission is an advisory body designed to assist the Board of Supervisors with zoning, planning, subdivision, and other land use matters; and

WHEREAS, the Board of Supervisors desires to formally identify the roles, functions, duties, and objectives of the Planning Commission by adopting a job description for its members.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the "James City County Planning Commission Job Description" dated September 22, 2009, as the job description for the Planning Commission and its members.

BE IT FURTHER RESOLVED that a copy of the job description shall be given to each existing or new member of the James City County Planning Commission.

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 September, 2009.

PCJobDesc_res

**JAMES CITY COUNTY
PLANNING COMMISSION JOB DESCRIPTION
September 22, 2009**

The role of the Planning Commission (the “Commission”) is to help promote orderly development in the locality. The Commission serves primarily in an advisory capacity to the Board of Supervisors (the “Board”). The Commission is responsible for making recommendations to the Board on citizen, or Board, initiated planning/zoning matters. The Commission has those powers and duties provided by general law, as well as such powers and duties that may be assigned by the Board.

The objectives of the Commission are to improve the public health, safety convenience and welfare of the citizens and to plan for the future development of the community to the end that:

- Transportation systems are carefully planned;
- New community centers are developed with adequate highway, utility, health, educational and recreational facilities;
- Needs for mineral resources and the needs for agriculture, industry and business are recognized in future growth;
- Residential areas are provided with healthy surroundings for family life;
- Agricultural and forestal lands are preserved; and
- Growth of the community is consonant with the efficient and economical use of public funds.

State Code identifies the duties of the Commission as follows:

- Exercise general supervision of, and make regulations for, the administration of its own internal affairs;
- Prescribe rules pertaining to its hearings;
- Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board;
- Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- Make recommendations and an annual report to the Board concerning the operation of the Commission and the status of planning within the County;
- Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- Prepare and submit an annual budget for the Commission, if requested by the Board; and
- If deemed advisable, establish an advisory committee or committees.

State Code also identifies other functions of the Commission, including:

- Prepare, recommend, and periodically review a comprehensive plan for the orderly development of the locality. The comprehensive plan is adopted by the Board.
- In conjunction with preparing a comprehensive plan, recommend methods of implementation including:
 - An official map;

- A transportation plan;
 - A capital improvement program;
 - A subdivision ordinance;
 - A zoning ordinance and maps; and
 - A mineral resource map.
- If a public improvement is not already identified on the comprehensive plan or one of the maps, the Commission shall hold a public hearing and make a recommendation to the Board on whether or not such a public improvement is appropriate.
 - Prepare and recommend official map.
 - Review capital improvement program relative to comprehensive plan infrastructure.
 - Oversee the administrative enforcement of the subdivision ordinance and the review of subdivision plats.
 - Review and make recommendations on requests for rezonings and applications made under the zoning ordinance.
 - Initiate consideration of the involuntary rezoning of property and initiate consideration of amendments to the subdivision or zoning ordinances.
 - Review applications for, amendments to, and withdrawals from agricultural and forestal districts.

In addition to those objectives, duties, and functions identified in the State Code, the County Code, actions of the Board, and rezoning proffers identify additional responsibilities, including:

- Hearing appeals or considering waivers to the application of specific provisions of the subdivision or zoning ordinance.
- Modifications, substitutions or transfers of requirement of the landscape ordinance.
- Enforcement of subdivision regulations.
- Through Special Use Permit conditions, the Commission or the Development Review Committee (“DRC”) is frequently directed by the Board to either consider an application or modification of a specific condition or review an administrative official’s decision with regard to such condition.
- Through proffers offered by landowners and approved by the Board, the Commission or the DRC is frequently directed to consider application or modification of a specific condition or review an administrative official’s decision with regard to such condition.
- The subdivision and zoning ordinances also provide provisions which allow the Commission to interpret application of requirements to a development plan or modify approved restrictions with limited parameters. *Example: Master plan amendments which do not change the overall development scheme of property that can be administratively approved by the Planning Commission.*
- The Planning Commission may hold work sessions to discuss the development of real property with owners, applicants, developers or their agents. Such work sessions are open to the public. Individual Planning Commissioners shall not meet with owners, applicants, developers, or their agents to discuss proposals to develop property unless directed to do so by the Chairman of the Planning Commission. One or more members of County Staff shall attend such meetings.

In conducting the duties and responsibilities identified above, the Commission and its members shall work through the County Administrator on operational issues such as budget, staffing and workload and shall work through the Board on policy matters. Planning Commissioners shall work in good faith to complete the duties identified above, as stated by law, as contained in the Planning Commission Bylaws, and as described in policies and procedures adopted by the Board of Supervisors. Commission members shall endeavor to attend regular, special and adjourned meetings and public hearings; attend regular committee meetings to which the Commissioner is appointed; represent the Planning Commission at Board of Supervisors meetings in rotation; and attend ad-hoc committee meetings as agreed by the Planning Commission.

A Planning Commissioner's willful failure to fulfill the above referenced duties or intentionally operating beyond the scope such duties shall be prima facie evidence of nonfeasance or malfeasance in office.

This Job Description was adopted by the James City County Board of Supervisors on the 22nd day of September, 2009.