

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 28, 2011

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Jayse Barrett, a second-grade student at Stonehouse Elementary School

E. PUBLIC COMMENT

F. BOARD REQUESTS AND DIRECTIVES

G. CONSENT CALENDAR

1. Minutes – June 14, 2011, Regular Meeting
2. Grant Award – Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant – \$23,411
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
3. Grant Award – National Rifle Association (NRA) of American Foundation – \$740
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
4. Contract Award – Norge Train Depot Phase III – Interior Restoration, Roof, and Site Improvements – \$580,154.65
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
5. Underground Utility Easement/Right-of-Way Agreement – Freedom Park Interpretive Center

H. PUBLIC HEARINGS

1. Chickahominy License and Use Agreement – Boat Storage Facility (Deferred from April 26, 2011)
Supports County's Strategic Pathway 1.b - identify services/programs with overlapping missions and/or constituents and increase efficiencies through shared or merged services
2. Case No. SUP-0003-2011. Mid County Park Master Plan
3. Acquisition and Sale of Real Property – 4346 Ironbound Road (Deferral Requested)
Supports County's Strategic Pathways 2.c - increase the variety of safe, sanitary and affordable housing; and 2.f - enhance community appearance
4. Disposition of Real Property – 4352 Ironbound Road
Supports County's Strategic Pathway 2.f - enhance community appearance

-CONTINUED-

I. BOARD CONSIDERATIONS

1. Watershed Management Plans for Gordon and Mill Creeks (Deferred from May 24, 2011)
2. Increase the Employer Assisted Home Ownership Program Match Amount to \$5,000 as Allowed in the County Ordinance

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
2. Consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

N. ADJOURNMENT to 7 p.m. on July 12, 2011

062811bos_age

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JUNE 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Bruce C. Goodson, Vice Chair, Roberts District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

Ms. Jones recognized Planning Commissioner Al Woods in attendance.

C. PLEDGE OF ALLEGIANCE – Kasiah Grant, a sixth-grade student at Hornsby Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION – Disabled Veterans Real Estate Exemption

Mr. Richard Bradshaw, Commissioner of the Revenue, gave an overview of a constitutional amendment allowing for a real estate tax exemption for veterans who have been fully and permanently disabled in service and gave information on how to apply for the exemption.

Mr. Goodson asked about updating the Commissioner of the Revenue website with this information.

Mr. Bradshaw explained that the form could be found online, but it could not be filed electronically due to the attachments required.

Mr. Goodson asked about a deadline for the form submission.

Mr. Bradshaw explained that there was no deadline for this exemption.

Mr. Goodson highlighted the importance of updating the website for the benefit of people with disabilities.

Mr. Bradshaw noted that the form should be posted online soon.

Mr. McGlennon asked about deadlines for reapplication.

Mr. Bradshaw explained that the reapplication was intended to confirm continued residence on the property and there was a need to keep the real estate land books current. He stated that if an exemption was allowed, a person would be exempt due to the State statute; no application deadline would prevent the exemption.

Mr. Icenhour commented on concerns from citizens related to the statement from the Veterans Affairs office that indicated there was not a 100 percent disability, though the veteran was receiving compensation for a 100 percent disability.

Mr. Bradshaw stated that the guidance has been that there must be a 100 percent service-related disability; the compensation rate was not the criteria considered.

E. PUBLIC COMMENT

1. Mr. Rick Rangel, 3962 Bournemouth Bend, commented that he previously spoke on stormwater management concerns at Wellington Estates. He indicated that he had not been contacted by staff regarding this issue.

2. Mr. Ed Oyer, 139 Indian Circle, commented on unkempt or derelict properties in his neighborhood and on Route 60; unsold properties in the County; enhancement opportunities for the Grove entryway corridor; and a third center lane on Route 60 East.

F. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy commented on letters related to unkempt properties on Route 60 in Norge. He encouraged action against the habitual offenders to rectify the states of the properties. He noted that he was interested in having a “habitual offender” ordinance come before the Board.

Mr. Goodson stated that the Hampton Roads Transportation Planning Organization (TPO) was going to be adopting the Transportation Improvement Program (TIP). He stated that any road projects to receive Federal funds would need to be in the TIP. He highlighted the TIP projects within James City County, including the Pocahontas Trail relocation at Skiffe’s Creek; studies including the Skiffe’s Creek Connector Corridor, Longhill Road Corridor Study, and Mooretown Road corridor study, bicycle lane improvements on Richmond Road, and Williamsburg Area Transit Authority (WATA) vehicle replacements; resurfacing and signal upgrades; shoulder pavement and intersection improvements; bikeway improvements; funding for the Norge Depot Restoration Program, and Restoration of the *Godspeed* and *Discovery*. He noted that additional information was available on the Hampton Roads Planning District Commission (HRPDC) website.

Mr. McGlennon stated that he and Mr. Powell attended a meeting on Total Maximum Daily Load Levels and the Impacts on Waterways and the Chesapeake Bay. He recognized the observance of Flag Day. He noted that he participated in the recent Memorial Day service and that he and Chairman Jones attended Clean the Bay Day on June 4, 2011. He noted that he attended the dedication service for the Ann Yankovic Immunization Clinic at Olde Towne Medical Center. He noted the passing of Mr. Jim Yankovic and recognized his contributions to James City County and expressed his condolences.

Mr. Icenhour noted that on June 7, 2011, he attended a community meeting on the Forest Heights/Neighbors Drive revitalization meeting. He stated there was a good turnout with good feedback from citizens. He stated that staff has a monthly meeting on this item and the project was on schedule to be completed. He noted that he spoke at the General Education Diploma (GED) graduation ceremony at the

Virginia Peninsula Regional Jail. He recognized the eight graduates and the program administrators for their hard work. He noted concerns about paving in residential communities. He indicated that he did not think the Virginia Department of Transportation (VDOT) had done residential resurfacing; he asked for details about whether or not residential resurfacing has been done and what the priorities were for these projects.

Ms. Jones stated that she attended the Leadership Historic Triangle graduation, along with Mr. McGlennon. She also noted that she met with the riders of the Veterans' Ride for Recovery event. She noted that she attended the Clean the Bay Day and that Congressman Rob Wittman was also in attendance. She also attended the National Association for the Advancement of Colored People (NAACP) Celebration of Scholars and the GED graduation at Warhill High School.

Mr. McGlennon asked for a response to Mr. Rangel's concerns.

Mr. Middaugh stated that a brief response was sent to Mr. Rangel with an update and that a final report was being compiled for him. He stated that the request was very large and the documentation should be available shortly.

G. CONSENT CALENDAR

Mr. Goodson made a motion to adopt the Consent Calendar.

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

1. Minutes –
 - a. May 24, 2011, Work Session Meeting
 - b. May 24, 2011, Regular Meeting
2. Grant Award – Hampton Roads Planning District Commission – \$137,000

RESOLUTION

GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION – \$137,000

WHEREAS, James City County has been awarded funding in the amount of \$137,000 from the Hampton Roads Planning District Commission (HRPDC) under the FY 09 Urban Areas Security Initiative (UASI) Homeland Security Grant Program to purchase and install a generator to augment a medical friendly shelter in James City County; and

WHEREAS, James City County will designate the Fire Training Center within the refurbished Fire Administration building as a medical friendly shelter; and

WHEREAS, the generator will be purchased and installed at the refurbished Fire Administration building; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Capital Projects fund:

Revenue:

HRPDC-Medical Shelter Generator \$137,000

Expenditure:

Fire Administration Headquarters \$137,000

- 3. Grant Award – Commonwealth Attorney – Victim’s Witness Grant Program – \$107,067

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VICTIM’S WITNESS GRANT PROGRAM – \$107,067

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$107,067 Federal grant from the Victim’s Witness Grant Fund (Federal share \$75,732; State share \$25,244; and County Match \$6,091) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of two positions to provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2011, through June 30, 2012; and

WHEREAS, the grant requires a local cash or in-kind match of \$6,091, which is available in the Commonwealth Attorney’s general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund for FY 12, for the purposes described above:

Revenues:

Victim’s Witness Department of Criminal Justice Services Federal Revenue (DCJS)	\$75,732
Victim’s Witness Department of Criminal Justice Services State Revenue (DCJS)	25,244
James City County Matching Funds	<u>6,091</u>
Total	<u>\$107,067</u>

Expenditure:

Victim’s Witness Personnel \$107,067

4. Grant Award – Colonial Community Corrections (CCC) Better Ways Program – \$6,670

RESOLUTION

GRANT AWARD – COLONIAL COMMUNITY CORRECTIONS (CCC) BETTER WAYS

GRANT PROGRAM – \$6,670

WHEREAS, Colonial Community Corrections (CCC) has been awarded a grant of \$6,670 for gap funding from the Williamsburg Community Health Foundation (WCHF) for the Better Ways substance abuse treatment program; and

WHEREAS, this gap funding will be used for professional fees to conduct group and individual substance abuse sessions and staff consultations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC for the purposes described above:

Revenue:

WCHF Grant \$6,670

Expenditure:

Professional Fees – Better Ways \$6,670

5. Colonial Community Corrections (CCC) Supervision/Intervention Fee Collection Appropriation – \$15,000

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS (CCC) SUPERVISION/INTERVENTION

FEE COLLECTION - \$15,000

WHEREAS, Colonial Community Corrections (CCC) will collect \$15,000 more in Supervision and Intervention Fees in FY 11 than the \$35,000 originally appropriated; and

WHEREAS, this increased revenue will be used to fund Offender Services and the unanticipated costs associated with a relocation of the Satellite Office in York County, to include purchase of office furniture.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the CCC fund for the purposes described above:

Revenue:

Supervision/Intervention Fees \$15,000

Expenditures:

Offender Services \$ 5,000

Relocation of Satellite Office/Equipping Satellite Office 10,000

Total \$15,000

6. Contingency Transfer – Motor Fuel Costs – \$39,000

RESOLUTION

CONTINGENCY TRANSFER – MOTOR FUEL COSTS - \$39,000

WHEREAS, over the past few months, gasoline prices have risen significantly; and

WHEREAS, additional funding in some County departments is needed to cover these increased costs through June 30, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted budget for FY 2011 as follows:

Expenditures:

Contingency	\$ (39,000)
Sheriff's Office	3,000
Police Department	4,500
Fire	23,500
Solid Waste	2,500
Facilities Maintenance	4,000
Fleet Maintenance	1,500

7. Change to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual

RESOLUTION

CHANGES TO CHAPTER 4, COMPENSATION, OF THE

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, most other localities in the Hampton Roads region count paid time off as hours worked in calculating overtime; and

WHEREAS, James City County wants to be competitive with other localities in recruiting and retaining quality employees; and

WHEREAS, the recommended revisions to Chapter 4, Compensation, of the Personnel Policies and Procedures Manual will change the County's Overtime Policy to include paid time off as hours worked in calculating overtime; and

WHEREAS, other recommended changes bring the compensation policies into alignment with law and practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 4, Compensation, of the James City County Personnel Policies and Procedures Manual effective July 1, 2011.

8. Amending the Employment Agreement between Robert C. Middaugh and James City County

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS AMENDING THE EMPLOYMENT

AGREEMENT BETWEEN ROBERT C. MIDDAUGH AND JAMES CITY COUNTY

WHEREAS, James City County entered into an employment agreement with Robert C. Middaugh, Jr. dated June 29, 2010 (the "Agreement"), that identified the terms of employment for Robert C. Middaugh, Jr. as the James City County County Administrator (the "Employee"); and

WHEREAS, the Agreement has a specific provision in Section 3 establishing the Employee's salary at \$165,000; and

WHEREAS, the Agreement has a specific provision in Section 7 in which the County agrees to make all appropriate contributions on the Employee's behalf for both the employer and employee share required of the Virginia Retirement System; and

WHEREAS, it is the desire of the Board of Supervisors and the Employee to amend the Agreement dated June to reflect different terms in Section 3 related to compensation and Section 7 related to retirement that make the Agreement consistent with the provisions applied to other County employees hired after June 1, 2010; and

WHEREAS, the Board of Supervisors and the Employee have agreed that Section 3 of the Agreement relating to compensation shall be adjusted to reflect a 5.7% increase in the base salary, making the contract provision read a base salary of \$174,405; and

WHEREAS, the Board of Supervisors and the Employee have agreed that Section 7 of the Agreement relating to retirement be adjusted to reflect that the 5% employee share be paid by the employee rather than by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Section 3 of the Agreement be amended to read as follows:

- a. Base salary: employer agrees to pay employee annual a base salary of \$174,405 payable in installments at the same time that other management employees of the employer are paid.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that Section 7 of the Agreement be amended to read as follows:

- a. The employer agrees to the enroll the employee into the applicable state or local retirement system and to make all appropriate employer contributions on the employee's behalf and that the employee will be required to make a 5% contribution towards the required employee share.

BE IT FURTHER RESOLVED that this resolution shall be incorporated as an amendment to Agreement.

9. Appointment to Colonial Group Home Commission

RESOLUTION

APPOINTMENT TO THE COLONIAL GROUP HOME COMMISSION

WHEREAS, James City County has one governmental representative on the Colonial Group Home Commission; and

WHEREAS, Mr. Doug Powell, Assistant County Administrator, has expressed an interest in serving on the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Doug Powell to the Colonial Group Home Commission for a term expiring June 30, 2015.

10. Appointment to Williamsburg Regional Library Board of Trustees

RESOLUTION

APPOINTMENT TO THE WILLIAMSBURG REGIONAL LIBRARY BOARD OF TRUSTEES

WHEREAS, Ms. Sue Mellen, Assistant Manager of Financial and Management Services, has been serving on the Williamsburg Regional Library Board of Trustees; and

WHEREAS, Ms. Mellen has expressed an interest in being reappointed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Sue Mellen to the Williamsburg Regional Library Board of Trustees for a term expiring June 30, 2015.

11. Zoning Administrator Appointment

RESOLUTION

APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, Ms. Melissa C. Brown was appointed Zoning Administrator of James City County; and

WHEREAS, Ms. Brown is currently unable to perform the functions and duties of Zoning Administrator, and it is necessary to appoint an Acting Zoning Administrator to temporarily fulfill the legal and functional duties related to the interpretation and enforcement of the County's Zoning Ordinance; and

WHEREAS, Mr. Allen J. Murphy, Jr., Director of Planning/Assistant Development Manager, previously served as the County's Zoning Administrator and has demonstrated knowledge, skills, and abilities related to this position; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Allen J. Murphy, Jr. as Acting Zoning Administrator.

12. Grant Award – Hampton Roads Planning District Commission (HRPDC) – \$66,816

RESOLUTION

GRANT AWARD – HAMPTON ROADS PLANNING DISTRICT COMMISSION

(HRPDC) – \$66,816

WHEREAS, James City County entered into an agreement with the Hampton Roads Planning District Commission (HRPDC) to host the regional WebFUSION servers at the County Emergency Operations Center (EOC) pursuant to the Special Needs/WebEOC project initiated through the FY 07 Urban Areas Security Initiative (UASI) Homeland Security Grant Program; and

WHEREAS, this agreement called for HRPDC to reimburse James City County \$1,856 per month for costs associated with the acquisition of bandwidth for the EOC to host the regional WebFUSION servers; and

WHEREAS, the Board of Supervisors previously appropriated \$44,544 on April 28, 2009, for reimbursement of an initial 24 months of bandwidth costs; and

WHEREAS, the County and HRPDC agreed in April 2011 to extend the reimbursement period to a total of 60 months from October 2008 through September 2013, increasing the maximum reimbursement under the agreement from \$44,544 previously appropriated by \$66,816 appropriated in this resolution to a total of \$111,360.

WHEREAS, Mr. Thomas W. Coghill has been hired as the Director of Building Safety and Permits and has attained Certified Building Official status in accordance with the Virginia Uniform Statewide Building Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Thomas W. Coghill as Building Official.

H. PUBLIC HEARING

1. Ordinance to Amend Chapter 13, Motor Vehicles and Traffic, Adoption of State Law, Generally

Mr. Leo Rogers, County Attorney, explained that this ordinance amendment was an annual update to the County's Driving Under the Influence (DUI) laws to match the General Assembly's recent actions. He stated that the new ordinance would take effect on July 1, 2011. Mr. Rogers recommended adoption of the ordinance following the Board's public hearing.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to adopt the ordinance.

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

I. BOARD CONSIDERATIONS

1. Virginia Retirement System (VRS) Plan 2 Employees Begin Paying the Five Percent Employee Share of their Retirement Contribution

Mr. Middaugh explained that during the Board's budget deliberations this year, the Board opted to exercise its ability to require Plan 2 employees, hired after July 1, 2010, to pay the five percent employee share of their Virginia Retirement System (VRS) retirement contribution. He explained that this resolution would enact that Board direction. He recommended adoption of the resolution.

Mr. Icenhour asked about circumstances where there could be a difference in take-home pay between Plan 1 and Plan 2 employees as a result of the contribution.

Mr. Middaugh stated that could be the case and that at the time of hire, an internal and external equity evaluation was done to ensure a competitive salary.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was AYE: Kennedy Goodson, Jones (3). NAY: McGlennon, Icenhour, (2).

RESOLUTION

REQUIRING VIRGINIA RETIREMENT SYSTEM (VRS) PLAN 2 EMPLOYEES TO PAY THE

FIVE PERCENT EMPLOYEE SHARE OF THEIR RETIREMENT CONTRIBUTION

WHEREAS, the Virginia General Assembly, in its 2010 session, passed legislation creating a separate retirement plan for those hired into Virginia Retirement System (VRS) covered positions on or after July 1, 2010, who were either new VRS members or prior members with no service credit, hereafter referred to as "Plan 2 employees"; and

WHEREAS, the legislation allowed local governments the option of having Plan 2 employees pay all or part of the five percent employee portion of their retirement contribution; and

WHEREAS, James City County elects to have Plan 2 employees participate in the cost of their retirement plan by paying all of their five percent member contribution through salary reduction in accordance with Internal Revenue Code § 414 (h); and

WHEREAS, this election represents a long-term cost savings measure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby will have Plan 2 employees pay the five percent Virginia Retirement System member contribution effective July 1, 2011.

2. **Fund Balance Policy**

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, stated that the Governmental Accounting Standards Board (GASB) has issued a statement which has changed the categories located in the Fund Balance in financial statements. She stated that the names were being changed from Reserved, Unreserved, Designated, and Undesignated to be called Non-spendable, Restricted, Committee Assigned, and Unassigned. She stated this was an attempt by GASB to make the Fund Balance more understandable to the reader. She explained that the resolution would establish the categories designated by GASB and formalize the policy established by the Board to maintain a minimum of eight percent and a target of 12 percent fiscal liquidity in the Unassigned category.

Mr. Icenhour asked how close the Board was to the 12 percent target.

Ms. Mellen stated that the balance was about 9.5 percent.

Mr. McGlennon made a motion to adopt the resolution.

RESOLUTION

FUND BALANCE POLICY

WHEREAS, the Governmental Accounting Standards Board (GASB) has adopted new financial reporting standards to provide more clearly defined categories to make the nature and extent of the constraints placed on a government's fund balance more transparent; and

WHEREAS, the County of James City intends to be in compliance with the new financial reporting standards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following Fund Balance Policy:

**County of James City, Virginia
Fund Balance Policy**

Purpose

This fund balance policy is intended to:

1. Ensure that the County of James City (the County) maintains adequate levels of fund balance to provide quality services to its residents in a fiscally responsible manner.
2. Protect the County against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures.
3. Provide a long-term perspective recognizing that stated thresholds are considered minimum balances and that credit markets carefully monitor levels of fund balance to maintain creditworthiness.

This policy and the procedures established therein supersede all previous regulations regarding the County's fund balance and reserve policies.

Components of Fund Balance

The following shall constitute the components of fund balance:

- A. Nonspendable - Amounts that cannot be spent because of their nature (such as the County's inventory) and amounts that must be maintained intact legally or contractually (such as the long-term amount of loans/notes receivable).
- B. Restricted - Amounts constrained for a specific purpose by external parties, constitutional provisions, or enabling legislation.
- C. Committed - Amounts constrained for a specific purpose by the Board of Supervisors.
- D. Assigned - Amounts constrained for a specific purpose by the Manager of Financial and Management Services, who has been given the delegated authority by the board of Supervisors to assign amounts. The total amount reported as assigned should not result in a deficit in unassigned fund balance.
- E. Unassigned - Amounts not classified as nonspendable, restricted, committed, or assigned. Fiscal Liquidity of no less than eight percent, with a target of 12 percent, of the total operating budget (General Fund plus the County's share of Component Unit Schools) will be included in the unassigned fund balance and this policy will be disclosed in the Notes to the Financial Statements. The General Fund is the only fund that would report a positive amount in the unassigned fund balance.

Implementation and Review

Upon the adoption of this policy, the Board of Supervisors authorizes the Manager of Financial and Management Services to establish any standards and procedures, which may be necessary for its implementation. The Manager of Financial and Management Services shall review this policy at least annually and make any recommendations for changes to the Board of Supervisors.

3. Self-Fund Line of Duty Act Claims

Ms. Mellen explained that there were two resolutions related to Line of Duty Act funding in 1972. The General Assembly passed the Line of Duty Act (LODA) program, which provided a death benefit for public safety officers killed in the line of duty. The State bore the responsibilities for these payments. Since then, the General Assembly has expanded the population of employees eligible for the benefit and has liberalized the benefits by providing a health insurance component. The increasing costs of the program and the requirement to show the liability for these benefits on the State's balance sheets prompted the General Assembly to renege on its promise to pay for the program. In 2010, the legislature passed on to local governments the responsibility for funding the LODA benefits for local employees. Local governments can finance these benefits through contributions to a trust managed by the VRS, finance them on their own, or through programs outside of VRS, such as one offered through the Virginia Association of Counties (VACO). The FY 2012 County budget allocated \$48,000 for LODA based on the best available information at the time. Local governments have until June 30, 2012, to make an irrevocable decision about whether to stay in the VRS trust fund or pay for the costs some other way. Staff has analyzed the risks and costs associated with the various funding options and believes that opting out of the VRS program prior to July 1, 2011, and financing these liabilities through a guaranteed cost insurance program offered by VACO is the best option.

Ms. Mellen explained that the first resolution was an irrevocable election to opt out of the program which was required by VRS and the second resolution is to authorize the County Administrator to enter into the addendum to the Member Agreement for the Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP) and transfer \$62,000 in the FY 2012 General Fund budget from the Contingency Account to the County's Insurance Account.

Mr. Goodson asked if the contingency transfer was for an additional \$62,000 for the program or a total of \$62,000.

Ms. Mellen stated that the total cost estimated for the program for FY 2012 would be about \$110,000 and that \$48,000 was previously budgeted.

Mr. Icenhour commented that the \$110,000 insurance investment protected the County from claims in excess of the estimated \$250,000 per year.

Ms. Mellen stated that was correct. She noted that it was also insurance against additional upcoming claims. She stated that the \$250,000 figure was related to known claims.

Mr. Icenhour stated that though the costs of the program were initially low, the costs could expand quickly. He stated that he understood this approach could be more fiscally responsible in the long term.

Ms. Mellen stated that was correct.

Mr. Icenhour made a motion to adopt the resolutions.

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

RESOLUTION

IRREVOCABLE ELECTION NOT TO PARTICIPATE IN LINE OF DUTY ACT FUND

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act, (Virginia Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the County of James City to make this irrevocable election to be a non-participating employer with respect to the Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds effective July 1, 2011.

BE IT FURTHER RESOLVED that the following entities of James City County, the James City-Bruton Volunteer Fire Department, and the James City Volunteer Rescue Squad, to the best of the knowledge of James City County, constitute the population of their past and present covered employees under the Line of Duty Act.

BE IT FURTHER RESOLVED that, as a non-participating employer, James City County agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending, or prospective claims) approved and made by the State Comptroller on behalf of James City County on or after July 1, 2010.

BE IT FURTHER RESOLVED that, as a non-participating employer, James City County agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management, and investment of the Fund.

BE IT FURTHER RESOLVED that James City County shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

RESOLUTION

LINE OF DUTY ACT FUNDING AUTHORIZING COUNTY ADMINISTRATOR TO ENTER

INTO AGREEMENT WITH VACoRP AND CONTINGENCY TRANSFER

WHEREAS, the Virginia General Assembly has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 et seq. of the Code of Virginia; and

WHEREAS, the Virginia General Assembly has shifted the cost of paying past, present and future liabilities under the Line of Duty Act from the State to local government entities through Item 258 of the 2010 Budget Bill; and

WHEREAS, the County of James City chooses to self fund its mandated obligations under the Line of Duty Act through coverage offered by the Virginia Association of Counties Group Self Insurance Risk Pool; and

WHEREAS, the County of James City has opted out of the Line of Duty Act Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to enter into an Addendum to the County’s Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool for Line of Duty coverage.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer of funds in the FY 2012 General Fund operating budget.

Expenditures:

Contingency	<u>\$(62,000)</u>
Financial and Management Services Insurance	<u>\$ 62,000</u>

4. Urban Development Areas (UDAs)

Ms. Ellen Cook, Senior Planner, stated that Urban Development Areas (UDAs) were first adopted as part of Virginia’s 2007 Transportation Financing Package. James City County has been subject to the statute since it was first adopted and has a compliance date of July 1, 2011. Compliance with the statute involves accommodation of development in the manner described in the statute. The legislation provides two paths to compliance: 1) Amend the Comprehensive Plan to incorporate one or more urban development areas, or 2) Adopt a resolution describing how the locality’s plan accommodates growth in a manner consistent with the legislation. Staff recommends that the Board of Supervisors adopt a resolution certifying that the 2009 Comprehensive Plan accommodates growth in a manner consistent with Section 15.2-2223.1 of the Code of Virginia. Staff brought this information to the Policy Committee meetings on March 16, 2011, and April 25, 2011. In addition, the Planning Commission held a work session with public comment to discuss the topic on April 13, 2011. For the Board’s reference, minutes from these meetings are attached.

At its May 4, 2011, meeting, the Commission voted 6-1 to endorse staff's certification proposal, subject to removing Five Forks from the list of mixed use areas that would be certified as the County's UDAs. Staff had no objection to removal of this mixed use area. Staff recommended approval of the resolution.

Mr. Icenhour asked if the Croaker interchange was located entirely within the Primary Service Area (PSA).

Ms. Cook stated that it was located within the PSA.

Mr. McGlennon commented that this legislation was part of a larger piece of legislation; he stated that the legislation was subject to revision or even repeal. He stated that this may not even be a continuing concept in State regulations. He asked if that was part of the rationale for staff's recommendation.

Ms. Cook stated that staff was aware of changes since the concept was adopted.

Ms. Jones stated that she would support this item, but if State law was repealed or if this matter became optional, this matter come back before the Board for reconsideration. She stated that she would prefer to opt out of the UDAs if possible.

Mr. McGlennon stated that he understood that adoption of the resolution was an indication of how the County would be in compliance with the legislation, rather than taking a position on the desirability of UDAs in public policy.

Ms. Cook stated that was correct.

Mr. Goodson stated that he believed this was the most reasonable way to handle compliance with the legislation. He made a motion to adopt the resolution.

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

RESOLUTION

URBAN DEVELOPMENT AREAS (UDAs)

WHEREAS, Section 15.2-2223.1 of the Code of Virginia, referred to herein as the Urban Development Areas (UDA) law, requires every locality that has adopted zoning, a population of at least 20,000, and population growth of at least five percent to incorporate one or more "urban development areas" in its comprehensive plan; and

WHEREAS, "urban development areas" are defined as areas that are appropriate for higher density development as defined in the statute and incorporate principles of traditional neighborhood development, which may include, but are not limited to, mixed-use neighborhoods, mixed housing types, pedestrian-friendly road design, street connectivity, reduction of subdivision street widths and turning radii at subdivision street intersections, reduction of front and side yard building setbacks, and preservation of natural areas; and

WHEREAS, in order to fulfill this requirement, localities that meet the criteria must either amend their comprehensive plans to incorporate urban development areas or adopt a resolution certifying

that the comprehensive plan accommodates growth in a manner consistent with the UDA law; and

WHEREAS, the James City County 2009 Comprehensive Plan establishes a mixed use land use designation that provides for mixed-use development standards promoting the new urbanist and traditional neighborhood design principles set forth in the UDA law and referenced above; and

WHEREAS, the 2009 Comprehensive Plan's mixed-use designated areas include Stonehouse (with zoning implementing the whole planned unit development of Stonehouse), Anderson's Corner, Toano, Norge, Croaker Interchange, Lightfoot, New Town, Williamsburg Crossing, Route 60/143/199 Interchanges, GreenMount, and Treyburn Drive, with sufficient acreage to accommodate at least ten but not more than 20 years of projected growth and which allow for development at sufficient residential and commercial densities to comply with the UDA law; and

WHEREAS, the UDA law states that a certification resolution shall describe any financial and other incentives for development in the areas that accommodate such growth, which James City County does not have specifically.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that the James City County 2009 Comprehensive Plan, adopted November 24, 2009, accommodates growth in a manner consistent with the provisions set forth in Section 15.2-2223.1 of the Code of Virginia.

5. Purchase of Development Rights (PDR) Program – Offer to Sell a Conservation Easement – \$300,000

Mr. Ed Overton, Purchase of Development Rights Program Administrator, stated that Dennis P. and Christine A. Weygand, have agreed upon terms for a perpetual conservation easement on their property consisting of 34.03 acres located at 8155 Diascund Road. He described the location, scenic, and environmental qualities of the property. The appraisal report prepared by Simerlein Appraisals, Ltd., established a baseline easement value of \$287,500. Mr. and Mrs. Weygand submitted a counteroffer of \$300,000, or \$8,815.75 per acre, which was presented to the Purchase of Development Rights (PDR) Committee for consideration. The PDR Committee recommended acceptance of the counteroffer. In accordance with the PDR Ordinance, the County Administrator invited the landowners to sell to the County a conservation easement on their property. The landowners signed and returned an offer letter to the PDR Administrator on May 19, 2011. The letter offers to sell a conservation easement to the County for the value of \$300,000 on the parcels identified as James City County Tax Map Parcel No. 1030100013, subject to the terms and conditions set forth in the proposed Deed of Easement. The PDR Ordinance states in Section 16A-12(e) that "an offer to sell a conservation easement shall be accepted by the Board in writing, following an action by the Board authorizing acceptance." If the Board accepts the offer, final closing documents, including the Deed of Easement, will be prepared and approved by staff and the County Attorney.

The PDR Committee and staff recommend approval of the resolution accepting the offer by Dennis P. and Christine A. Weygand to sell a conservation easement for the appraised value of \$300,000 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Mr. Kennedy clarified that this program was over a decade old. He noted that this program purchased development rights and that the property owner keeps their property, but limitations are placed on development of the parcel. He noted that this program was entirely voluntary. He commented that there was a tax benefit for undeveloped land as opposed to developed land. He made a motion to adopt the resolution.

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

RESOLUTION

PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM – OFFER TO SELL A

CONSERVATION EASEMENT – \$300,000

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owner of the property known as:

8155 Diascund Road
James City County Tax Map Parcel No. 1030100013.; and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of \$300,000, subject to the conditions set forth in the proposed deed of easement referenced in the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, continued his comments about decrepit buildings on Route 60 in Grove; funds for replacing an engine in a County vehicle; off-street parking ordinance; and the quality of education in Williamsburg-James City County schools.

2. Mr. Rick Rangel, 3962 Bournemouth Bend, asked for clarification of staff's response to his issues at Wellington Estates related to stormwater management.

Mr. Middaugh indicated that staff had responded to Mr. Rangel via email about improvements to Best Management Practice (BMP), but additional documents were being compiled in response to his questions.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh noted that the Jamestown Road/Colony Square traffic signal was determined not to meet warrants. He stated that work on the project has been ceased. He stated that the Williamsburg area, including James City County, has been named as a finalist for the Most Patriotic Community. He stated that the community would be visited by assessors and that the Chamber was working on encouraging patriotic enthusiasm and involvement in the process. He stated that additional information was available on the Chamber's website.

Mr. Middaugh stated that a Closed Session was on the agenda for 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, specifically the Williamsburg Area Arts Commission and for consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson recognized and congratulated those who would be graduating from Williamsburg-James City County high schools on Saturday.

Mr. McGlennon expressed his appreciation to the Board and staff for evaluating the Jamestown Road/Colony Square traffic signal. He also noted that the Virginia Transit Association recognized the career of Mr. Richard Drumwright, formerly an employee of WATA, as Public Transit Employee of the Year. He also noted that he and Mr. Icenhour attended the Annual Police Department Awards.

Mr. McGlennon made a motion to appoint Mr. Timothy G. Harris to serve a vacant position on the Economic Development Authority (EDA).

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

Mr. Icenhour commented on the storm impact and recovery in Grove. He asked if all avenues have been exhausted to assist citizens in that area.

Ms. Jones commented on concerns about the County's membership of International Council for Local Environmental Initiatives (ICLEI), or the Cool Counties organization. She stated that citizens have commented that the County should not be a member of an organization specifically tied into Agenda 21 of the United Nations. She stated that she shared those sentiments and believed that the County could preserve sustainability without participation in ICLEI. She asked the Board to consider withdrawal of the County's membership in ICLEI.

Mr. McGlennon stated that he was aware of conversations related to ICLEI and sustainability; he noted that sustainability was specifically in the Comprehensive Plan. He commented that the Virginia Municipal League and the American Planners Association were in favor of the County's participation in ICLEI, which provides very useful tools to allow information gathering and dissemination about sustainability in the County. He stated that he hoped the Board would take a very careful look at the benefits and drawbacks of the organization before withdrawing membership. He stated that those who brought this issue forward create a conspiracy out of the concept of sustainability.

Ms. Jones stated that she would like to see the benefits of membership and tools provided by the organization. She stated discomfort for paying dues to tie in with the United Nations and its policies.

Mr. Goodson stated that he was uncomfortable with the original resolution and requested a change in language to depoliticize the resolution. He stated that he was recently contacted by a leader of the group requesting lobbying efforts and support for Environmental Protection Agency (EPA) water regulations. He stated concern for what the membership dues were being used to do.

Mr. Kennedy asked to see the information related to the resolution adopted. He stated that the benefits and resources should be evaluated and reported. He stated that he wanted to view all the information related to the membership before a decision was made.

Mr. Goodson stated that the membership was not intended to be for environmental political advocacy.

Ms. Jones stated that she investigated the ICLEI website for more information. She stated appreciation for the consideration by the Board.

Mr. Kennedy commented that he would not take a position on national political issues and he wished to work collectively to address local concerns. He stated concern for the overuse of the concept of freedom being threatened.

M. CLOSED SESSION

Mr. Icenhour made a motion to go into Closed Session for 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, specifically the Economic Development Authority and the Williamsburg Area Arts Commission and for consideration of the acquisition of parcel(s) of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

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

At 8:22 p.m., Ms. Jones recessed the Board into Closed Session.

At 8:42 p.m., Ms. Jones reconvened the Board.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was AYE: Kennedy, Goodson, McGlennon, Icenhour, Jones (5). 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)(1) of the Code of Virginia, to consider personnel matters, the appointment of individuals to County boards, and/or commissions and Section 2.2-3711(A)(3) of the Code of Virginia, to consider the acquisition of parcels of property for public use.

Mr. Goodson made a motion to appoint Elena Duggan and Robert Roberson to terms on the Williamsburg Area Arts Commission.

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

Mr. McGlennon made a motion to reappoint Leanne DuBois to a term on the Economic Development Authority.

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

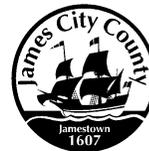
N. ADJOURNMENT to 4 p.m. on June 28, 2011.

Mr. McGlennon made a motion to adjourn.

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

At 8:44 p.m., Ms. Jones adjourned the Board until 4 p.m. on June 28, 2011.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

Subject: Grant Award - Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant - \$23,411

Strategic Management Plan Pathway: 1.d - develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA)?

Summary: The James City County Fire Department has been awarded a Fire Prevention and Safety Grant (FP&S) for \$23,411 (\$18,729 Federal funds, \$4,682 local match) from DHS, FEMA under the FY 2010 Assistance to Firefighters Grant Program.

The funds are to be used for the purchase and distribution of 252 smoke alarms and smoke alarm assist devices for residents who may not awaken to a regular smoke alarm, including the hearing impaired, seniors, and families with children. The smoke alarm assist device works with both battery-operated and electric smoke alarms and includes a 520 Hz square wave signal, a pillow shaker, and a visual alarm to complement the alert frequency of a regular smoke alarm. The grant funds a pre-installation media campaign to educate residents regarding the availability of smoke alarm assist devices. The Fire Department will also conduct a door to door smoke alarm campaign targeting the highest risk areas of the County as determined by disability, age of residents, age of residence, and economic factors.

This project will be coordinated by the Department’s Public Educator within the Emergency Management Division.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: The grant requires a local match of \$4,682 (20 percent), which is available in the James City County Grants Match account.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-2

Date: June 28, 2011

MEMORANDUM

DATE: June 28, 2011
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant – \$23,411

The James City County Fire Department has been awarded a Fire Prevention and Safety Grant (FP&S) for \$23,411 (\$18,729 Federal funds, \$4,682 local match) from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) under the FY 2010 Assistance to Firefighters Grant Program.

The funds are to be used for the purchase and distribution of 252 smoke alarms and smoke alarm assist devices for residents who may not awaken to a regular smoke alarm, including the hearing impaired, seniors, and families with children. The smoke alarm assist device works with both battery-operated and electric smoke alarms and includes a 520 Hz square wave signal, a pillow shaker, and a visual alarm to complement the alert frequency of a regular smoke alarm. The grant funds a pre-installation media campaign to educate residents regarding the availability of smoke alarm assist devices. The Fire Department will also conduct a door to door smoke alarm campaign targeting the highest risk areas of the County as determined by disability, age of residents, age of residence, and economic factors.

This project will be coordinated by the Department's Public Educator within the Emergency Management Division.

The grant requires a local match of \$4,682 (20 percent), which is available in the James City County Grants Match account.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
GA_FEMA_mem

Attachment

RESOLUTION

GRANT AWARD – FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FIRE PREVENTION AND SAFETY GRANT – \$23,411

WHEREAS, the James City County Fire Department has been awarded a Fire Prevention and Safety Grant (FP&S) for \$23,411 (\$18,729 Federal funds, \$4,682 local match) from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) under the FY 2010 Assistance to Firefighters Grant Program; and

WHEREAS, the funds are to be used for the purchase and distribution of 252 smoke alarms and smoke alarm assist devices for residents who may not awaken to a regular smoke alarm; and

WHEREAS, the grant requires a local match of \$4,682, which is available in the James City County Grants Match account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenues:

FEMA FP&S-Smoke Alarm Assist	\$18,729
Transfer from General Fund	<u>4,682</u>
Total	<u>\$23,411</u>

Expenditure:

FEMA FP&S-Smoke Alarm Assist	<u>\$23,411</u>
------------------------------	-----------------

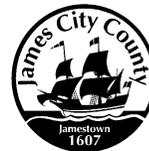
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2011.

GA_FEMA_res



MEMORANDUM COVER

Subject: Grant Award - National Rifle Association (NRA) of America Foundation - \$740

Strategic Management Plan Pathway: 1.d - develop and promote revenue alternatives to property taxes

Action Requested: Shall the Board approve the resolution that accepts the National Rifle Association (NRA) of America Foundation grant award?

Summary: The James City County Police Department has been awarded a \$740 grant from the National Rifle Association of America (NRA) Foundation. The grant has been awarded to fund the purchase of firearm safety educational materials to be provided to citizens by the Police Department.

This is the second grant awarded by the NRA Foundation to the Police Department. The NRA Foundation provides funding for firearm educational materials; therefore, the Police Department staff identified the need to request funding for additional materials. This purchase will not take the place of budgeted expenses.

The grant requires no match.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-3

Date: June 28, 2011

MEMORANDUM

DATE: June 28, 2011
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Chief of Police
SUBJECT: Grant Award - National Rifle Association (NRA) of America Foundation - \$740

The James City County Police Department has been awarded a \$740 grant from the National Rifle Association (NRA) of America Foundation. The grant has been awarded to fund the purchase of firearm educational materials provided by the NRA. The purpose of the grant is to promote the protection and safety of children.

This is the second grant awarded by the NRA Foundation to the Police Department. This purchase will not take the place of budgeted expenses.

The grant requires no match.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

CONCUR:

Robert C. Middaugh

EHH/nb
GA_NRA_mem

Attachment

RESOLUTION

GRANT AWARD – NATIONAL RIFLE ASSOCIATION (NRA) OF AMERICA

FOUNDATION GRANT – \$740

WHEREAS, the James City County Police Department has been awarded a \$740 grant from the National Rifle Association (NRA) of America Foundation; and

WHEREAS, the grant has been awarded to fund the purchase of firearm safety educational materials; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

NRA – FY 11	<u>\$740</u>
-------------	--------------

Expenditure:

NRA – FY 11	<u>\$740</u>
-------------	--------------

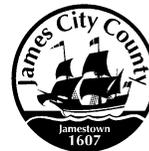
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2011.

GA_NRA_res



MEMORANDUM COVER

Subject: Contract Award – Norge Train Depot Phase III–Interior Restoration, Roof, and Site Improvements – \$580,154.65

Strategic Management Plan Pathway: 1.d - develop and promote revenue alternatives to property taxes; 4.a - highlight our natural environment and rich history in County facilities and publications; and 4.d - seek partnerships, citizen committees, trusts, and donations to protect the environment

Action Requested: Shall the Board approve the contract in the amount of \$580,154.65 to Michael J. Hipple Builder, Inc. for the Norge Train Depot Phase III, Interior Restoration, Roof, and Site Improvements upon receipt of a Virginia Department of Transportation (VDOT) award concurrence?

Summary: The historic Norge Train Depot was built from 1906-1908 and is an important County cultural resource and source of community pride. The Depot is listed on both the National Register of Historic Places and the Virginia Landmarks Register as the only surviving example of its building type in the Chesapeake and Ohio Railway Company’s six State region.

The Board of Supervisors appropriated a VDOT Surface Transportation Program (STP) Transportation Enhancement Grant in the amount of \$340,000 on December 11, 2007, for the purpose of designing and constructing interior renovations to the Depot. On July 28, 2009, the Board appropriated a supplement of \$260,000 from the same grant program in order to add slate roof replacement and site improvements to the restoration program.

Phase III consists of the interior restoration to the Depot that includes flooring, painting, electrical, and an HVAC system. The roof will be replaced with slate as originally installed on the Depot. Site improvements include the addition of interpretative railroad tracks, replicating and preserving the original historic relationship of the Depot to the C&O Railroad.

A two-step Invitation for Bids for interior restoration, roof replacement, and site improvement for the Depot was publicly advertised and Michael J. Hipple Builder, Inc. submitted the lowest responsive and responsible bid of \$580,154.65.

Staff recommends approval of the attached resolution.

Fiscal Impact: Funded through a VDOT STP Transportation Enhancement Grant

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-4

Date: June 28, 2011

MEMORANDUM

DATE: June 28, 2011
TO: The Board of Supervisors
FROM: Shawn A. Gordon, Capital Projects Coordinator
SUBJECT: Contract Award – Norge Train Depot Phase III-Interior Restoration, Roof, and Site Improvements – \$580,154.65

The historic Norge Train Depot was built from 1906-1908 and is an important County cultural resource and source of community pride. The Depot is listed on both the National Register of Historic Places and the Virginia Landmarks Register as the only surviving example of its building type in the Chesapeake and Ohio Railway Company's six State region.

The Board of Supervisors appropriated a Virginia Department of Transportation (VDOT) Surface Transportation Program (STP) Transportation Enhancement Grant in the amount of \$340,000 on December 11, 2007, for the purpose of designing and restoring the Depot interior. On July 28, 2009, the Board appropriated a supplement of \$260,000 from the same grant program in order to add slate roof replacement and site improvements to the restoration program. The grant requires a minimum of 20 percent local match which is being met through voluntary in-kind donations of material and labor.

Phase III restorations will consist of installing wood floors, the installation of electrical and a geothermal HVAC system, interior painting to original colors, display areas, and conversion of the Freight Room into a meeting space. The roof replacement will consist of installation of a slate roof and copper flashing of the same size, color, and texture originally installed on the Depot. Site improvements will consist of grading and concrete apron, installation of geothermal wells, lighting, landscaping, signage, storm drainage improvements, and Americans with Disabilities Act (ADA) accessibility. In addition, interpretative railroad tracks will be installed in front of the Depot. This will replicate the original location of the tracks and Depot prior to the relocation from Peach Street, thus preserving the historic relationship of the Depot to the C&O Railroad.

A two-step Invitation for Bids for interior restoration, roof replacement, and site improvements for the Norge Train Depot was publicly advertised. All bidders were required to submit a Technical Bid Form and a Bid Price Form in two separate sealed envelopes. On the Technical Bid Form, bidders had to document adequate experience and sufficient equipment, financial (including surety) and personnel resources to complete the job. Bidders were required to have completed a minimum of three jobs of similar size and type with historic buildings within the past three years. The Technical Bid Form was opened first and the qualifications were evaluated without pricing to determine if the bidder had the required experience and resources. The Technical Bid Form was evaluated by the County's Project Manager and Purchasing staff. If the bidder met the requirements, the Bid Price Form was opened. If the bidder did not meet the requirements, the Bid Price Form was returned to the bidder unopened.

The original Invitation for Bids was due on April 12, 2011. Four firms' submitted bids, but all bids were rejected. Two bids were non-responsive and two bidders did not have the required experience. The project was re-bid and one firm submitted a Technical Bid Form and a Bid Price Form by the June 1, 2011 due date. The firm that met the requirements and the bid is listed below:

<u>Firm</u>	<u>Amount</u>
Michael J. Hipple Builder, Inc.	\$580,154.65

Contract Award – Norge Train Depot Phase III-Interior Restoration, Roof, and Site Improvements –
\$580,154.65
June 28, 2011
Page 2

Michael J. Hipple Builder, Inc. has done satisfactory work for the County and has been determined to be the lowest responsive and responsible bidder. The bid amount is consistent with the project estimate and funds are available as described above for this award. As required by the grant, the bid package was submitted to VDOT on June 2, 2011, for award concurrence. A response is pending.

Attached is a resolution authorizing the contract award to Michael J. Hipple Builder, Inc. for the Norge Train Depot Phase III, Interior Restoration, Roof, and Site Improvements upon receipt of VDOT award concurrence.

Staff recommends approval of the attached resolution.



Shawn A. Gordon

CONCUR:



John T.P. Horne

SAG/nb
CA_NTrainDep_mem

Attachment

RESOLUTION

CONTRACT AWARD – NORGE TRAIN DEPOT PHASE III-INTERIOR RESTORATION,

ROOF, AND SITE IMPROVEMENTS – \$580,154.65

WHEREAS, funds are available in the Special Projects/Grants fund; and

WHEREAS, one bid was considered for award and Michael J. Hipple Builder, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for Norge Train Depot Phase III-Interior Restoration, Roof, and Site Improvements to Michael J. Hipple Builder, Inc. in the amount of \$580,154.65 upon receipt of a Virginia Department of Transportation (VDOT) award concurrence as required by grant regulations.

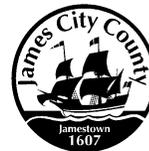
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2011.

CA_NTrainDep_res



MEMORANDUM COVER

Subject: Underground Utility Easement/Right-of-Way Agreement – Freedom Park Interpretive Center

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve an underground utility easement and execute the Right-of-Way Agreement for Dominion Virginia Power at Freedom Park?

Summary: In January 2011, a contract was awarded to David A. Nice Builders, Inc. to construct the Freedom Park Interpretive Center Building. This facility requires electrical power to operate and open. At present, no electrical utilities exist within Freedom Park, and it is necessary to bring power into the park from Longhill Road. Dominion Virginia Power has designed the power lines and streetlights to be placed along the road, and requested that the County provide an easement for its facilities and execute its standard Right-of-Way Agreement.

Staff recommends approval of the attached resolution.

Fiscal Impact: Funded from Parks and Recreation Bond Referendum Funds

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-5

Date: June 28, 2011

MEMORANDUM

DATE: June 28, 2011
TO: The Board of Supervisors
FROM: Bernard M. Farmer, Jr., Capital Projects Coordinator
SUBJECT: Underground Utility Easement/Right-of-Way Agreement – Freedom Park Interpretive Center

As part of the work required to construct the Freedom Park Interpretive Center, it is necessary to extend electrical utility lines from Centerville Road into the park. The Board approved the contract for construction of the Freedom Park Interpretive Center by David A. Nice Builders this past January. These electrical facilities have been designed by Dominion Virginia Power and it has requested we execute its standard Right-of-Way agreement and grant it an easement for the proposed underground utilities. The utility lines will be three-phase lines in anticipation of future expansion within the park, and streetlights along the entrance roadway have also been planned as part of this work.

Since electrical power is essential to the current and future development of the park, staff recommends approval of the attached resolution.



Bernard M. Farmer, Jr.

CONCUR:



John T.P. Horne

BMF/nb
FPUtiROW_mem

Attachment

RESOLUTION

UNDERGROUND UTILITY EASEMENT/RIGHT-OF-WAY AGREEMENT –

FREEDOM PARK INTERPRETIVE CENTER

WHEREAS, the Board of Supervisors held a public hearing to include in the County's Capital Improvement Program (CIP) construction of an Interpretive Center at Freedom Park; and

WHEREAS, the Board of Supervisors approved the contract award authorizing construction of an Interpretive Center at Freedom Park; and

WHEREAS, a utility easement is needed to provide electrical service to the Interpretive Center; and

WHEREAS, a public hearing is not needed to convey a utility easement for projects consistent with a CIP pursuant to Virginia Code § 152-1800.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute any required Right-of-Way Agreement and such other documents as may be necessary for Dominion Virginia Power to install underground electrical service to the Interpretive Center at Freedom Park.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

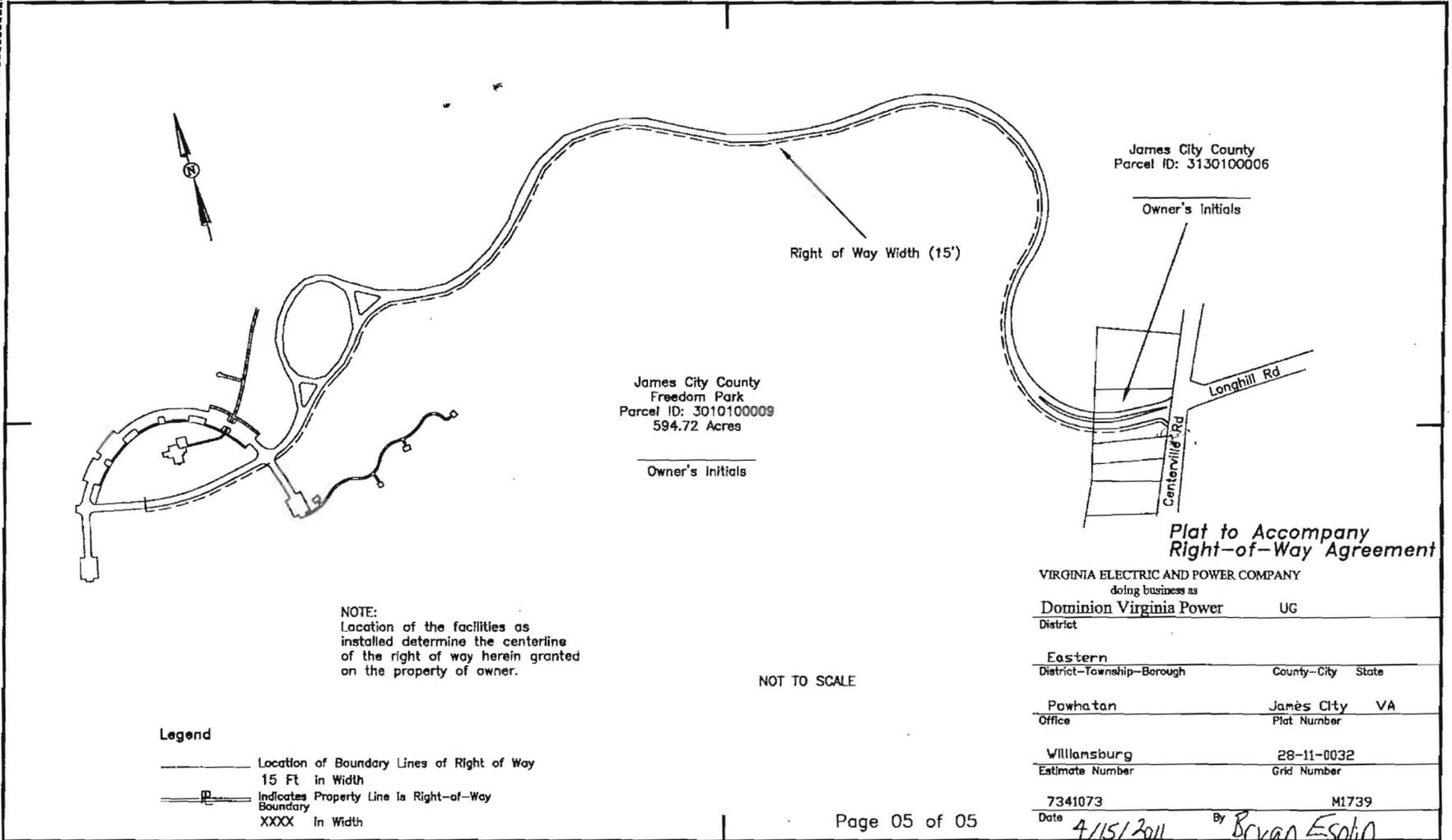
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June,
2011.

FPUtilROW_res

RECEIVED
APR 21 2011

BY:



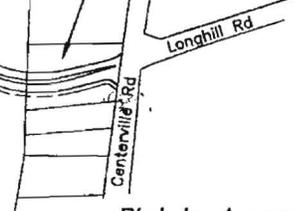
James City County
Parcel ID: 3130100006

Owner's Initials

Right of Way Width (15')

James City County
Freedom Park
Parcel ID: 3010100009
594.72 Acres

Owner's Initials



**Plat to Accompany
Right-of-Way Agreement**

VIRGINIA ELECTRIC AND POWER COMPANY
doing business as
Dominion Virginia Power UG
District

Eastern
District-Township-Borough County-City State

Powhatan James City VA
Office Plot Number

Williamsburg 28-11-0032
Estimate Number Grid Number

7341073 M1739

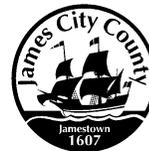
Date 4/15/2011 By Bryan Esplin

NOTE:
Location of the facilities as
installed determine the centerline
of the right of way herein granted
on the property of owner.

NOT TO SCALE

Legend

- Location of Boundary Lines of Right of Way
15 Ft in Width
- |——— Indicates Property Line is Right-of-Way
Boundary
- XXXX In Width



MEMORANDUM COVER

Subject: Chickahominy License and Use Agreement – Boat Storage Facility

Strategic Management Plan Pathway: 1.b - identify services/programs with overlapping missions and/or constituents and increase efficiencies through shared or merged services

Action Requested: Shall the Board of Supervisors approve the resolution to authorize the County Administrator to sign a License and Use Agreement between James City County, the College of William and Mary, and the College of William and Mary Rowing Club for the construction and operation of a boat storage facility at Chickahominy Riverfront Park?

Summary: James City County Parks and Recreation has partnered with the College of William and Mary (“the College”) and community rowing clubs since 2000 to promote competitive and recreational rowing in the County. A need for a permanent boat storage facility was identified during the Shaping Our Shores Master Plan process and was included in the approved Master Plan for Chickahominy Riverfront Park. Friends of Williamsburg Rowing has agreed to design, build, and donate a boat storage facility to the County, and a license and use agreement has been drafted to outline exclusive usage by the College and the College Rowing Club. Per this agreement, the County will provide and pay for electricity for the building, and the College will provide the maintenance. In addition, the College will pay the County a Facility Usage Fee for each participant.

Staff recommends approval of the resolution for a license agreement with the College and the College Rowing Club.

Fiscal Impact: James City County would be responsible for electrical costs of the building which are estimated at \$500 per year and will be collecting a Facility Usage Fee per participant of \$10 per County resident and \$20 per non-resident.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-1

Date: June 28, 2011

MEMORANDUM

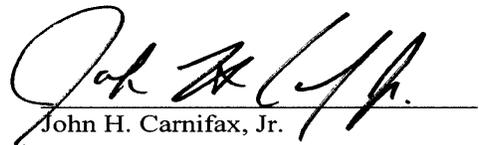
DATE: June 28, 2011
TO: The Board of Supervisors
FROM: John H. Carnifax, Jr., Director of Parks and Recreation
SUBJECT: Chickahominy License and Use Agreement – Boat Storage Facility

James City County Parks and Recreation has partnered with the College of William and Mary (“the College”) and community rowing clubs since the year 2000 for the promotion of recreational and competitive rowing activities in James City County. Currently, rowing opportunities are conducted from the Gordon’s Creek side of Chickahominy Riverfront Park and have been operating from a temporary storage shed.

During the development of the Shaping Our Shores Master Plan, a need for permanent storage space for rowing activities as well as the opportunity to open this area for public access was identified and subsequently included in the approved Master Plan for Chickahominy Riverfront Park.

Upon approval of the Master Plan, staff negotiated with the College and the College Rowing Club for the construction and operation of a 4,650-square-foot permanent storage facility at Chickahominy Riverfront Park to accommodate both the college and community based rowing activities. The building will be financed by the Friends of Williamsburg Rowing and donated to the County, and the College and the College Rowing Club will have an exclusive license to use the boathouse for a minimum of ten years. The County will provide and pay for electricity, and the groups will provide any required maintenance. In addition, the College will be required to pay the Facility Use Fee for each participant as required of all partnered organizations, and offer an instructional rowing program for residents of James City County. A Chickahominy License and Use Agreement to be signed by all parties outline the operational responsibilities of each organization.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute the Chickahominy License and Use Agreement for the addition of a 4,650-square-foot boat house within Chickahominy Riverfront Park.


John H. Carnifax, Jr.

JHC/nb
WMBoatAgmt_mem

Attachment

RESOLUTION

CHICKAHOMINY LICENSE AND USE AGREEMENT – BOAT STORAGE FACILITY

WHEREAS, James City County Parks and Recreation has partnered with the College of William and Mary (“the College”) and community rowing clubs since 2000 to promote competitive and recreational rowing in the County; and

WHEREAS, the need for a permanent boat storage facility was identified during the Shaping Our Shores Master Plan process and was included in the approved Master Plan for Chickahominy Riverfront Park; and

WHEREAS, the Friends of Williamsburg Rowing will design, construct, and donate a boathouse facility to James City County with only electrical costs paid by James City County; and

WHEREAS, a license and use agreement between James City County, the College, and the College Rowing Club has been prepared that details the exclusive usage of the facility to include maintenance and the payment of a Facility Usage Fee to the County; and

WHEREAS, the addition of this boathouse with the license and agreement provides significant public benefit, protects the integrity of Chickahominy Riverfront Park, and allows citizens to participate in the programs at this facility.

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 Chickahominy License and Use Agreement for the construction and operation of a boat storage facility.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2011.

WMBoatAgmt_res



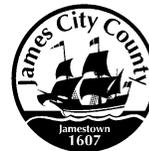
KEY		
A - Camping Opportunities	H - Kayak / Canoe Launch and Roving Facility with Boat House	Q - Existing Fishing Pier
A1 - Primitive / Tent Platform	I - Existing Pool Shelter and Pic Area	R - Canoe / Kayak Launch Area
A2 - Cabins	J - Picnic Pavilion	S - Picnic Area
B - Bath House	K - Stroller Stairs and Cruise Boats	T - Controlled Access Gate
C - RV Camping - 1. Small RV - 2. Large RV	L - Small Picnic Pavilions	U - Existing Water Wall Pump House
D - RV Waste Disposal	M - Compressed Snow and Tackling	V - Bank Grading / Buffer Installation
E - Large Open Green Open Area and Facilities to Support County Fair	N - Mainstem Existing Boat Ramp	W - Seasonal Food Concessions
- Seasonal Driving Range	O - Multi - Purpose Area	X - Maintenance Facility
- Recreation Fields	- Fair Parking	Y - Interpretation Booth
F - Paved Wood Decks / Decks / Moorings	- Events	
G - Organized Parking for Existing Boat Ramp	- Recreation Fields	
	P - Existing Pool Accesses	
	- Public House	

Proposed Boat House



SHAPING OUR SHORES
 Master Plan for Jamestown Beach Campground, Jamestown Yacht Basin & Chickahominy Riverfront Park

Figure 4-2
 Master Plan
 Chickahominy Riverfront Park



MEMORANDUM COVER

Subject: SUP-0003-2011. Mid County Park Master Plan

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve a Special Use Permit (SUP) for Mid County Park with the conditions listed in the attached resolution?

Summary: Mr. John Carnifax of James City County Parks and Recreation has applied for a Special Use Permit (SUP) to improve facilities at Mid County Park as shown on the attached master plan. As the park is a legally non-conforming use, an SUP is required to bring the property into conformance prior to site modifications. The Public Lands district created in 2007 requires an SUP for community recreation facilities.

Staff recommends approval of the application with the conditions listed in the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No
N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
- 1. Staff Report
 - 2. Resolution
 - 3. Location Map
 - 4. Aerial Photograph
 - 5. Master Plan
 - 6. Unapproved Planning Commission Minutes

Agenda Item No.: H-2

Date: June 28, 2011

**SPECIAL USE PERMIT - 0003-2011. Mid County Park Master Plan
Staff Report for the June 28, 2011, 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

May 4, 2011, 7:00 p.m.
June 28, 2011, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. John Carnifax, James City County Parks and Recreation
Land Owner: James City County
Proposal: Improvements/modifications to a community recreation facility
Location: 3793 Ironbound Road
Tax Map/Parcel No.: 3830100010
Parcel Size: 19.4 acres
Existing Zoning: PL, Public Land, with proffers
Comprehensive Plan: Park, Public, or Semi-Public Open Space
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with the land use policies of the Comprehensive Plan, the Comprehensive Plan Land Use Map designation and surrounding zoning and development. Staff recommends the Board of Supervisors approve the application with the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra, Planner Phone: 253-6783

PLANNING COMMISSION RECOMMENDATION

At its May 4, 2011, meeting, the Planning Commission unanimously recommended approval of the application.

Proposed Changes Made Since the Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. John Carnifax of James City County Parks and Recreation has applied for a Special Use Permit (SUP) to improve facilities at Mid County Park as shown on the attached master plan. As the park is a legally non-conforming use, an SUP is required to bring the property into conformance prior to site modifications. The Public Lands district, created in 2007, requires an SUP for community recreation facilities. The park property was originally part of Powhatan Secondary. The existing proffers remain applicable, but do not restrict park development.

Mid County Park is one of the County's most visited parks, hosting nearly 300,000 visitors annually. The park opened in 1985, followed by the addition of Kidsburg in 1994. Both are in need of significant repair due to the aging of the facilities. The changes proposed for Mid County Park include the replacement of the existing fencing, rest rooms, office, and picnic shelters. The basketball and tennis courts will remain and the volleyball courts will be moved to a more accessible location. The most noticeable changes are the removal of the baseball fields adjacent to Steeplechase apartments and a new Kidsburg. The new park office and restroom facility will be designed to house park staff, accommodate small classes, and will have space available to rent by the public. The final design for the structure has not yet been completed. Parks and Recreation found that due to the small size of the park and the frequency that baseballs were being hit onto Monticello Ave., playing baseball is more appropriate for the high school fields. The design of the new Kidsburg has not been completed.

The master planning of Mid County Park was a public process. Citizens were invited to attend two community meetings to voice their concerns. Additionally, staff created a telephone hotline and posted a listening board at the James City/Williamsburg Community Center. Attendees of the community meetings received an overview of the plan, reviewed maps of the current and proposed changes within the park and then divided for small group discussions. More than 75 residents and users of the park took a role in the citizen feedback process.

Maintaining a Kidsburg (or some other type of playground), adding more open space, and the creation of an on-site environmental education garden were the top priorities of those participating in the master planning process. Other priorities included more picnic shelters for large groups, improved pedestrian access, basketball courts with adjustable goals, a park office with improved rest rooms, and more park seating. Staff finds the proposed master plan satisfies the top priorities of most citizens.

At its March 16, 2011, meeting, the Parks and Recreation Advisory Commission unanimously approved the proposed master plan. The approved FY 12 Capital Improvements Program (CIP) has allocated \$1.8 million toward this project.

As the facilities planning and budget issues have already been completed, staff recommends the Board evaluate the case from a land use perspective only. As the baseball fields and the associated lighting are being removed, staff finds that the noise and lighting impacts should be significantly reduced. Staff also finds the current buffer size and screening between Steeplechase apartments and the park acceptable.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Staff Comments: The Environmental Division has no objection to the proposal.

Public Utilities

- Water and sewer service will be required at the park.

Staff Comments: The James City County Service Authority (JCSA) has no objections to the proposed master plan; however, it has recommended Condition No. 2 to help reduce water consumption.

Transportation

- Staff met with the Virginia Department of Transportation (VDOT) officials to discuss proposed improvements at the Monticello Avenue/News Road intersection and its potential impact on the park. As a result of the proposed improvements to the intersection, the current park entrance will be shifted approximately 200 feet south on Ironbound Road to improve vehicular turning movement along News Road. The new entrance location is shown on the attached master plan. Staff estimates the park will generate roughly 12 trips per hour under normal circumstances. News Road, Ironbound Road, and Monticello Avenue are all Community Character Corridors (CCCs).
2007 Traffic Counts (Ironbound Road): From News Road to Route 5 there are approximately 11,000 trips per day.
2035 Volume Projected: This section of Ironbound Road is projected to have a 25,000 Average Daily Traffic (ADT) by 2035 and is recommended for improvement.

COMPREHENSIVE PLAN

Land Use Map

Designation	Park, Public, or Semi-public Open Space (Page 150): Land included in this designation generally consists of large, undeveloped areas owned by institutions or the public. Areas typically serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment. Staff Comment: The Comprehensive Plan stresses the need to maintain and develop new recreational facilities. The Plan also notes that parks and open space can increase the value of nearby properties. Staff finds this proposal consistent with the land use and parks and recreation components of the Comprehensive Plan.
-------------	---

Community Character

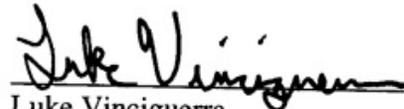
Goals, Strategies, and Actions	<i>Action CC 1.1- Page 79:</i> Expect that development along CCCs protects the natural views of the area; promotes the historic, rural, or unique character of the area; maintains the greenbelt network; and establishes entrance corridors that enhance the experience of residents and visitors. <i>Action CC 3.1-Page 80:</i> Encourage vistas and other scenic resources to be protected and encourage building, site, and road designs that enhance the natural landscape and preserve valued vistas. These designs should also minimize any potential negative impacts with regard to noise and light pollution and other quality of life concerns. Staff Comment: Staff finds the open space element of Mid County Park an attractive feature. The applicant is proposing two rows of large trees in the park in addition to the current mature trees adjacent to Steeplechase apartments to screen residents from park activities. The rest of the park would remain mostly open space preserving the current view shed. Staff finds the plan compatible with the Community Character section of the Comprehensive Plan.
--------------------------------	--

Comprehensive Plan Staff Comments

Staff finds that this application, as proposed, is in compliance with the Comprehensive Plan.

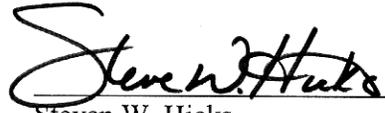
RECOMMENDATION

Staff finds the proposal to be consistent with the land use policies of the Comprehensive Plan, the Comprehensive Plan Land Use Map designation and surrounding zoning and development. At its May 4, 2011, meeting, the Planning Commission unanimously recommended approval of the application. Staff recommends the Board of Supervisors approve the application with the conditions listed in the attached resolution.



Luke Vinciguerra

CONCUR:



Steven W. Hicks

LV/nb
Sup03-11MCntyPk.doc

ATTACHMENTS:

1. Resolution
2. Location Map
3. Aerial Photograph
4. Master Plan
5. Unapproved Planning Commission Minutes

RESOLUTION

CASE NO. SUP-0003-2011. MID COUNTY PARK MASTER PLAN

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, the applicant has applied for an SUP for Mid County Park located at 3793 Ironbound Road and further identified as James City County Real Estate Tax Map No. 3830100010 to bring the park into conformance with the zoning ordinance prior to proposed site modifications; and

WHEREAS, on May 4, 2011, the Planning Commission unanimously recommended approval of the application; and

WHEREAS, the Board of Supervisors, following a public hearing is of the opinion that an SUP to allow the site modifications proposed to Mid County Park and to bring the existing park into conformance with the Zoning Ordinance should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0003-2011 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the park, associated fields, trails, parking areas, and accessory uses located at 3793 Ironbound Road and further identified as James City County Real Estate Tax Map No. 3830100010. The park shall be developed generally as shown on the exhibit drawn by Greensprings Landscape Architecture entitled "Proposed Mid-County Park Master Plan" and dated March 23, 2011, with only minor changes and/or additions that do not change the basic concept or character of the development as determined by the Planning Director.
2. Water Conservation Standards: James City County Parks and Recreation 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 site 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.
3. Lighting: Any 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 in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures which

are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No glare defined as 0.1 foot-candle or higher shall extend outside the Property lines.

4. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

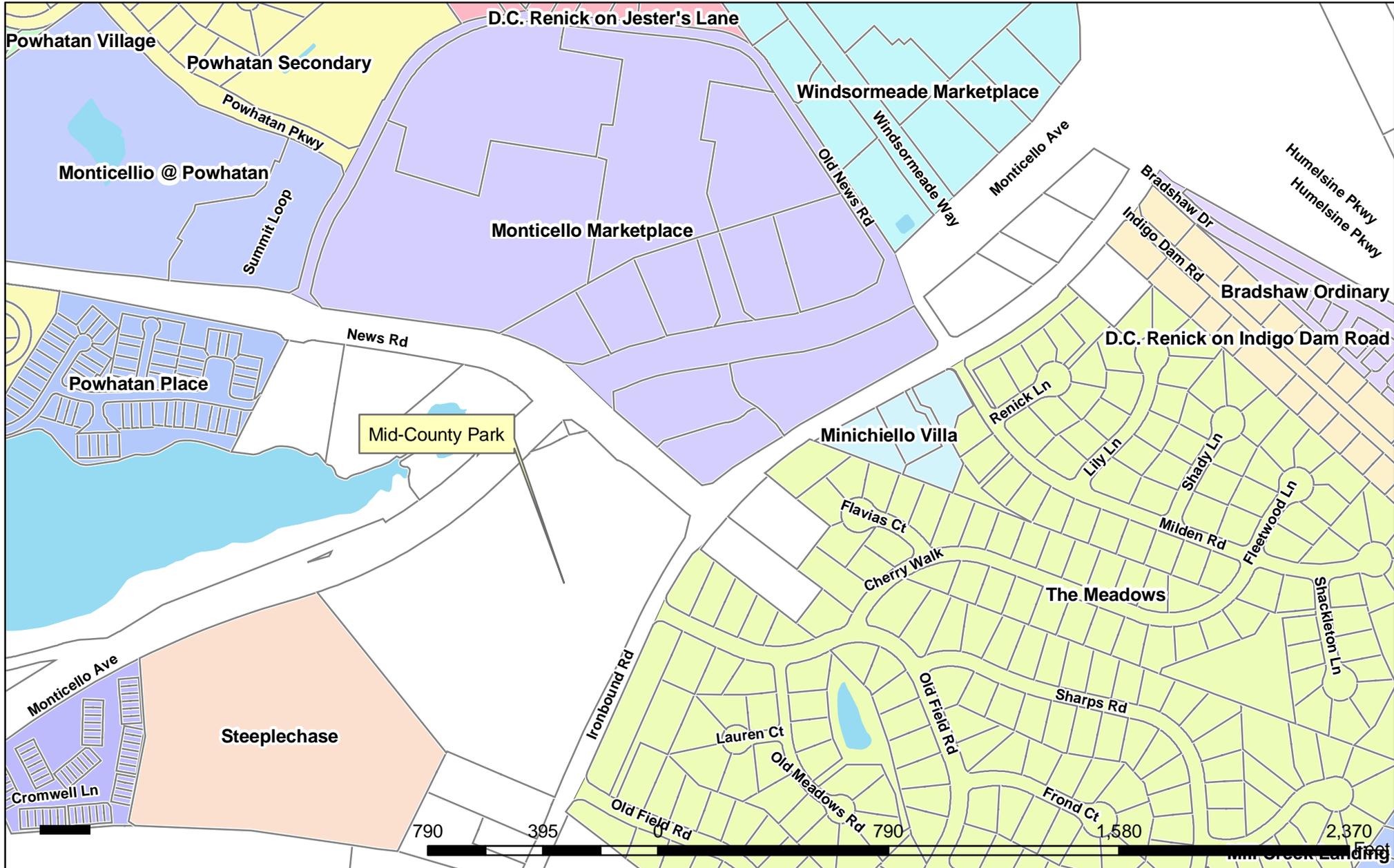
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2011.

Sup03-11MCntyPk_res

SUP-0003-2011

Mid-County Park Master Plan





Monticello Ave

News Rd

News Rd

Stephens Dr

Grey Fox Cir

Old Field Rd

Ironbound Rd

Old Meadows Rd

Lauren Ct

Old Field Rd

750

1,125 Feet

375

187.5

0

375

UNAPPROVED MINUTES FROM THE MAY 4, 2011 PLANNING COMMISSION MEETING

SUP-0003-2011 Mid-County Park Master Plan

Mr. Chris Johnson stated James City County Parks and Recreation has applied for a special use permit to bring the park into compliance with the Public Lands zoning district in advance of modifications to park facilities. Planning improvements include the removal of the baseball fields and lighting, moving the Ironbound Road entrance approximately 300 feet south, replacing the Kidsburg playground with a yet to be determined alternative, upgrading restrooms, fencing, and picnic shelters, and adding office space. The Parks and Recreation Advisory Committee (PRAC) unanimously recommended approval of the master plan. Staff recommends approval of the master plan with the four attached conditions.

Mr. Fraley opened the public hearing.

Mr. John Carnifax stated Parks held public meetings regarding the changes, including discussions with youth baseball programs. He stated baseballs hitting pedestrians and vehicles outside the park is a safety concern. To compensate for the loss of the Mid-County fields, Parks has agreed to light the varsity baseball fields at Warhill and Jamestown High Schools.

Mr. Peck asked about improved pedestrian access from Powhatan Secondary. He stated there was no safe crossing across Monticello Avenue, particularly at the News Road intersection.

Mr. Carnifax stated he discussed the Mid County project with the Virginia Department of Transportation (VDOT). He stated VDOT plans to improve the entire intersection with pedestrian cross walks and improved turn lanes on Ironbound and News. The improvements will take several years to complete, depending on funding.

Mr. Peck asked if he discussed the missing sidewalk near Rite Aid with VDOT.

Mr. Carnifax stated he did not.

Mr. Fraley stated there would be additional traffic improvement proffer funds from the Settler's Market and Courthouse Commons developments.

Mr. Tim O'Connor stated he had heard of a lack of practice facilities from the 10-and-under leagues. He asked if Parks planned to add any additional practice fields.

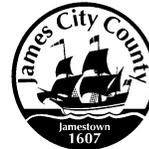
Mr. Carnifax stated Parks' goal was to make Mid-County more passive. He stated Parks meets the per capita baseball field standards in its master plan. A problem with sports is that everyone wants to practice on the best fields. Parks' challenge is to work with schools and youth leagues to upgrade fields around the county, including at Stonehouse and Norge.

Mr. Carnifax stated Parks would seek additional public input when it starts designing the Kidsburg replacement.

Mr. Fraley open the public comment session. Seeing none, Mr. Fraley closed the public comment session.

Mr. Rich Krapf moved to recommend approval with the attached conditions.

In a unanimous roll call vote, the Commission recommended approval (7-0).



MEMORANDUM COVER

Subject: Acquisition and Sale of Real Property – 4346 Ironbound Road

Strategic Management Plan Pathway: 2.c - increase the variety of safe, sanitary, and affordable housing; and 2.f - enhance community appearance

Action Requested: Shall the Board defer action to the acquisition and sale of 4346 Ironbound Road?

Summary: Staff is working on alternatives to present to the Board.
Staff recommends the Board of Supervisors defer this item until August 9, 2011.

Fiscal Impact: Funds are available for the purchase of this property in the existing Ironbound Square Roads Project in the Capital Improvements Program account.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

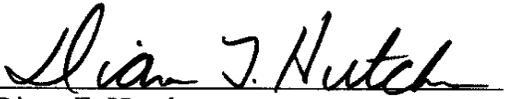
Agenda Item No.: H-3

Date: June 28, 2011

MEMORANDUM

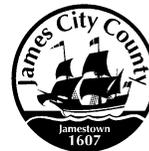
DATE: June 28, 2011
TO: The Board of Supervisors
FROM: Diana Hutchens, Manager of Community Services
SUBJECT: Acquisition and Sale of Real Property – 4346 Ironbound Road, Ironbound Square
Redevelopment

Staff recommends the Board of Supervisors defer to the August 9, 2011, meeting, consideration of the resolution authorizing the County Administrator to sign all necessary documents required to purchase 4346 Ironbound Road and to sell 4346 Ironbound Road in accordance with the Ironbound Square Redevelopment Plan.


Diana F. Hutchens

DH/nb
4346Irnwnd_Defer_mem

Attachment



MEMORANDUM COVER

Subject: Disposition of Real Property – 4352 Ironbound Road, Ironbound Square Redevelopment

Strategic Management Plan Pathway: 2.c – increase the variety of safe, sanitary, and affordable housing; and 2.f - enhance community appearance

Action Requested: Shall the Board approve the resolution authorizing the transfer of 4352 Ironbound Road?

Summary: Pursuant to the approved Master Plan for Phase 2 of the Ironbound Square Redevelopment Project, the subdivision plat designates this property as “Common Area 1.” The Common Area in this subdivision will be owned and maintained by the Ironbound Subdivision Homeowners Association. The neighborhood sign will be located in this Common Area.

Staff recommends adoption of the attached resolution authorizing the County Administrator to sign all necessary documents required to transfer and convey title for the Common Area 1 (also known as 4352 Ironbound Road) to the Ironbound Subdivision Homeowners Association.

Fiscal Impact: There is no Fiscal Impact

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-4

Date: June 28, 2011

MEMORANDUM

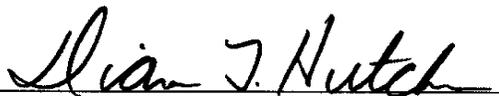
DATE: June 28, 2011
TO: The Board of Supervisors
FROM: Diana Hutchens, Manager of Community Services
SUBJECT: Disposition of Real Property – 4352 Ironbound Road, Ironbound Square Redevelopment

James City County (the “County”) purchased 4352 Ironbound Road (the “Property”) in 2006 for the Ironbound Square Redevelopment Project partially funded by a Community Development Block Grant. The purchase allowed the County to demolish a substandard house, provide road right-of-way for Watford Lane and Ironbound Road, and provide a Common Area for a Low Impact Development (LID) and the neighborhood sign.

Most property in the Ironbound Square Redevelopment Project Area was purchased in the name of the Williamsburg Redevelopment and Housing Authority (the “Authority”) pursuant to an agreement with the County. This Property could not be purchased in the name of the Williamsburg Redevelopment and Housing Authority because of zoning regulations, therefore, the Property was dedicated to the County as road right-of-way. After the Ironbound Square rezoning was approved and the subdivision plat was recorded, fee simple title was conveyed to the County.

The Master Plan for the Revitalization of Ironbound Square and the recorded subdivision plat, attached as Exhibit A, designate the Property as “Common Area 1.” A Declaration of Covenants and Restrictions for the Ironbound Square Subdivision stipulates that the Ironbound Subdivision Homeowners Association (the “Association”) will own and manage the Common Areas shown on the Master Plan. To accomplish the intent of the Redevelopment Plan, the Master Plan, and the Declaration, the Property must be transferred to the Association.

Staff recommends adoption of the attached resolution authorizing the County Administrator to sign all necessary documents required to transfer and convey title for the Common Area 1 (also known as 4352 Ironbound Road) to the Ironbound Subdivision Homeowners Association without consideration.


Diana F. Hutchens

DFH/nb
4352IronbdRd_mem

Attachments

RESOLUTION

DISPOSITION OF REAL PROPERTY – 4352 IRONBOUND ROAD,

IRONBOUND SQUARE REDEVELOPMENT

WHEREAS, the County purchased the real property identified as James City County Tax Map No. 3910100090A, being approximately 0.11 acres, and more commonly known as 4352 Ironbound Road (“Property”); and

WHEREAS, the County desires to convey the Property to the Ironbound Subdivision Homeowners Association, without consideration, in accordance with the Master Plan for Phase 2 of the Ironbound Square Redevelopment Project; and

WHEREAS, a public hearing was conducted on June 28, 2011, by the Board of Supervisors to receive public comment on the disposition of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute a deed and such other documents as may be necessary to convey the Property to the Ironbound Subdivision Homeowners Association without consideration.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

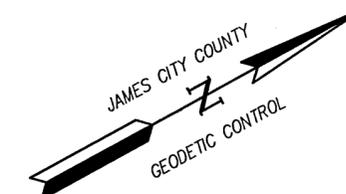
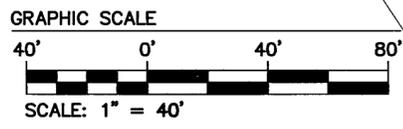
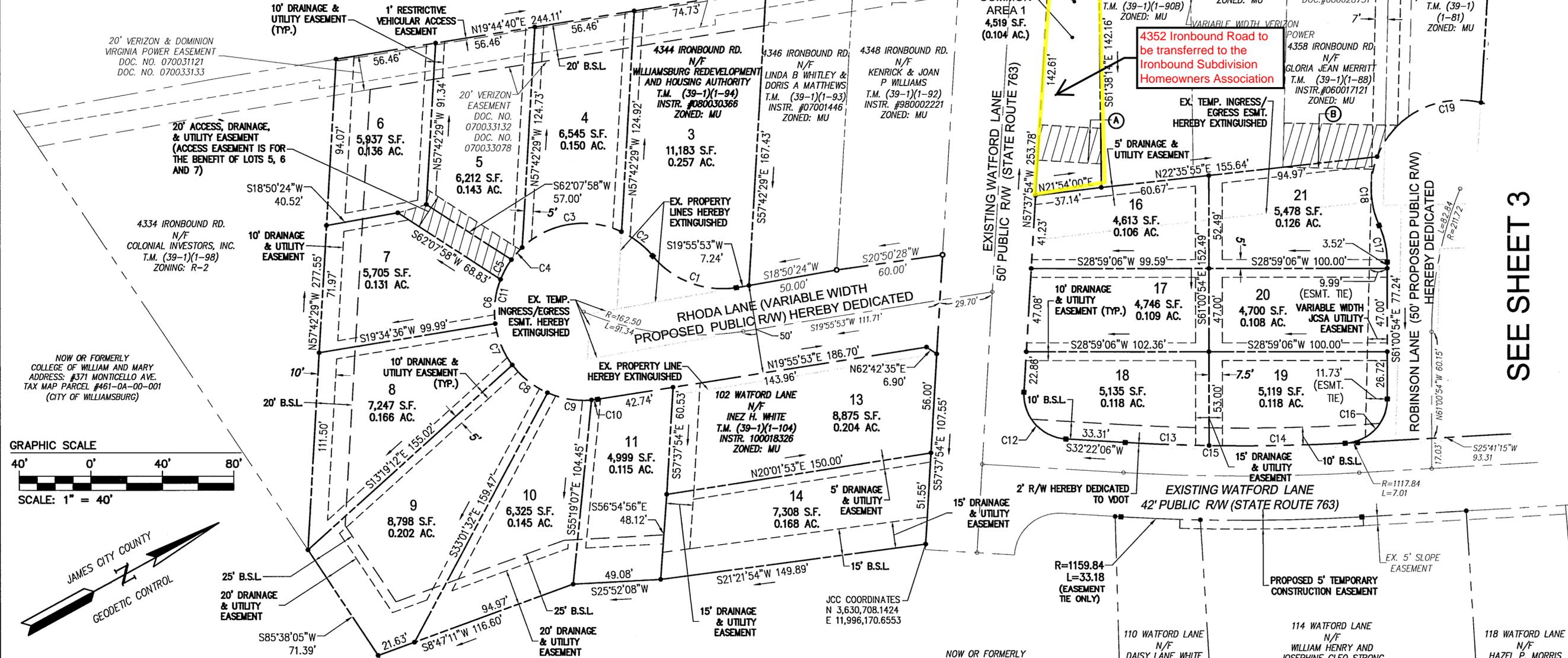
Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2011.

4352IronbdRd_res

Plat Showing 4352 Ironbound Road - Property Proposed to Be Transferred to the Ironbound Square Homeowners Association

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	60°00'00"	50.00'	52.36'	28.87'	50.00'	S49°55'53"W
C2	25°39'05"	50.00'	22.39'	11.38'	22.20'	S67°06'21"W
C3	68°41'33"	50.00'	59.95'	34.17'	56.42'	S19°56'02"W
C4	10°33'25"	50.00'	9.21'	4.62'	9.20'	S19°41'27"E
C5	14°34'04"	50.00'	12.71'	6.39'	12.68'	S32°15'11"E
C6	29°11'09"	50.00'	25.47'	13.02'	25.20'	S54°07'48"E
C7	29°12'19"	50.00'	25.49'	13.03'	25.21'	S83°19'32"E
C8	29°12'19"	50.00'	25.49'	13.03'	25.21'	N67°28'09"E
C9	28°57'18"	50.00'	25.27'	12.91'	25.00'	N38°23'21"E
C10	3°58'48"	50.00'	3.47'	1.74'	3.47'	N21°55'17"E

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C11	240°00'00"	50.00'	209.44'		86.60'	S40°04'07"E
C12	90°00'00"	25.00'	39.27'	25.00'	35.36'	S77°22'06"W
C13	2°24'36"	1117.84'	47.02'	23.51'	47.01'	S31°09'48"W
C14	3°54'40"	1117.84'	76.31'	38.17'	76.29'	S28°00'10"W
C15	6°19'16"	1117.84'	123.32'	61.72'	123.26'	S29°12'28"W
C16	87°03'43"	25.00'	37.99'	23.75'	34.44'	S17°29'02"E
C17	24°29'42"	50.00'	21.38'	10.85'	21.21'	S73°15'44"E
C18	45°41'10"	50.00'	39.87'	21.06'	38.82'	S62°40'00"E
C19	258°20'16"	50.00'	225.44'		77.53'	S43°39'33"W
C20	33°55'20"	50.00'	29.60'	15.25'	29.17'	S59°25'57"W



AREA TABULATION IRONBOUND SQUARE

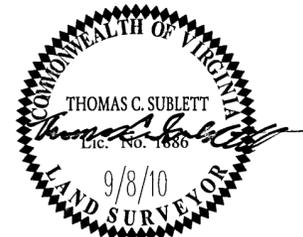
	SQUARE FEET	ACRES
AREA OF RESIDENTIAL LOTS	229,062 S.F.	5.26 AC.±
AREA OF PROPOSED PUBLIC RIGHT OF WAY (INCLUDES AREA PREVIOUSLY DEDICATED TO JAMES CITY COUNTY FOR R/W PURPOSES DOC. NO.'S 080028729, 080016692, 080016691)	43,818 S.F.	1.01 AC.±
AREA OF 2' R/W DEDICATION TO VDOT	1,426 S.F.	0.03 AC.±
AREA OF COMMON OPEN SPACE	20,362 S.F.	0.47 AC.±
TOTAL AREA SUBDIVIDED	294,668 S.F.	6.77 AC.±

	NUMBER OF LOTS
NUMBER OF LOTS	37
AVERAGE LOT SIZE	6,191 S.F. 0.142 AC.±
SMALLEST LOT (LOT 29)	4,312 S.F. 0.099 AC.±
LARGEST LOT (LOT 3)	11,183 S.F. 0.257 AC.±
GROSS LOTS PER ACRE	5.46

PROPERTY TABLE FOR EXISTING LOTS

	EXISTING LOT AREA	PROPOSED ADDITIONAL AREA	PROPOSED LOT AREA
LOT 3	0.281± ACRES 12,257± S.F.	-0.025± ACRES -1,074± S.F.	0.257± ACRES 11,183± S.F.
LOT 13	0.188± ACRES 8,206± S.F.	0.015± ACRES 669± S.F.	0.204± ACRES 8,875± S.F.
LOT 25	0.173± ACRES 7,542± S.F.	-0.016± ACRES -714± S.F.	0.157± ACRES 6,828± S.F.

Rev.	Date	Description	Revised By
3	3/04/11	REVISED JCSA EASEMENT	TCS/JFS
2	1/21/11	REVISED ACCESS EASEMENTS	TCS/JFS
1	11/2/10	REVISED PER JAMES CITY COUNTY COMMENTS	TCS/JFS

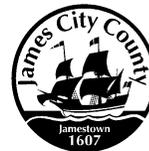


AES
CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 11
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

PLAT OF SUBDIVISION AND BOUNDARY LINE ADJUSTMENT
WILLIAMSBURG REDEVELOPMENT AND HOUSING AUTHORITY
IRONBOUND SQUARE
PHASE II
LOTS 3-11, 13, 14, 16-21, 25-43 AND 57
BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts: ABS/BMC
Project Number: 9014-05
Scale: 1"=40' Date: 9/8/10
Sheet Number: **2 OF 3**

SEE SHEET 3



MEMORANDUM COVER

Subject: Watershed Management Plans for Gordon and Mill Creeks

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution that adopts the watershed management plans for Gordon and Mill Creeks?

Summary: Staff have been working with Vanasse Hangen Brustlin, Inc. (VHB) to prepare two watershed management plans. These plans are the result of stakeholder input, staff experience implementing previous watershed plans, and advances in data collection and pollutant modeling since the first watershed plans were completed in the County. These plans also represent an incentive-based approach to encouraging improved resource management.

The strategies contained in the Gordon Creek plan are written to protect the almost pristine condition of the watershed and the plan identifies a number of potential conservation areas worthy of protection. The County itself is a major landowner in the watershed with Freedom Park, Chickahominy Riverfront Park, and Hornsby and Blayton Schools. Chapter 6, Subwatershed Management, summarizes the recommended actions to protect the overall watershed.

The plan for the highly developed Mill Creek watershed provides projected pollutant reductions for each recommended stormwater retrofit or restoration project. These estimated pollution reductions address nutrients and sediment and will be used to develop capital improvement program plans to improve water quality. Those improvements will also contribute to a response to any future regulatory requirements the County may face. Chapter 6, Subwatershed Management, includes estimated pollutant reductions and associated costs for each subwatershed.

Attachments include a side-by-side comparison of the goals and strategies contained in each plan and the executive summaries with watershed maps for each plan.

Fiscal Impact: Each plan identifies projects and estimated costs. Actual expenditures will be dependent on Board action or an annual budget authorization.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

- Attachments:**
- 1. Memorandum
 - 2. Resolution
 - 3. Watershed protection and restoration goals and strategic actions
 - 4. County watersheds location map
 - 5. Two Executive Summaries

Agenda Item No.: I-1

Date: June 28, 2011

MEMORANDUM

DATE: June 28, 2011

TO: The Board of Supervisors

FROM: Michael D. Woolson, Senior Watershed Planner
Frances C. Geissler, Stormwater Director

SUBJECT: Watershed Management Plans for Gordon and Mill Creeks

As summarized in the May 10, 2011, reading file, staff, with assistance from professionals with Vanasse Hangen Brustlin, Inc. (VHB), have been working to complete management plans for two County watersheds, the Gordon Creek and the Mill Creek. The plans that are before the Board tonight are the result of stakeholder input, staff experience implementing previous watershed plans, and advances in data collection and pollutant modeling since the first watershed plans were completed in the County. These plans also represent an incentive-based approach to encouraging improved resource management in James City County.

Attached is a side-by-side comparison of the goals and strategies contained in each plan. The priorities are very similar to those shown to the Board at its work session in June 2010. The minor changes are based on direct feedback from stakeholders. Also attached are the executive summaries with watershed maps for each watershed plan. The full plans can be found at www.jccegov.com/stormwater/watershedmanagement.

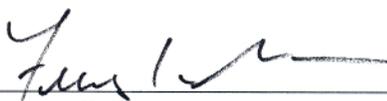
The strategies contained in the Gordon Creek watershed management plan are intended to protect the almost pristine condition of the watershed and, as such, the plan identifies a number of potential conservation areas worthy of protection. Of note is the fact that the County itself is a major landowner in the watershed with Freedom Park, Chickahominy Riverfront Park, and Hornsby and Blayton Schools. Chapter 6, Subwatershed Management, summarizes the recommended actions to protect the overall watershed.

By comparison, the plan for the highly developed Mill Creek watershed provides the County with projected pollutant reductions for each recommended stormwater retrofit or restoration project. These estimated pollution reductions address nutrients and sediment and will be used to develop capital improvement program plans to improve water quality. Those improvements will also contribute to a response to any future regulatory requirements the County may face. Chapter 6, Subwatershed Management, includes estimated pollutant reductions and associated costs for each subwatershed.

Each plan identifies projects and estimated costs. Actual expenditures will be dependent on Board action or an annual budget authorization.

The attached resolution is to adopt the proposed Gordon Creek and Mill Creek Watershed Management Plans and priorities.

Michael D. Woolson



Frances C. Geissler

MDW/FCG/nb
Gord-MilCrks_mem2

Attachments

RESOLUTION

WATERSHED MANAGEMENT PLANS FOR GORDON AND MILL CREEKS

WHEREAS, the Gordon and Mill Creeks are resources of local and regional significance; and

WHEREAS, the Board authorized staff to prepare management plans to help the County and landowners protect and restore the watersheds and their natural resources; and

WHEREAS, stakeholders, staff, and consultants have met over a period of 24 months to share information, set goals, and develop the two watershed management plans.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts both the Gordon Creek and the Mill Creek Watershed Management Plans dated May 24, 2011.

Mary K. Jones
Chairman, Board of Supervisors

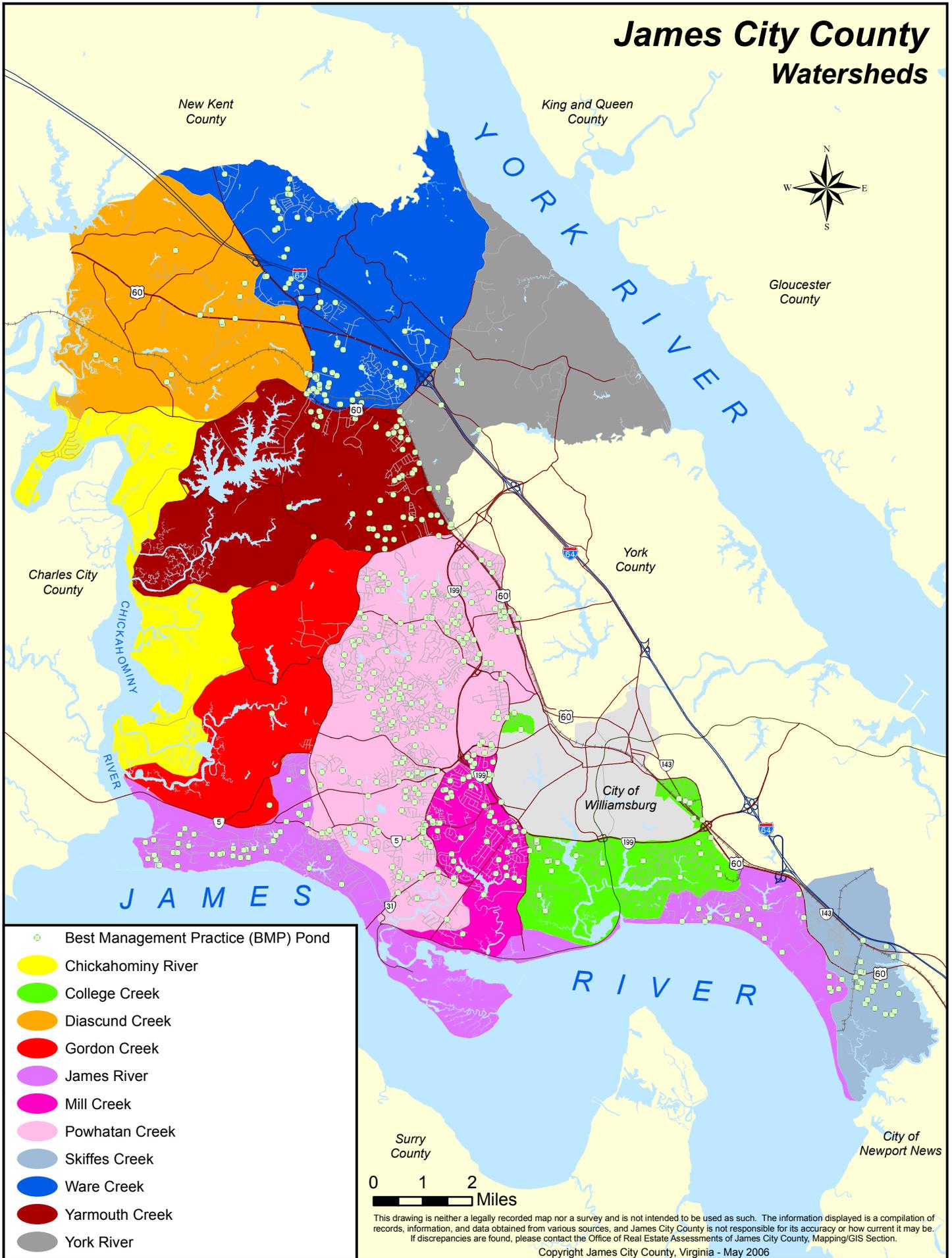
ATTEST:

Robert C. Middaugh
Clerk to the Board

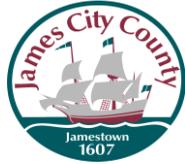
Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2011.

Gord-MilCrks_res2

James City County Watersheds



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.
 Copyright James City County, Virginia - May 2006



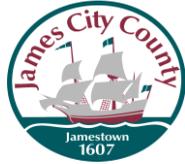
WATERSHED PROTECTION AND RESTORATION GOALS AND STRATEGIC ACTIONS

a. Watershed-Wide Protection and Restoration Goals						
Goal		Description				
1	Minimize the further degradation of water quality and preserve, restore and maintain the outstanding quality of all streams within the watershed as well as tidal and nontidal wetlands.					
2	Develop in a manner that is consistent with the protection of living resources : avoid habitat fragmentation and encourage the preservation of riparian and wildlife corridors.					
3	Promote active stewardship among residents, community associations, businesses, and seasonal visitors.					
b. Strategic Actions for Watershed Protection and Restoration and Estimated Costs						
		GORDON CREEK WS			MILL CREEK WS	
Goals	Strategic Action	Priority	Watershed Location	Cost to County and Action	Priority	Watershed Location and Action
ALL	Provide incentives for new development (and redevelopment) to add intermittent stream buffers, expanded RPA and mainstem buffers, preserve identified conservation areas, minimize impervious cover, and maximize contiguous open space.	1	watershed wide & County wide	HIGH: >\$200K	1	watershed wide & County wide HIGH: >\$200K
ALL	Identify areas within the watershed where riparian corridors are in an unnatural condition and seek ways, including incentives, to restore those areas to their natural condition.	2	watershed wide & County wide	MODERATE: \$15-25K	2	watershed wide & County wide MODERATE: \$15-25K
1, 2	Implement Special Stormwater Criteria for all new plans for development (except those with approved plans or in review)	3	watershed wide	SMALL: program ongoing	not included	
ALL	Promote the Purchase of Development Rights (PDR) program funds for special resource areas (e.g., riparian buffers and conservation areas).	4	watershed wide	HIGH: \$200K / year	not included	
2,3	Identify key stakeholders within the watershed (landowners, schools, etc.) that can help implement watershed planning objectives. Work with them to develop a shared vision for preserving natural resources through community actions and provide opportunities for them to contribute to the attainment of watershed management goals.	5	watershed wide	SMALL: explore academic or volunteer consulting input	not included	
1, 3	Continue to fully implement the requirements of the County's MS4 permit in relation to watershed management throughout County.	6	watershed wide & County wide	SMALL: already underway	3	watershed wide & County wide SMALL: already underway



WATERSHED PROTECTION AND RESTORATION GOALS AND STRATEGIC ACTIONS

		GORDON CREEK WS			MILL CREEK WS		
Goals	Strategic Action	Priority	Watershed Location	Cost to County and Action	Priority	Watershed Location	Cost to County and Action
1, 3	Fully implement the Mill-Powhatan Creek TMDL Implementation Plan in response to ongoing water quality concerns		not included		4	watershed wide	HIGH: \$>2M
1	Update or develop new Better Site Design (BSD) educational materials to be made available to developers and homeowner's associations and conduct training.	7	watershed wide	SMALL: largely internal coordination	5	watershed wide	SMALL: largely internal coordination
1	Continue to work with County departments to incorporate BSD requirements into applicable ordinances and into the County BMP Manual, and to develop consistent review procedures.	8	watershed wide	SMALL: largely internal coordination	6	watershed wide	SMALL: largely internal coordination
ALL	Work with private landowner(s) to develop feasibility plans for the dams at Jolly Pond and Warburton Pond, including but not limited to evaluating potential funding sources for the repair, monitoring and maintenance of the dams and associated roadways, assessment for archaeological resources, potential impacts to archaeological and environmental resources and public health and safety associated with either dam failure or purposeful decommissioning, and options for restoration of the former stream channel and bottomlands.	9	all subwatersheds except 202 (tidal mainstem)	MODERATE: \$30-60K ea.		not included	
ALL	Use subwatershed maps to ensure James City County staff and stakeholder awareness of existing locations for restoration and potential conservation areas.	10	watershed wide	SMALL: internal coordination	7	watershed wide	SMALL: internal coordination
3	Continue to support and grow a citizen/volunteer-based team of individuals to routinely perform assessments of stream health, including sampling for benthic macroinvertebrates, water quality indicators, and photodocumentation.	11	watershed wide	SMALL: already underway	8	watershed wide	SMALL: already underway
3	Improve the availability of educational materials by including watershed information as part of the Freedom Park environmental / interpretive area. Also use the PRIDE website. Educate people about watershed awareness including chemical disposal, pet waste, onsite waste disposal systems, rubbish, and boat wakes.	12	watershed wide	MODERATE: \$15-25K		not included	
3	Improve the availability of educational materials by developing materials for use by HOA's and neighborhood associations. Also use the PRIDE website. Educate people about watershed awareness including proper disposal of fats, oils, grease, and other chemicals, pet waste, onsite waste disposal systems, trash and boat wakes.		not included		9	watershed wide	SMALL: use stakeholder meetings for insight



WATERSHED PROTECTION AND RESTORATION GOALS AND STRATEGIC ACTIONS

		GORDON CREEK WS			MILL CREEK WS		
Goals	Strategic Action	Priority	Watershed Location	Cost to County and Action	Priority	Watershed Location	Cost to County and Action
1	Conduct additional feasibility assessments, validate, and carry out the stormwater retrofits and stream restorations identified in this watershed plan	13	101, 105, 106, 202	MODERATE: \$75-150K ea.	10	all but tidal mainstem	HIGH: >\$2M
ALL	Continue to utilize available regional / state / federal data in the County GIS database, including but not limited to data from the DHR-DSS, DCR-DNH and DGIF to: a) assist in prioritizing conservation areas; b) ensure that potential development opportunities fully appreciate the cultural and natural resources within the footprint; and c) be sensitive to potential resources when and where any emergency action is needed.	14	watershed wide & County wide	SMALL: if data available for exchange from State agencies		not included	
3	Enhance stewardship by specifically addressing litter and shoreline erosion from boat wake issues	15	subwatershed 202	SMALL: use stakeholder meetings for insight		not included	
2,3	Consider participation in the Virginia Big Tree or similar recognition program to identify historic and specimen trees and promote the importance of trees to the landscape	16	watershed wide & County wide	SMALL: explore academic or volunteer consulting input	11	watershed wide & County wide	SMALL: explore academic or volunteer consulting input
1	Develop an inter-departmental rapid response protocol and team to deal with unforeseen and emergency threats to water quality and infrastructure (e.g., leaking sewer lines, storm-related or unpredictable channel and bank erosion, hazmat spills, etc.)	17	watershed wide & County wide	SMALL: largely internal coordination	12	watershed wide & County wide	SMALL: largely internal coordination



Executive Summary

Watershed Overview

The Gordon Creek watershed lies in the southwestern portion of James City County (JCC; see Figure E-1). It is bounded to the north by Jolly Pond Road, to the west by Jolly Pond and Bush Neck Roads, to the south by John Tyler Highway (State Route 5), and to the east by Centerville Road (Figure E-2). At 13.8 square miles (8,825 ac), the watershed is the second smallest watershed in JCC, and lies entirely within the County limits. The watershed is primarily forested and contains roughly 24 miles of headwater streams that flow to the Gordon Creek mainstem. There are eight subwatersheds in the Gordon Creek watershed (Figure E-2). Subwatersheds 101 through 106 are well forested and characterized by first and second order headwater streams. Subwatershed 201 was designated based primarily on the extent of the normal pool elevation of Jolly Pond and does not include the drainage areas for any major tributaries to Gordon Creek. Lastly, Subwatershed 202 represents the tidal portion of the watershed, amounting to 4,746 acres or 54 percent of the total watershed area.

Jolly Pond Dam constitutes the general location of the transition from non-tidal to freshwater tidal hydrology. Below the dam, Gordon Creek continues a meandering course for another 14 miles, flowing through the large freshwater tidal marshes of Nayses Bay to join the Chickahominy River near its confluence with the James River. The freshwater tidal marshes of Gordon Creek measure over 900 acres, equating to roughly 10 percent of the total watershed area. Land development within the watershed is scattered, with impervious cover amounting to less than 1.5 percent of the total area. Roughly 2,725 acres or 31 percent of the watershed lies within the Gordon Creek Agricultural and Forestal District (AFD). Besides residential uses, land use practices in the Gordon Creek watershed are reflective of this AFD designation and include organized hunting clubs, recreation, and small-scale silvicultural and aggregate mining activities. The principal zoning types are General Agriculture (A1) and Public Lands, at 81 percent and 17 percent of the total watershed land area, respectively. A number of JCC-owned properties and facilities are present, including the Solid Waste Transfer Station and Jolly Pond Convenience Center, two parks (Freedom Park and Chickahominy Riverfront Park), Matoaka Elementary School, and the J. Blaine Blayton Elementary and adjacent Lois Hornsby Middle Schools, which opened in 2010. With the exception of minor areas along Centerville Road, virtually all of the Gordon Creek watershed lies outside the Primary Service Area (PSA). Therefore, sanitary waste will continue to be managed via on-site waste disposal systems.



Watershed Assessment

Based on the Impervious Cover Model, each of Gordon Creek's eight subwatersheds is classified as SENSITIVE because they have less than 10 percent impervious cover. SENSITIVE streams are high quality streams that have not been degraded by the effects of urbanization. However, by considering a worst-case scenario for future growth in the watershed (i.e., all A1-zoned land outside of Resource Protection Areas or other conservation areas being developed in the most intensive way allowable), impervious cover in five of the eight watersheds is expected to exceed 10 percent but remain below 25 percent. This will result in these subwatersheds being recategorized as IMPACTED. For this reason, a Baseline Watershed Assessment was carried out to proactively characterize the condition of in-stream and riparian habitat; document occurrences of stream instabilities such as bank and channel erosion; map the location of stormwater outfalls, utility and other stream crossings, and trash and debris; and to help identify and prioritize potential stormwater retrofit, stream restoration, and/or riparian buffer management opportunities.

Stream, Floodplain, and Conservation Area Assessment

The results of the Stream Habitat Assessment reflect the relatively undeveloped status of the Gordon Creek watershed. Each of the 24 stream reaches fell into the excellent or good category, with the overwhelming majority (17) ranked as excellent. Because the Gordon Creek watershed is currently the least developed watershed in JCC, there are very few instances of streams impacted by uncontrolled stormwater discharge.

Potential Conservation Areas were identified by reviewing state Division of Natural Heritage surveys and performing forest community and wetland functional assessments. Natural Areas Inventories found rare animals present in Colby Swamp and significant natural communities present in the marshes around Gordon Island at the mouth of the Gordon Creek mainstem. The freshwater tidal marshes of Gordon Creek measure over 900 acres, equating to roughly 10 percent of the total watershed area.

Existing Stormwater Infrastructure and Pollutant Loading.

To identify and prioritize potential stormwater retrofit and watershed restoration candidates, those impact areas identified during the Stream and Floodplain Habitat Assessment that were deemed to have the most potential for retrofit and/or restoration were revisited and reassessed using the Neighborhood Source Assessment (NSA) and Retrofit Reconnaissance Investigation (RRI) field forms. The only subdivision deemed suitable for application of the NSA was determined to be



the Greensprings Mobile Home Park, located in the southeastern portion of the watershed just off Centerville Road. The NSA was conducted to evaluate pollution source areas, stewardship behaviors, and restoration opportunities within individual residential areas. The assessment looked specifically at yards and lawns, rooftops, driveways and sidewalks, curbs, and common areas.

Using the RRI field form, the stormwater retrofit potential of each candidate site was evaluated by analyzing drainage patterns, drainage areas, impervious cover, available space, and other site constraints (e.g., conflicts with existing utilities and land uses, site access, and potential impacts to natural areas). Each stormwater retrofit concept was based on the size of the candidate project site, impervious area treated, site constraints, and the overall watershed restoration goals being pursued. Unless there were obvious site constraints and/or evidence that a particular stormwater retrofit would offer few or no watershed benefits, a stormwater retrofit concept was developed.

Realizing Watershed Goals through Strategic Actions

JCC has developed three overarching goals for watershed protection and restoration:

1. Minimize the further degradation of **water quality** in Gordon Creek and preserve, restore and maintain the outstanding quality of all streams within the watershed as well as tidal and nontidal wetlands.
2. Develop in a manner that is consistent with the **protection of living resources** in the Gordon Creek watershed: avoid habitat fragmentation and encourage the preservation of riparian and wildlife corridors.
3. Promote active **stewardship** among residents, community associations, businesses, and seasonal visitors in the Gordon Creek watershed.

Realizing these goals and addressing watershed issues involves the implementation of two types of Strategic Action. These represent the core of the watershed management plan.

1. **Watershed Restoration Projects** such as restoring degraded or piped stream channels, retrofitting BMPs, and repairing water level control structures (e.g., Freedom Park Beaver Dam); and
2. **Administrative / Technical and Educational Efforts** aimed at increasing JCC staff and stakeholder awareness, fostering watershed stewardship, augmenting baseline information about watershed resources, and realizing



opportunities for land conservation and redevelopment through the pursuit of shared goals and transparent communication with and between property owners.

The 17 Strategic Actions developed for the Gordon Creek watershed are provided in the attached Table E-1. These Strategic Actions were developed and then prioritized based in large part on stakeholder feedback collected from two meetings. The first was conducted on October 16, 2007, during which the results of the Baseline Assessment were presented. The second meeting was held on March 1, 2010. Draft Strategic Actions were presented and attendees were given the opportunity to rank them based on their relative importance.

Watershed Restoration Opportunities

Of the 20 stream impacts observed, only 6 were deemed necessary to address, none of which are critical. Those identified reflect the need to better control stormwater associated with impervious roadways or parking lots (of which there are few in the watershed) or upgrade antiquated structural components. Most of the recommendations represent opportunities to employ small scale low-impact development (LID) practices to treat runoff from impervious surfaces. One stream restoration and floodplain reconnection opportunity was identified at Greensprings Mobile Home Park.

Based on the size of the drainage areas for each of these retrofit/restoration locations relative to the size of the overall watershed and/or the recommended approach, these retrofits will not have a significant impact on overall water quality in the watershed. This is a reflection of the relatively undeveloped nature of the watershed and general lack of retrofit opportunities. However, the repair of the beaver dam at Colby Swamp may represent a mixed use retrofit, providing visitors to Freedom Park with a view of the wetlands and students from J. Blaine Blayton Elementary and Lois Hornsby Middle Schools with educational and recreational opportunities.

Six conservation areas are proposed and were earmarked based on the degree of forest contiguity and forest size, presence of high-quality non-tidal wetlands, and/or streams with unique attributes such as shell-rich beds. The large expanse of tidal wetlands and the interspersed old-growth islands in the lower Gordon Creek watershed are also considered worthy for conservation.



Components of the Gordon Creek Watershed Management Plan

The *Gordon Creek Watershed Management Plan* consists of the following Chapters:

Chapter 1: provides a Watershed Overview and discusses the results of the Baseline Watershed Assessment and recommendations for watershed restoration projects.

Chapter 2 describes the development of Watershed Goals.

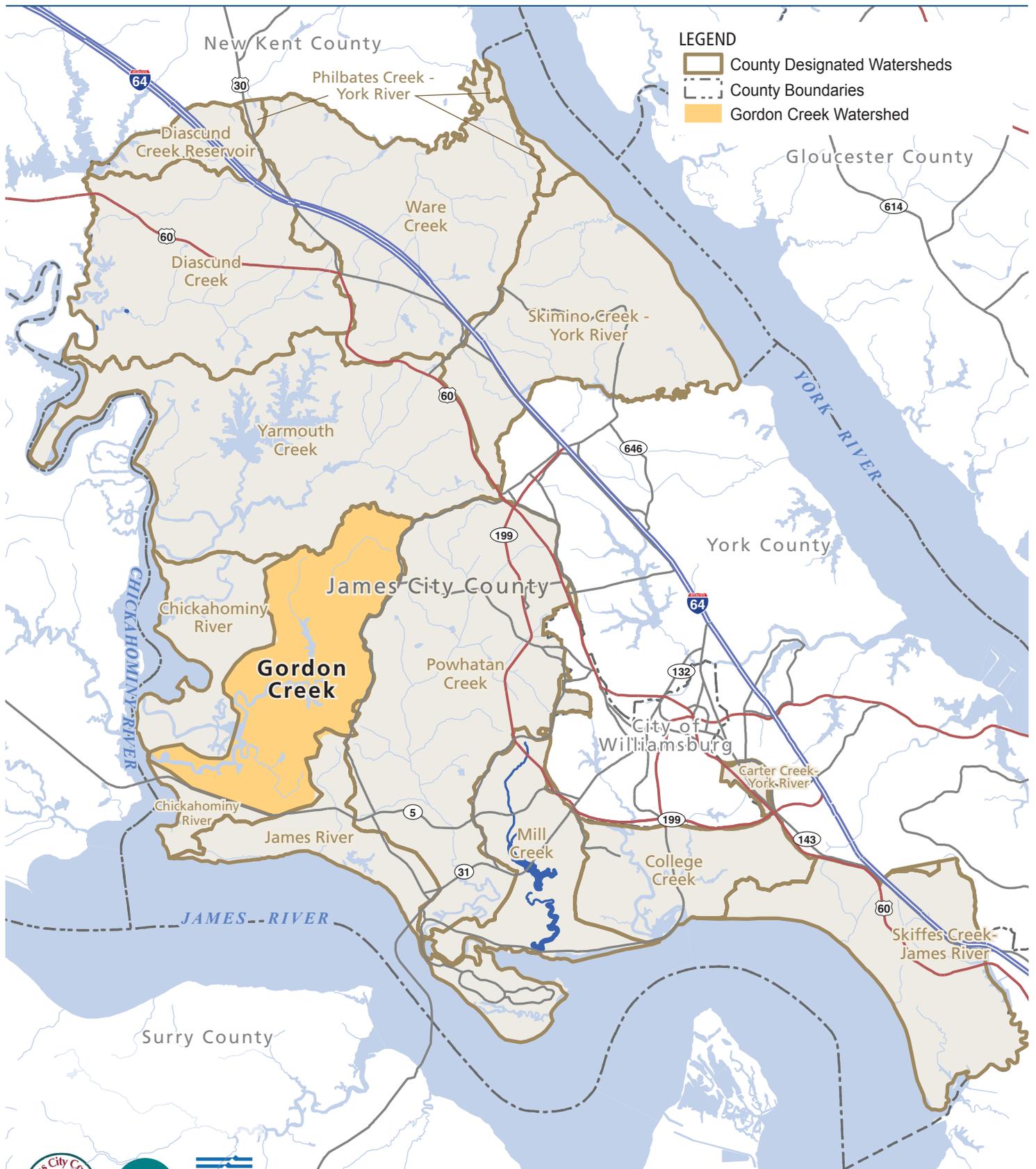
Chapter 3 describes the development of Strategic Actions for the realization of Watershed Goals.

Chapter 4 presents the Stormwater Master Plan, including the current state of stormwater management in the watershed, applicable regulations, and the development of subwatershed strategies.

Chapter 5 presents the Implementation Plan, outlining the tentative timeframe for the execution of the Strategic Actions, their approximate cost, and responsible parties.

Chapter 6 includes individual Subwatershed Management Plans that summarize conditions within the eight subwatersheds. These are designed to act as quick reference guides for JCC staff and include a general description of the subwatershed, the proposed watershed restoration and conservation opportunities therein, and a variety of other tabular information such as:

- land use;
- impervious area; and
- summary of stream and point impacts.



GORDON CREEK

Watershed Management Plan

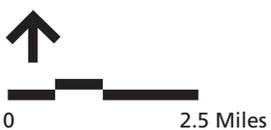
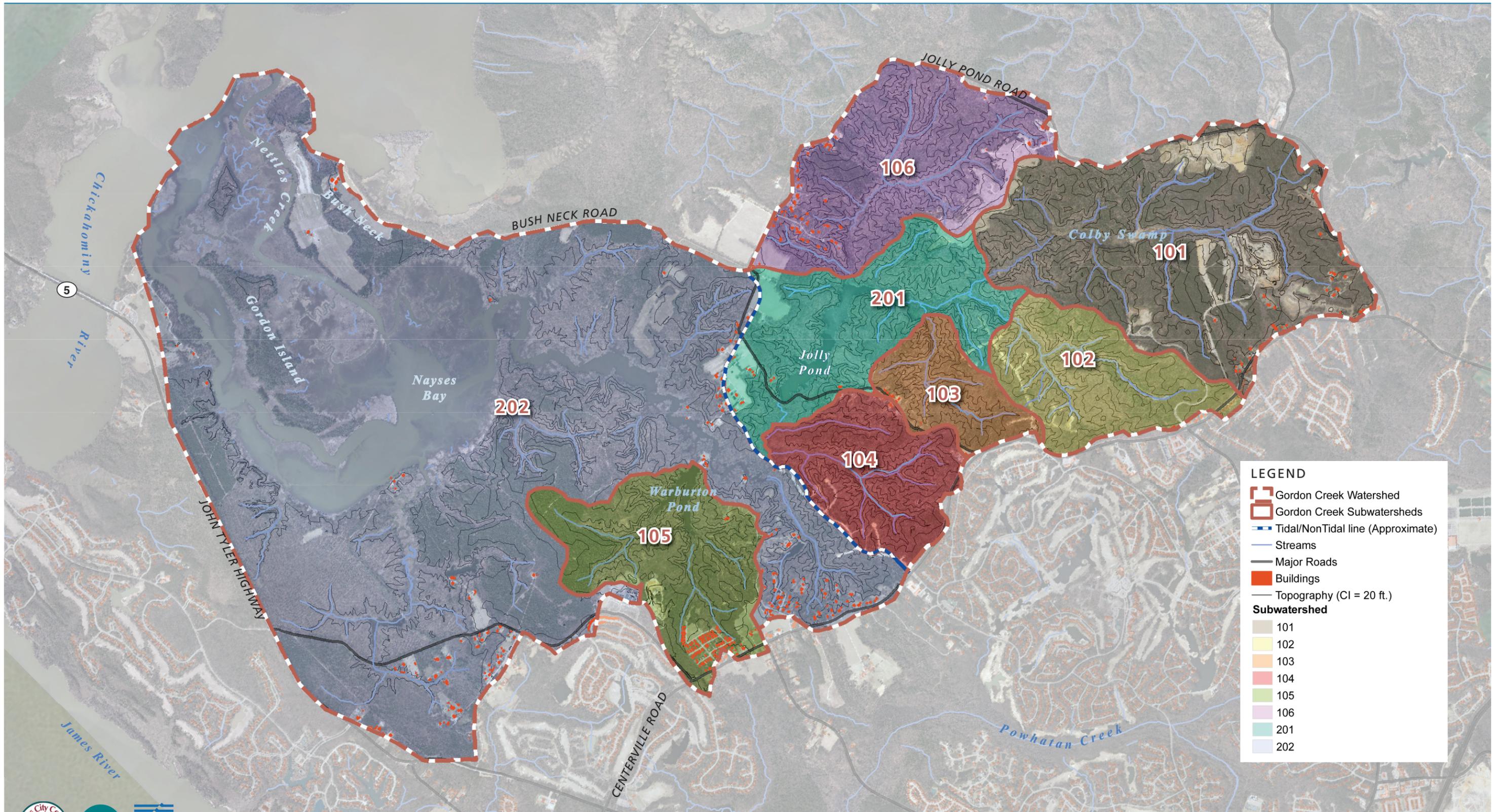


Figure E-1
James City County Watersheds



LEGEND

- Gordon Creek Watershed
- Gordon Creek Subwatersheds
- Tidal/NonTidal line (Approximate)
- Streams
- Major Roads
- Buildings
- Topography (CI = 20 ft.)

Subwatershed

- 101
- 102
- 103
- 104
- 105
- 106
- 201
- 202



GORDON CREEK

Watershed Management Plan

Figure E-2

Gordon Creek Watershed and Subwatershed Map

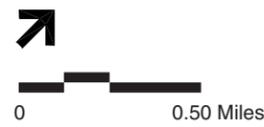




TABLE E-1. GORDON CREEK WATERSHED PROTECTION AND RESTORATION GOALS AND RECOMMENDATIONS FOR GOAL REALIZATION

a. Watershed-Wide Protection and Restoration Goals

Goal	Description
1	Minimize the further degradation of water quality in Gordon Creek and preserve, restore and maintain the outstanding quality of all streams within the watershed as well as tidal and nontidal wetlands.
2	Develop in a manner that is consistent with the protection of living resources in the Gordon Creek watershed: avoid habitat fragmentation and encourage the preservation of riparian and wildlife corridors.
3	Promote active stewardship among residents, community associations, businesses, and seasonal visitors.

b. Strategic Actions for Watershed Protection and Restoration and Estimated Costs

Priority	Goals	Strategic Action	Watershed Location	Cost to County and Action	Coordinating Parties
1	1,2	Provide incentives for new development to add intermittent stream buffers, expanded RPA and mainstem buffers, preserve identified conservation areas, minimize impervious cover, and maximize contiguous open space.	watershed wide & County wide	HIGH: >\$200K	ED, PD, DM
2	1,2	Identify areas within the watershed where riparian corridors have been damaged, disturbed or are in an unnatural condition and seek ways, including incentives, to restore those areas to their natural condition.	watershed wide & County wide	MODERATE: \$15-25K	DM, ED, SD, GS, GIS, SH
3	1	Implement Special Stormwater Criteria for all new plans for development (except those with approved plans or in review)	watershed wide	SMALL: program ongoing	DM, ED, PD
4	ALL	Promote the Purchase of Development Rights (PDR) program funds for special resource areas (e.g., riparian buffers and conservation areas).	watershed wide	HIGH: \$200K / year	DM, PDR, SH
5	2,3	Identify key stakeholders within the watershed (landowners, schools, etc.) that can help implement watershed planning objectives. Work with them to develop a shared vision for preserving natural resources through community actions and provide opportunities for them to contribute to the attainment of watershed management goals.	watershed wide	SMALL: explore academic/volunteer consulting input	ED, PD, SD, SH, outside consultants / agencies
6	1,3	Continue to fully implement the requirements of the County's MS4 and solid waste management permits in relation to watershed management throughout County.	watershed wide & County wide	SMALL: already underway	ED, SD, GS, JCSA, GIS, WJCCS
7	1	Update or develop new Better Site Design (BSD) educational materials to be made available to developers and homeowner's associations and conduct training.	watershed wide	SMALL: largely internal coordination	DM, ED, PD

Key: DM = Development Management, ED = Environmental Division, GIS = GIS/Mapping Section, GS = General Services, JCSA = James City Service Authority
 PD = Planning Department, PDR = Purchase of Development Program, P&R = parks and recreation, SD = Stormwater Division, SH = stakeholders, WJCCS = schools



TABLE E-1. GORDON CREEK WATERSHED PROTECTION AND RESTORATION GOALS AND RECOMMENDATIONS FOR GOAL REALIZATION

a. Watershed-Wide Protection and Restoration Goals

Goal	Description
1	Minimize the further degradation of water quality in Gordon Creek and preserve, restore and maintain the outstanding quality of all streams within the watershed as well as tidal and nontidal wetlands.
2	Develop in a manner that is consistent with the protection of living resources in the Gordon Creek watershed: avoid habitat fragmentation and encourage the preservation of riparian and wildlife corridors.
3	Promote active stewardship among residents, community associations, businesses, and seasonal visitors.

b. Strategic Actions for Watershed Protection and Restoration and Estimated Costs

Priority	Goals	Strategic Action	Watershed Location	Cost to County and Action	Coordinating Parties
8	1	Continue to work with County departments to incorporate BSD requirements into applicable ordinances and into the County BMP Manual, and to develop consistent review procedures.	watershed wide	SMALL: largely internal coordination	DM, ED, PD
9	ALL	Work with private landowner(s) to develop feasibility plans for the dams at Jolly Pond and Warburton Pond, including but not limited to evaluating potential funding sources for the repair, monitoring and maintenance of the dams and associated roadways, assessment for archaeological resources, potential impacts to archaeological and environmental resources and public health and safety associated with either dam failure or purposeful decommissioning, and options for restoration of the former stream channel and bottomlands.	all subwatersheds except 202 (tidal mainstem)	MODERATE: \$30-60K ea.	DM, ED, PD, SD, SH, outside consultants / agencies
10	ALL	Use subwatershed maps to ensure James City County staff and stakeholder awareness of existing locations for restoration and potential conservation areas.	watershed wide	SMALL: internal coordination	ED, DM, GIS, PD, SD, GS
11	3	Continue to support and grow a citizen/volunteer-based team of individuals to routinely perform assessments of stream health, including sampling for benthic macroinvertebrates, water quality indicators, and photodocumentation.	watershed wide	SMALL: already underway	SD, SH, outside consultants / agencies
12	3	Improve the availability of educational materials by including watershed information as part of the Freedom Park environmental / interpretive area. Also use the PRIDE website. Educate people about watershed awareness including chemical disposal, pet waste, onsite waste disposal systems, rubbish, and boat wakes.	watershed wide	MODERATE: \$15-25K	ED, P&R, SD, SH

Key: DM = Development Management, ED = Environmental Division, GIS = GIS/Mapping Section, GS = General Services, JCSA = James City Service Authority
 PD = Planning Department, PDR = Purchase of Development Program, P&R = parks and recreation, SD = Stormwater Division, SH = stakeholders, WJCCS = schools



TABLE E-1. GORDON CREEK WATERSHED PROTECTION AND RESTORATION GOALS AND RECOMMENDATIONS FOR GOAL REALIZATION

a. Watershed-Wide Protection and Restoration Goals

Goal	Description
1	Minimize the further degradation of water quality in Gordon Creek and preserve, restore and maintain the outstanding quality of all streams within the watershed as well as tidal and nontidal wetlands.
2	Develop in a manner that is consistent with the protection of living resources in the Gordon Creek watershed: avoid habitat fragmentation and encourage the preservation of riparian and wildlife corridors.
3	Promote active stewardship among residents, community associations, businesses, and seasonal visitors.

b. Strategic Actions for Watershed Protection and Restoration and Estimated Costs

Priority	Goals	Strategic Action	Watershed Location	Cost to County and Action	Coordinating Parties
13	1	Conduct additional feasibility assessments, validate, and carry out the stormwater retrofits and stream restorations identified in this watershed plan	101, 105, 106, 202	MODERATE: \$75-150K ea.	DM, ED, SD
14	ALL	Continue to utilize available regional / state / federal data in the County GIS database, including but not limited to data from the DHR-DSS, DCR-DNH and DGIF to: a) assist in prioritizing conservation areas; b) ensure that potential development opportunities fully appreciate the cultural and natural resources within the footprint; and c) be sensitive to potential resources when and where any emergency action is needed.	watershed wide & County wide	SMALL: if data available for exchange from State agencies	GIS, PD, outside agencies
15	3	Enhance the stewardship of Gordon Creek by specifically addressing litter and shoreline erosion from boat wake issues	202	SMALL: use stakeholder meetings for insight	SD, GS, SH, outside agencies
16	ALL	Consider participation in the Virginia Big Tree or similar recognition program to identify historic and specimen trees and promote the importance of trees to the landscape	watershed wide & County wide	SMALL: explore academic/volunteer consulting input	DM, ED, SD, GS, GIS, SH
17	1	Develop an inter-departmental rapid response protocol and team to deal with unforeseen and emergency threats to water quality and infrastructure (e.g., leaking sewer lines, storm-related or unpredictable channel and bank erosion, hazmat spills, etc.)	watershed wide & County wide	SMALL: largely internal coordination	DM, ED, GIS, JCSA, SD, GS, WJCCS, P&R

Key: DM = Development Management, ED = Environmental Division, GIS = GIS/Mapping Section, GS = General Services, JCSA = James City Service Authority
 PD = Planning Department, PDR = Purchase of Development Program, P&R = parks and recreation, SD = Stormwater Division, SH = stakeholders, WJCCS = schools



Executive Summary

Watershed Overview

The Mill Creek watershed is located in the southern portion of James City County (JCC) between the Powhatan Creek and College Creek watersheds (Figure ES-1). At approximately 5.7 square miles in size, the Mill Creek watershed is among the smallest watersheds in JCC, and is located almost entirely within the County limits. The watershed is also the most developed of all watersheds, with impervious cover totaling roughly 15 percent or 554 acres. However, impervious cover is not evenly distributed throughout the watershed but rather is concentrated in the northern two-thirds and in non-tidal areas, with the dividing line roughly coincident with Lake Powell Road (SR 618).

The majority of the impervious cover in the Mill Creek watershed is associated with neighborhoods populated by single family homes, and 71 subdivisions are present. Commercial development is also present in the form of shopping centers and scattered office buildings. The vast majority of the watershed (45%) is zoned as Limited Residential (R1), with the majority of buildings being single family residences in low-medium density subdivisions that range from 50 years old to recent development. The Mill Creek watershed is essentially built-out, with little opportunity for redevelopment. A substantial 27 percent (973 acres) of the Mill Creek watershed lies within a Resource Protection Area (RPA), with 26 percent of the watershed being forested.

Watershed Assessment

Development within the Mill Creek watershed is highly focused in the upper watershed, with comparatively little infrastructure present south of Lake Powell or distant from Jamestown Road. In fact, over 80 percent of the residences and all of the commercial retail space lie in the upper 60 percent of the watershed, which means development is highly focused in headwater areas. The lower portion of the watershed, just above the confluence with the James River, is characterized by estuarine wetlands and, at higher elevation, agricultural land uses. For this reason, the Baseline Watershed Assessment was restricted to the uppermost four watersheds, designated as 201, 202, 203, and 204 (Figure ES-2). Impervious cover within these subwatersheds ranges from 18.8% to 26.4%. The Impervious Cover Model (Schueler, 1994) classifies any watershed with between 10 percent and 25 percent cover as



IMPACTED, which means runoff from urbanized areas is triggering stream channel and stream bank erosion. Three of the four subwatersheds in the upper Mill Creek watershed fall into this category. Any watershed with greater than 25 percent impervious cover is considered to be NON-SUPPORTING, which is typically characterized by severe stream channel and bank erosion, further degradation in stream habitat, high nutrient and sediment loads, and bacteria levels that may prohibit recreational activities. Subwatershed 201 falls into this category.

Stream, Floodplain, and Conservation Area Assessment

A comprehensive evaluation of virtually all streams was carried out within each of the four target subwatersheds. Field efforts were carried out to characterize the condition of in-stream and riparian habitat; document occurrences of stream instabilities such as bank and channel erosion; map the location of stormwater outfalls, utility and other stream crossings, and trash and debris; and to help identify and prioritize potential stormwater retrofit, stream restoration, and/or riparian buffer management opportunities.

The results of the Stream and Floodplain Assessment are summarized below:

- An evaluation of stream habitat found that the vast majority of streams fall into the fair category (47%), with 26% classified as good, 14% as excellent, and 14% as poor.
- Floodplain conditions scored higher than did stream habitat, with 44% of streams ranked as good to excellent, 47% as fair, and just 9% as poor.
- The stream and floodplain assessment determined that the overall Mill Creek watershed is in fair condition, with notable reaches that are considerably impaired by uncontrolled stormwater input and associated bank and channel erosion and excess sedimentation. Most problem areas are located in the upper reaches of first order tributaries.
- Stormwater outfalls represent the most abundant point impact, with 86 outfalls mapped and characterized. The principal issues observed at outfalls include limited velocity dissipation and undermined and failing components.

Because of the degree of development within the Mill Creek watershed, very few areas remain as candidates for conservation. Areas of potential habitat for rare, threatened and endangered (RTE) plants and animals were nevertheless evaluated. No conservation areas of any appreciable size were identified within any of the subwatersheds in the Mill Creek watershed.



Existing Stormwater Infrastructure and Pollutant Loading.

A total of 58 stormwater BMPs are present within the Mill Creek watershed. These include wet and dry ponds, dry swales, infiltration trenches, and stormwater wetlands (i.e., shallow marsh). Drainage areas were delineated to 54 of these systems, giving a treatment area of approximately 1,018 acres, or 28 percent of the watershed. In general, treatment for residential areas is provided by wet ponds while treatment for commercial areas is provided by on-site systems such as swales, bioretention, infiltration trenches, and small dry ponds. Wet ponds appear to be functioning as designed and many are covered with algae growth, indicating that nutrients are being removed in the pond rather than flowing through to receiving waters.

A significant portion of the impervious area in the watershed appears to be disconnected. Older subdivision streets have open-section grassed channels for storm drainage, providing some disconnection, at least for smaller rain events. Many of the primary streets are drained in the same manner. Because of the high level of disconnected downspouts, the main source of runoff appears to be the street network. Neighborhood Source Assessments did not reveal significant sources of pollution, other than some areas of highly managed lawns. About half the lawns assessed could be described as high maintenance. These were generally in the newest subdivisions, and were generally associated with commercial lawn care services. A Hotspot Investigation of the three shopping centers and one gas station in the watershed identified no active sources of pollution, though waste and dumpster management represent potential sources.

Pollutant loading modeling determined that urban runoff is the primary source of potential pollutants within each of the four subwatersheds. However, because the entire Mill Creek watershed lies within the Primary Service Area, most residences are connected to the municipal sanitary sewer system. Sanitary sewer overflows (SSO's) are another potential source of pollution.

The Mill Creek watershed was first listed as impaired for fecal coliform on Virginia's 2002 303(d) Report on Impaired Waters. With the adoption of a new water quality standard for enterococci bacteria for saltwater and transition zones in 2003, Mill Creek was first listed as non supporting for recreational use on the 2006 305(b)/303(d) Water Quality Assessment Integrated Report. Mill Creek continues to be listed as thus impaired on the 2010 edition of this same report. Runoff from residential areas and SSO's are thought to present the most prolific – and most controllable – sources of bacteria in Mill Creek and its tributaries.



Realizing Watershed Goals through Strategic Actions

JCC has developed two overarching goals for watershed protection and restoration:

1. Minimize the further degradation of **water quality** in Mill Creek and preserve, restore and maintain the quality of all streams within the watershed as well as tidal and nontidal wetlands.
2. Promote active **stewardship** among residents, community associations, businesses, and seasonal visitors.

Realizing these goals and addressing watershed issues involves the implementation of two types of Strategic Action. These represent the core of the watershed management plan.

1. **Watershed Restoration Projects** such as restoring degraded stream channels, retrofitting BMPs, and addressing sanitary sewer maintenance in a timely manner; and
2. **Administrative / Technical and Educational Efforts** aimed at increasing JCC staff and stakeholder awareness, fostering watershed stewardship, augmenting baseline information about watershed resources, and realizing opportunities for land conservation and redevelopment through the pursuit of shared goals and transparent communication with and between property owners.

The 12 Strategic Actions developed for the Mill Creek watershed are provided in the attached Table ES-1. These Strategic Actions were developed and then prioritized based in large part on stakeholder feedback collected from two meetings. The first was conducted on May 20, 2010, during which the results of the Baseline Assessment were presented. The second meeting was held on March 30, 2011. Draft Strategic Actions were presented and attendees were given the opportunity to rank them based on their relative importance.

Watershed Restoration Opportunities

The stream and floodplain assessment determined that bottomland areas represent active and important floodwater and sediment storage areas. In general, stream condition is fair to good in these areas. By contrast, headwater streams were observed to be relatively unstable, with bank and channel erosion being noted immediately downstream of stormwater outfalls. Curtailing sediment delivery from



these upstream sources and protecting infrastructure should be considered a key goal, and can be accomplished through stream restoration or enhancement and/or retrofitting stormwater outfalls. Nineteen such opportunities have been identified. Other issues requiring attention are localized concerns at stormwater outfalls (5), sewer line stream crossings and instances of exposed lateral pipes in banks (2), localized bank erosion (2) and occurrences of trash and debris (5), and impacted riparian buffers (2).

Potential stormwater retrofit opportunities to improve water quality and protect channels were identified by carrying out a Retrofit Reconnaissance Inventory. Opportunities include wet pond and dry pond retrofits, parking lot retrofits, and culvert retrofits. There is also potential for retrofitting the open section drainage system to dry swales or water quality swales in areas where additional water quality treatment is recommended. A total of 18 projects were identified. Besides these projects, storm drain stenciling is generally lacking and could be improved.

The 19 stream and 18 stormwater retrofit sites were subject to a preliminary ranking using a Decision Support System (DSS). The DSS supports organizational decision making activities based on a consideration of watershed goals and the degree to which a project can satisfy these goals based on eight Prioritization Factors and eight Possible Conflicts. These are provided in the table below.

Table ES-2: DSS Prioritization Factors and Possible Conflicts

Prioritization Factors	Possible Conflicts
Water Quality / Runoff Quantity	Utility Conflicts
Restore Floodplain Connectivity	Construction Access
Aquatic Habitat	Neighborhood Impact
Sedimentation	Physical Feasibility
Environmental Awareness	Level of Design
Project Size / Scope	Private Property
Channel Condition	Permitting Issues
Condition of Contributing Watershed	Negative Environmental Impacts

Components of the Mill Creek Watershed Management Plan

The *Mill Creek Watershed Management Plan* consists of the following Chapters:

Chapter 1: provides a Watershed Overview and discusses why watershed management planning is important.

Chapter 2: summarizes the Baseline Assessment.



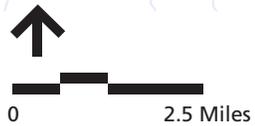
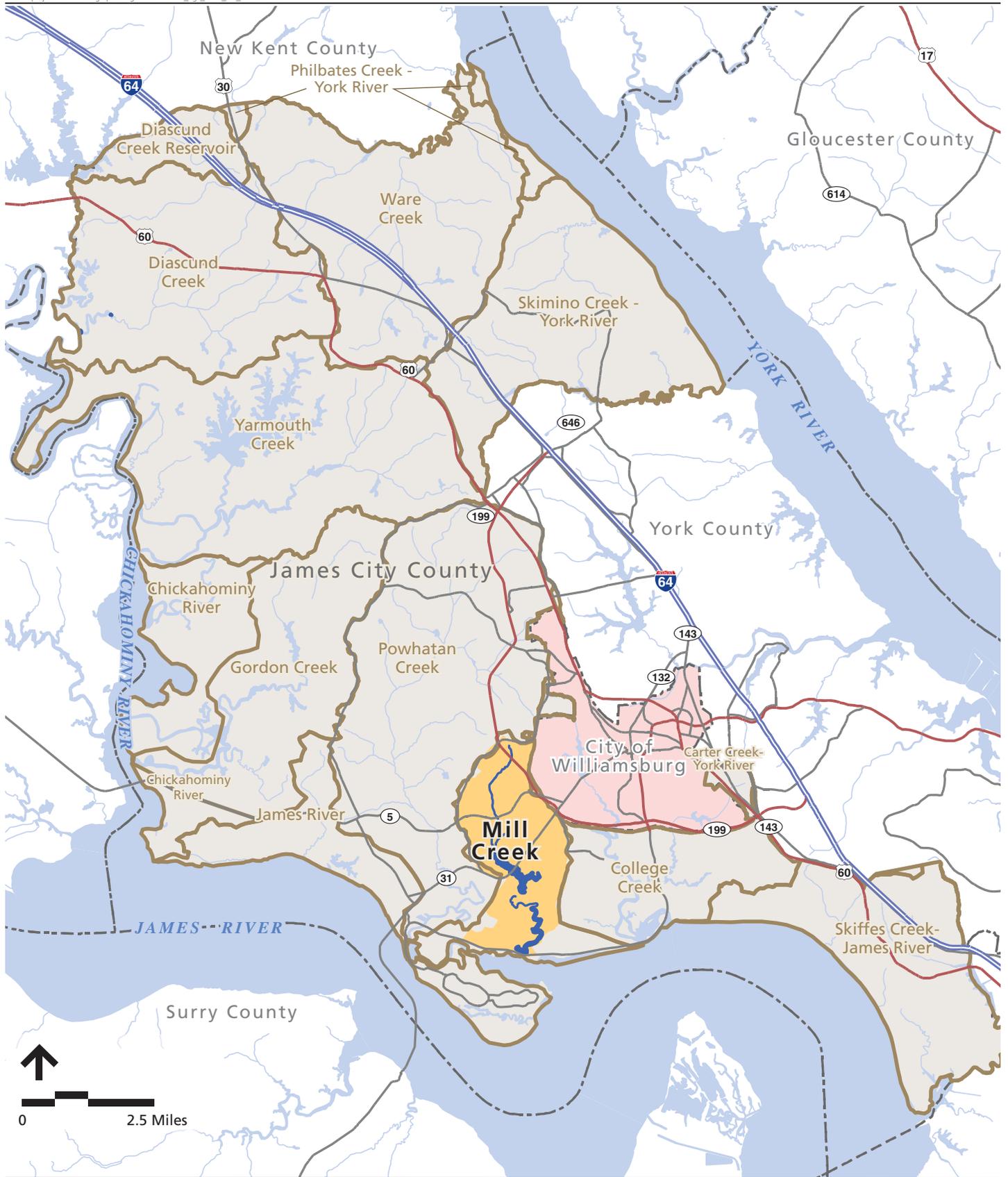
Chapter 3 describes the development of Watershed Goals and Strategic Actions for their realization.

Chapter 4 discusses the methods used to select candidate Watershed Restoration Projects and presents their location within the watershed.

Chapter 5 presents the Strategic Action Plan, outlining the tentative timeframe for the execution of the Strategic Actions, their approximate cost, and responsible parties.

Chapter 6 includes individual Subwatershed Management Plans that summarize conditions within the four uppermost subwatersheds. These are designed to act as quick reference guides for JCC staff and include a general description of the subwatershed, the proposed watershed restoration opportunities therein and their estimated cost, and a variety of other tabular information such as:

- land use;
- impervious area;
- stormwater management practices and drainage areas treated;
- existing condition pollutant loading ;
- existing urban runoff loads; and
- estimated pollutant loading reductions based on proposed retrofits.



LEGEND

- National Watershed Boundary Dataset
- Mill Creek Watershed
- County Boundaries



**James City County
Watershed Planning Services**
Mill Creek Watershed Management Plan

Figure ES-1

James City County Watersheds

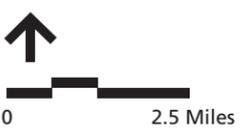
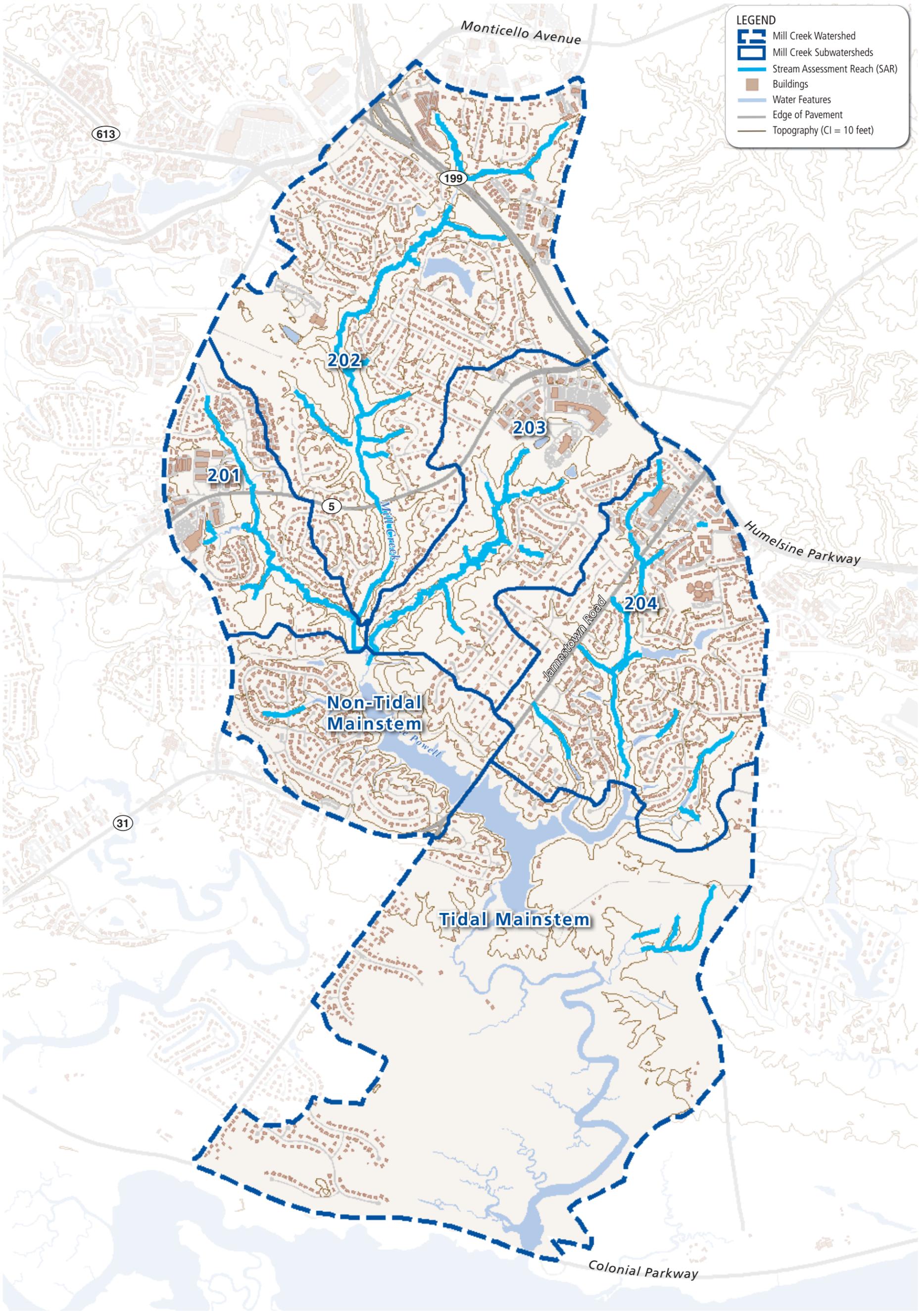




TABLE ES-1: DRAFT MILL CREEK WATERSHED PROTECTION AND RESTORATION GOALS AND STRATEGIC ACTIONS FOR GOAL REALIZATION

a. Watershed-Wide Protection and Restoration Goals

Goal	Description
1	Minimize the further degradation of water quality in Mill Creek and preserve, restore and maintain the quality of all streams within the watershed as well as tidal and nontidal wetlands.
2	Promote active stewardship among residents, community associations, businesses, and seasonal visitors.

b. Strategic Actions for Watershed Protection and Restoration and Estimated Costs

Priority	Goals	Strategic Action	Watershed Location	Cost to County and Action	Coordinating Parties
1	1	Provide incentives for new development and redevelopment to add intermittent stream buffers, expanded RPA and mainstem buffers, minimize impervious cover, and maximize remaining contiguous open space.	watershed wide & County wide	HIGH: >\$200K	ED, PD, DM
2	1, 2	Identify areas within the watershed where riparian corridors are in an unnatural condition and seek ways, including incentives, to restore those areas to their natural condition	watershed wide & County wide	MODERATE: \$15-25K	DM, ED, SD, GS, GIS, outside agencies
3	1	Continue to fully implement the requirements of the County's MS4 permit in relation to watershed management throughout County.	watershed wide & County wide	SMALL: already underway	ED, SD, GS, JCSA, GIS
4	1	Fully implement the Mill-Powhatan Creek Bacterial TMDL Implementation Plan in response to ongoing water quality concerns	watershed wide	HIGH: >\$2M	DM, ED, PD, SD
5	1	Update or develop new Better Site Design (BSD) educational materials to be made available to developers and homeowner's associations and conduct training.	watershed wide & County wide	SMALL: largely internal coordination	DM, ED, PD, SD
6	1	Continue to work with County departments to incorporate BSD requirements into applicable ordinances and into the County BMP Manual, and to develop consistent review procedures.	watershed wide & County wide	SMALL: largely internal coordination	DM, ED, PD, SD
7	1,2	Use subwatershed maps to ensure James City County staff and stakeholder awareness of existing locations for restoration and potential retrofits.	watershed wide	SMALL: internal coordination	ED, DM, GIS, PD, SD

Key: DM = Development Management, ED = Environmental Division, GIS = GIS/Mapping Section, GS = General Services, JCSA = James City Service Authority
 PD = Planning Department, SD = Stormwater Division, SH = stakeholders



TABLE ES-1: DRAFT MILL CREEK WATERSHED PROTECTION AND RESTORATION GOALS AND STRATEGIC ACTIONS FOR GOAL REALIZATION

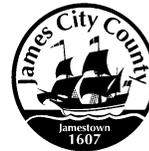
a. Watershed-Wide Protection and Restoration Goals

Goal	Description
1	Minimize the further degradation of water quality in Mill Creek and preserve, restore and maintain the quality of all streams within the watershed as well as tidal and nontidal wetlands.
2	Promote active stewardship among residents, community associations, businesses, and seasonal visitors.

b. Strategic Actions for Watershed Protection and Restoration and Estimated Costs

Priority	Goals	Strategic Action	Watershed Location	Cost to County and Action	Coordinating Parties
8	2	Continue to support and grow a citizen/volunteer-based team of individuals to routinely perform rudimentary assessments of stream health, including sampling for benthic macroinvertebrates, water quality measurements for coarse indicators, and photodocumentation.	watershed wide	SMALL: already underway	ED, SD, SH, outside consultants/agencies
9	2	Improve the availability of educational materials by developing materials for use by HOA's and neighborhood associations. Also use the PRIDE website. Educate people about watershed awareness including proper disposal of fats, oils, grease, and other chemicals, wildlife management, pet waste, onsite waste disposal systems, rubbish, and boat wakes.	watershed wide	SMALL: use stakeholder meetings for insight	DM, ED, PD, SD, SH
10	1	Conduct additional feasibility assessments, validate, and carry out the stormwater retrofits and stream restoration opportunities identified in this watershed plan	all but non-tidal and tidal mainstem	HIGH: >\$2M	DM, ED, SD
11	2	Consider participation in the Virginia Big Tree or similar recognition program to identify historic and specimen trees and promote the importance of trees to the landscape	watershed wide & County wide	SMALL: explore academic or volunteer consulting input	DM, ED, SD, GS, GIS, outside agencies
12	1	Develop an inter-departmental rapid response protocol and team to deal with unforeseen and emergency threats to water quality and infrastructure (e.g., leaking sewer lines, storm-related or unpredictable channel and bank erosion, hazmat spills, etc.)	watershed wide & County wide	SMALL: largely internal coordination	DM, ED, GIS, JCSA, SD, outside firm

Key: DM = Development Management, ED = Environmental Division, GIS = GIS/Mapping Section, GS = General Services, JCSA = James City Service Authority
 PD = Planning Department, SD = Stormwater Division, SH = stakeholders



MEMORANDUM COVER

Subject: Increase the Employer Assisted Home Ownership Program Match Amount to \$5,000 as Allowed in the County Ordinance

Strategic Management Plan Pathway: 5.b – Maintain a well-trained and high performing workforce for normal and emergency operations

Action Requested: Shall the Board approve the resolution that would support the County Administrator’s Proposal to increase the amount of the Employer Assisted Home Ownership Program match from \$3,000 to \$5,000 as allowed by County Ordinance?

Summary: The Current Employer Assisted Home Ownership Program matches up to \$3,000 of employee savings for use by employees to purchase a primary residence in James City County or the City of Williamsburg. The employee must meet eligibility criteria, including household income limits.

With an almost \$100,000 increase in the median cost of a home in the area since the program's start in Fiscal Year 2002 and accompanying increases in closing costs, staff recommends raising the amount of the match to \$5,000 as permitted in Section 2-15.2 of the County Ordinance. This increase may enable our employees to cover their closing costs and obtain a lower interest loan.

Sufficient funds are available to apply the increase to current program participants and to accept up to 11 additional participants in the Program at the \$5,000 match amount. No additional funds are requested.

The attached resolution supports the County Administrator’s proposal to increase the dollar amount of the County’s match from \$3,000 to \$5,000.

Staff recommends approval of the attached resolution.

Fiscal Impact:

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution
3. Section 2-15.2 of the County Code

Agenda Item No.: I-2

Date: June 28, 2011

M E M O R A N D U M

DATE: June 28, 2011
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: Increase the Employer Assisted Home Ownership Program Match Amount to \$5,000 as Allowed in the County Ordinance

Adoption of the attached resolution would support County Administrator’s proposal to increase the dollar amount of the Employer Assisted Home Ownership Program County match from \$3,000 to \$5,000 for use by employees to purchase a primary residence in James City County or the City of Williamsburg. The employee must meet eligibility criteria, including household income limits. Sufficient funds are available to apply the increase to current program participants and to accept up to 11 additional participants in the Program at the \$5,000 match amount.

The Board of Supervisors created the Employer Assisted Home Ownership Program in July 1, 2001, to achieve the following objectives:

- To benefit County employees and the community by assisting employees with purchasing homes in the County they serve, and
- To promote workforce stability by ensuring employees live near their County workplace in housing that is affordable over the long term.

The Program has been successful in that about 50 employees have purchased homes in the County during the 10 years of the Program. About one third of the employees using the Program worked for public safety departments. Thirty-nine of those employees are still with the County. Those who left within 4 years of purchasing a home through the Program must repay a prorated share of the match. As you can see from the chart below, however, utilization of the program has declined significantly:

Year	Participants
FY 2007	16
FY 2008	14
FY 2009	3
FY 2010	6
FY 2011 (YTD)	3

Section 2-15.2 of the County Ordinance, which enables this Program, allows grants of up to \$5,000. However, administratively and through the budget, the maximum grant amount has been capped at \$3,000. Staff recommends increasing the grant amount to \$5,000 for the following reasons:

- Despite the recent fall in home prices, the median price of a home sold in Greater Williamsburg has increased from \$173,913 in 2001 to \$267,025 in 2010, and

Increase the Employer Assisted Home Ownership Program Match Amount to \$5,000 as Allowed in the County Ordinance

June 28, 2011

Page 2

- Costs for a real estate closing have risen similarly, and typically total more than \$10,000, as shown in the example below.

	<u>2001</u>	<u>2010</u>
Median home price	\$173,913	\$267,025
Cash from buyer	-3,000	-3,000
Cash from James City County	<u>-3,000</u>	<u>-3,000</u>
Total Loan Needed	<u>\$167,913</u>	<u>\$261,025</u>
Origination Fee 1% of Loan Amount	\$ 1,679	\$ 2,610
1 Point	1,679	2,610
Private Mortgage Insurance	2,519	2,610
Title Insurance (Lenders)	245	787
Recording Costs	<u>730</u>	<u>1,845</u>
Total of Sample Closing Costs	<u>\$ 6,852</u>	<u>\$ 10,463</u>

- Matching up to \$5,000 may enable our employees to cover their closing costs and obtain a lower interest loan.
- Currently, we have 10 employees to whom we have obligated and are holding \$30,000 in reserve. With \$79,940 in unobligated funds, we could increase the match for the employees already on the list, and make grants to at least 11 other employees.

Staff recommends adoption of the resolution.

Carol M. Luckam

CML/gb
HomeMatIncr_mem

Attachments

RESOLUTION

INCREASE THE EMPLOYER ASSISTED HOME OWNERSHIP PROGRAM MATCH

AMOUNT TO \$5,000 AS ALLOWED IN THE COUNTY ORDINANCE

- WHEREAS, the Employer Assisted Home Ownership Program benefits employees who do not own a primary residence in the County by assisting them with purchasing a home in the County they serve; and
- WHEREAS, the Program benefits the County by promoting workforce stability by ensuring that employees live near their County workplace in housing that is affordable over the long term; and
- WHEREAS, the median price of a home sold in greater Williamsburg has increased by almost \$100,000 from 2002 to 2010; and
- WHEREAS, the cost of a real estate closing has risen similarly, and typically totals more than \$10,000; and
- WHEREAS, increasing the County match may enable our employees to cover their closing costs and obtain a mortgage loan at a lower interest rate; and
- WHEREAS, sufficient funds are available in the Program to apply the increase to current participants and up to 11 future participants; and
- WHEREAS, Section 2-15.2 of the County Ordinance allows the County to match up to \$5,000 for the Home Ownership Program.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby support the County Administrator's proposal to increase the Employer Assisted Home Ownership Program match from \$3,000 to \$5,000.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of June, 2011.

HomeMatIncr_res

Sec. 2-15.2. Homeownership grants for county employees.

Subject to the appropriation of funds, excluding state funds, by the county board, the county administrator shall establish a program to provide grants to employees of the county and employees of the constitutional officers for use toward the purchase of a primary residence within the county or the City of Williamsburg. Lifetime cumulative grants shall not exceed \$5,000.00 per employee. The county administrator is authorized to take all actions deemed necessary or appropriate to establish and administer the program, including the establishment of terms and conditions, and to ensure that the program meets any applicable requirement of the law.

(Ord. No. 55A-34, 4-11-06; Ord. No. 55A-37, 7-10-07)

State law reference - Code of Va., §15.2-958.2.

DIVISION 2. SPECIFIC OFFICERS

Sec. 2-16. County administrator.

The board of supervisors hereby creates the office of county administrator, which shall be filled by appointment by the board of supervisors under the provisions of section 15.2-406 of the Code of Virginia. (Ord. No. 55A-21, 11-26-96)

Sec. 2-16.1. Police department.

(a) The James City County Department of Police is hereby created pursuant to section 15.2-1701 of the Code of Virginia, 1950, as amended.

(b) The department shall consist of the chief of police who shall administer the department and who shall be appointed by the county administrator.

(c) The department shall also consist of such other officers and patrolmen and other personnel as shall be authorized by the board.

(d) The department shall be provided such funds as are deemed appropriate by the board. (Ord. No. 55A-2, 1-14-80; Ord. No. 55A-17, 9-6-94)

Sec. 2-16.2. Duty of chief of police concerning abandoned or unclaimed tangible personal property.

(a) *Disposition generally.* The chief of police is authorized to provide for the public sale of all unclaimed personal property which has been in possession of the county law enforcement agencies and unclaimed for a period of more than 60 days. As used herein, "unclaimed property" shall be defined to include any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the state treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act.