

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**October 13, 2009**

**7:00 P.M.**

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**H. PUBLIC COMMENT**

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**K. 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. Peninsula Agency on Aging

**L. ADJOURNMENT to 3 p.m. on October 27, 2009**

101309bos\_age

**October 13, 2009**



# **Measuring Progress: FY 2009**

**Presented by  
Rona Vrooman  
Training & Quality Performance Coordinator**

# Yardsticks

- Strategic Management Plan Accomplishments
- Performance Measures
  - ICMA (International City/County Management Association)
  - County Performance Measures

# Strategic Management Plan Accomplishments



FY 2009

## Strategic Management Plan Proposed Actions

### 1) **Manage finances wisely and encourage a balanced economy**

- Complete capital projects on time and within budget.
- Continue to seek shared services in partnership with the W-JCC school division.
- Expand workforce housing options.
- Retain companies that successfully graduate from the Technology Business Incubator.
- Review service fees and other cost recovery options to ensure achievement of revenue recovery targets.

### 2) **Improve the lives of citizens and foster a sense of community**

- Preserve community character by enhancing the landscape of designated Community Character Corridors such as Route 60.
- Provide Community Emergency Response Team (CERT) training to increase the number of volunteers able to assist their community during emergencies.
- Support the Virginia Peninsula Mayors and Chairs Plan to end homelessness.

### 3) **Plan responsibly for the needs of a growing, diverse community**

- Assist elderly and disabled persons to maintain safe and sanitary housing through home repair, rehabilitation, adaptation or replacement.
- Comply with appropriate federal and state agencies regarding unlawful immigration.
- Continue efforts to realign Route 60 East.
- Ensure availability of drinking water through implementing the water agreement with Newport News.
- Update the County's Comprehensive Plan.



### 4) **Steward the natural environment and historic heritage**

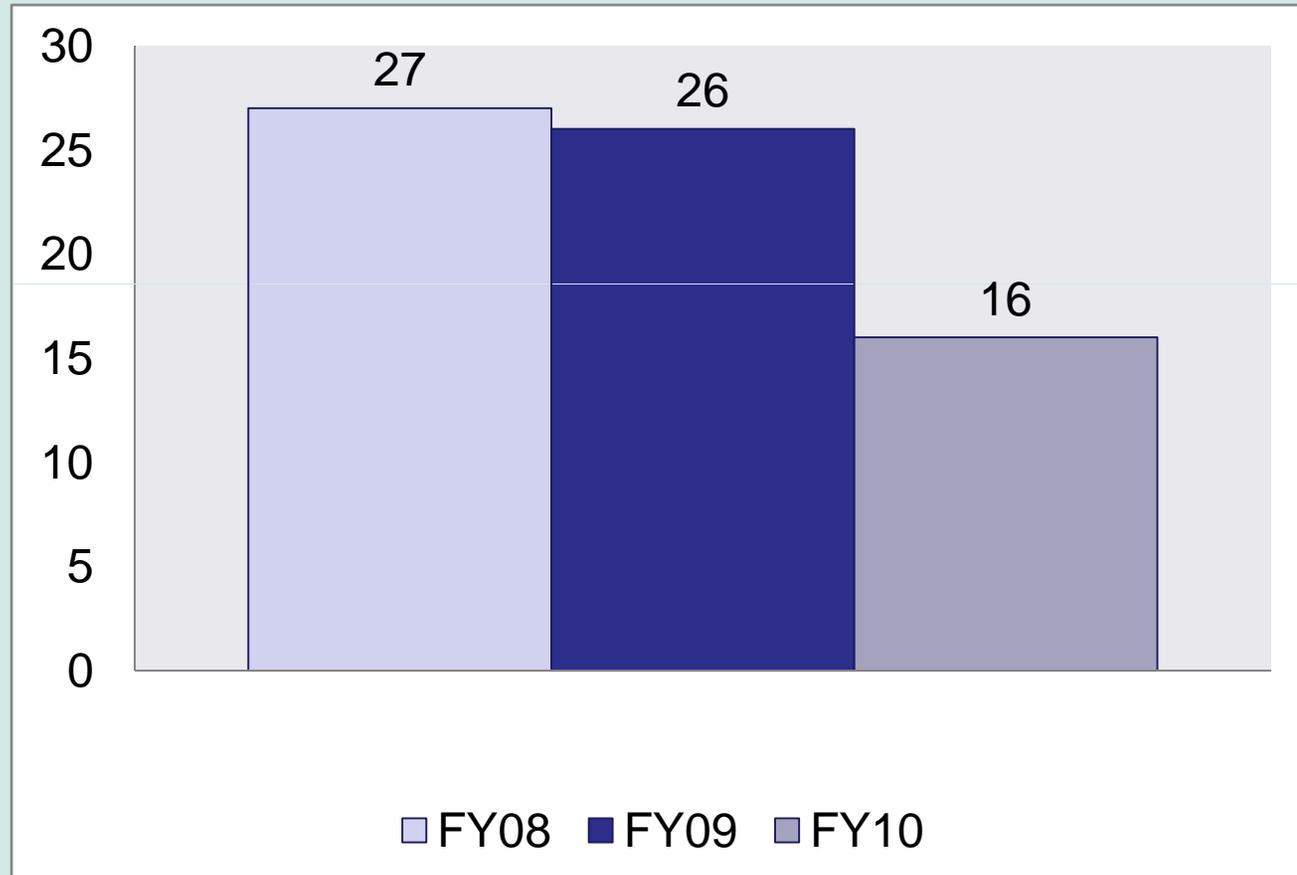
- Comply with regional consent order and reduce sewer spills.
- Develop additional watershed management plans for water quality protection.
- Identify drainage and stormwater improvements and implement solutions.
- Identify and map perennial streams and Resource Protection Areas.
- Proceed on adopted Jamestown Beach Marina/Campground Master Plan.
- Promote awareness of the County's historical resources through the use of the National Register of Historic Places and highway markers and maps.
- Protect and acquire critical green space lands in the County to enhance community character and environmental health.
- Reduce the County's carbon footprint.
- Share expertise in environmental stewardship such as tree planting, riparian buffers, and water conservation.

### 5) **Provide outstanding customer service**

- Address recommendations from the Business Climate Task force.
- Develop Spanish language social services web pages and signage.
- Make it easier for applicants to apply for jobs online and to track their status.
- Participate in community civic meetings and share information regarding County services.

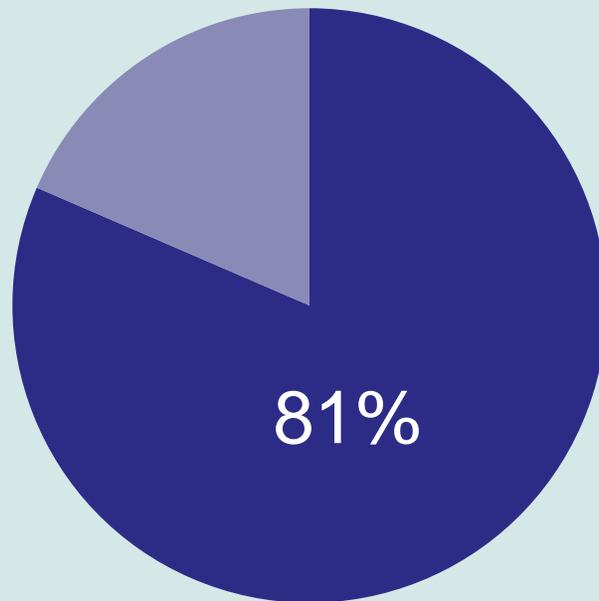
May 27, 2008

## Trend - # of Strategic Management Plan Actions

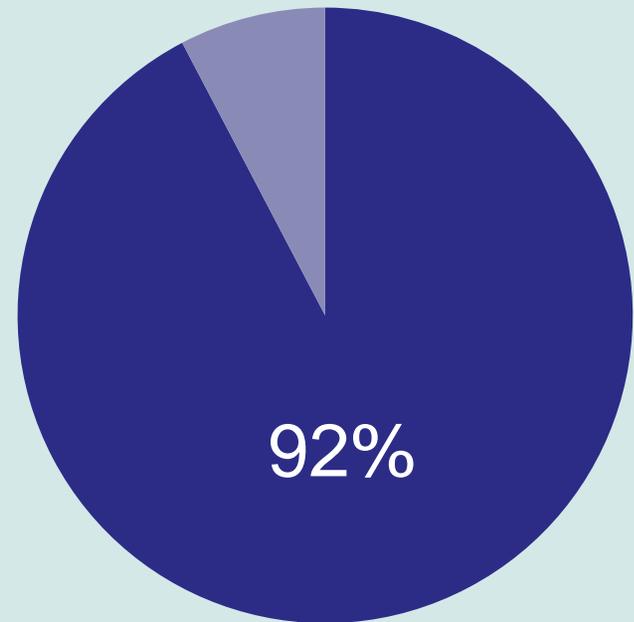


## Trend - % of Strategic Management Plan Actions Completed/Progress

FY08



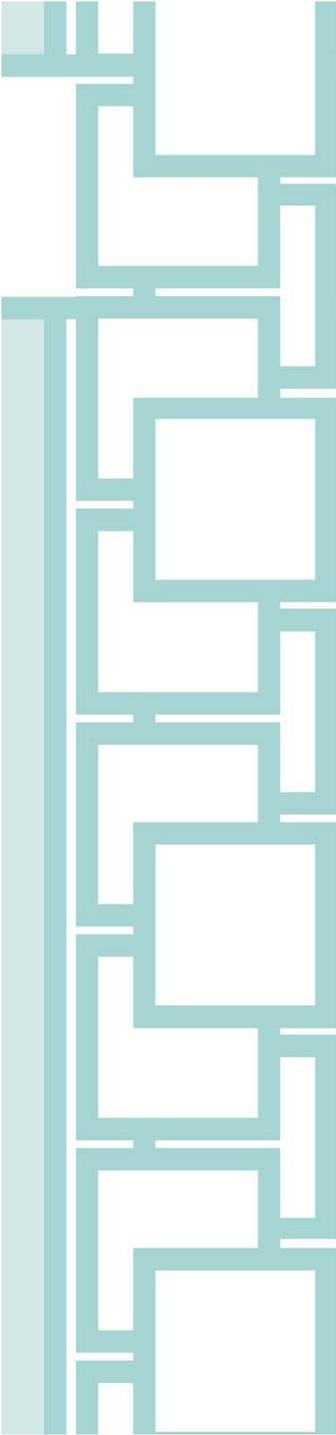
FY09



65% of FY09 actions were carried over from FY08

## Examples of Actions Completed/Progress

- Continue to seek shared services in partnership with the W-JCC school division.
- Support the Virginia Peninsula Mayors and Chairs Plan to end homelessness.
- Update the County's Comprehensive Plan.
- Comply with regional consent order to reduce sewer spills.



## Actions Delayed/Changed

- Preserve community character by enhancing the landscape of designated Community Character Corridors such as Route 60.
- Make it easier for applicants to apply for jobs online and to track their status.

## Trend – Board Agenda Action Items

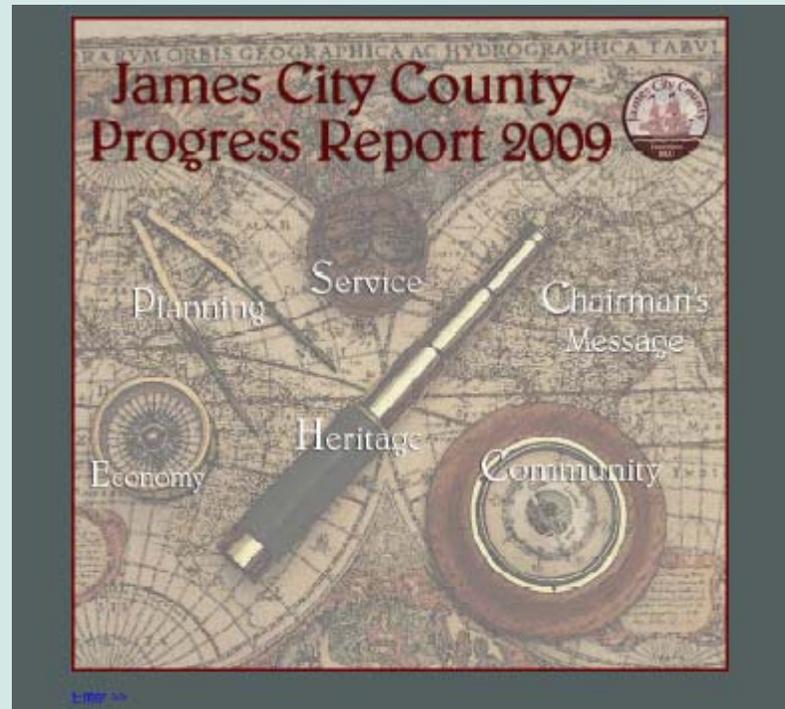
	FY08	FY09
Manage finances wisely and encourage a balanced economy	38%	44%
Improve the lives of citizens and foster a sense of community	17%	18%
Plan responsibly for the needs of a growing, diverse community	14%	18%
Steward the natural environment and historic heritage	22%	8%
Provide outstanding customer service	9%	12%
Total # of items	135	92

## Examples of Board Items for: Manage finances wisely

Date	Board Item	Outcome
11/12/08	State Homeland Security Program Grant	Received \$50,000
06/23/09	Termination of County-Funded Long-term Disability Plan	Cost savings of \$78,000/yr

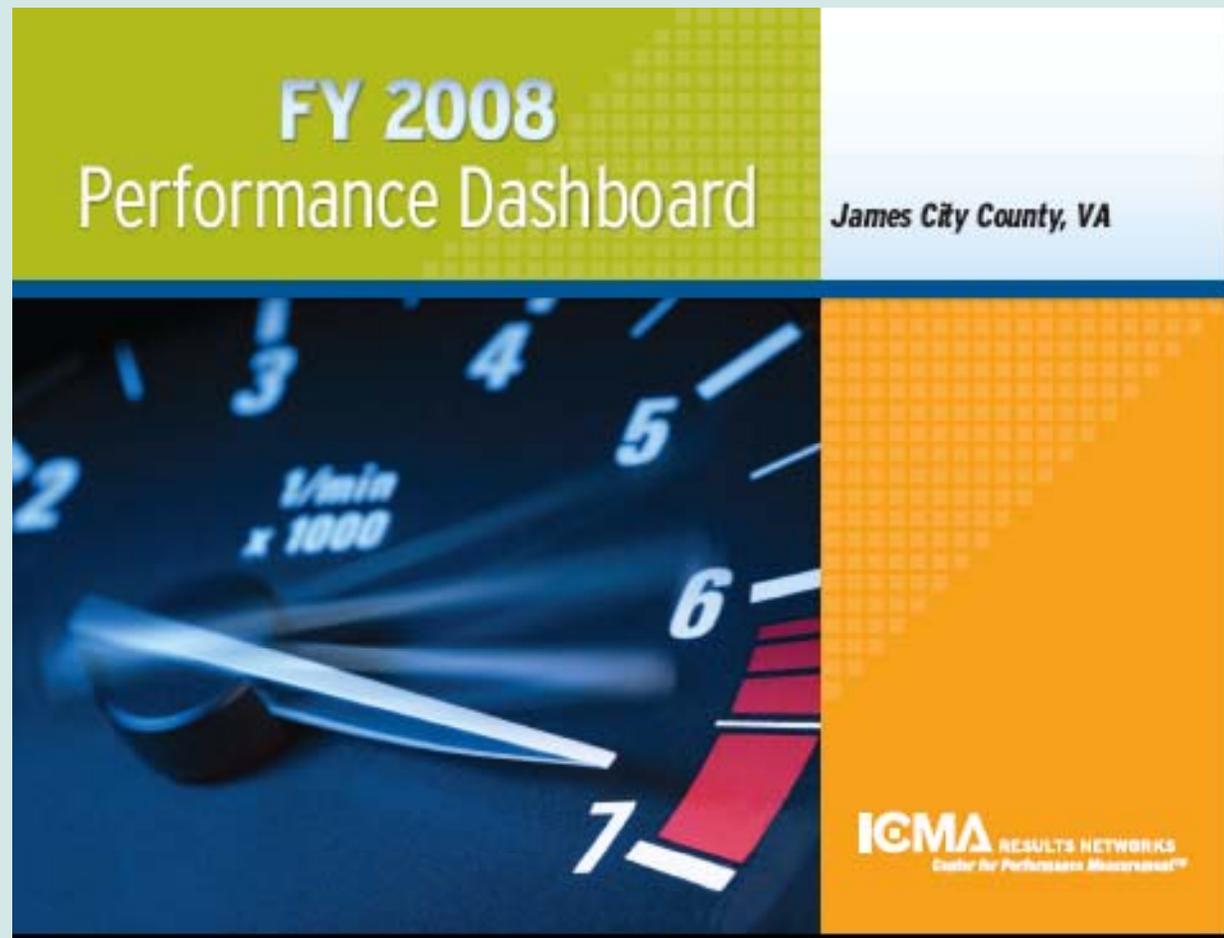
Agendas and video available online:  
[www.jccegov.com/agendas](http://www.jccegov.com/agendas)

## More accomplishments ...



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# ICMA Performance Measures

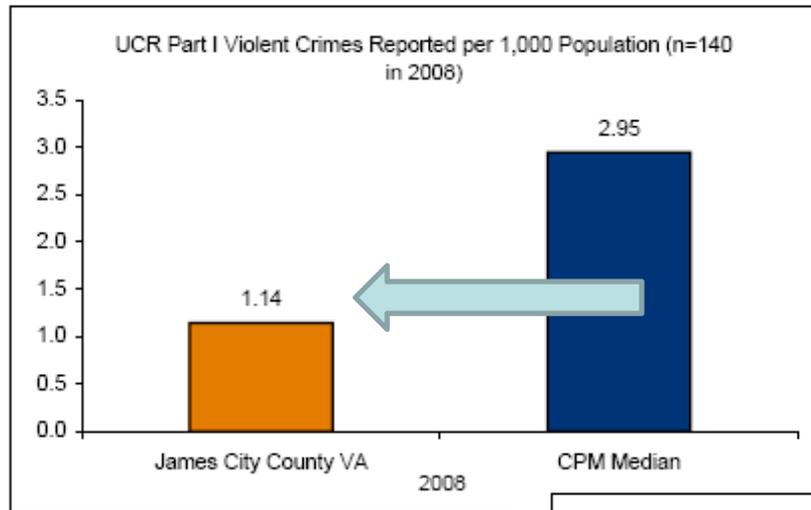




## ICMA Performance Measures

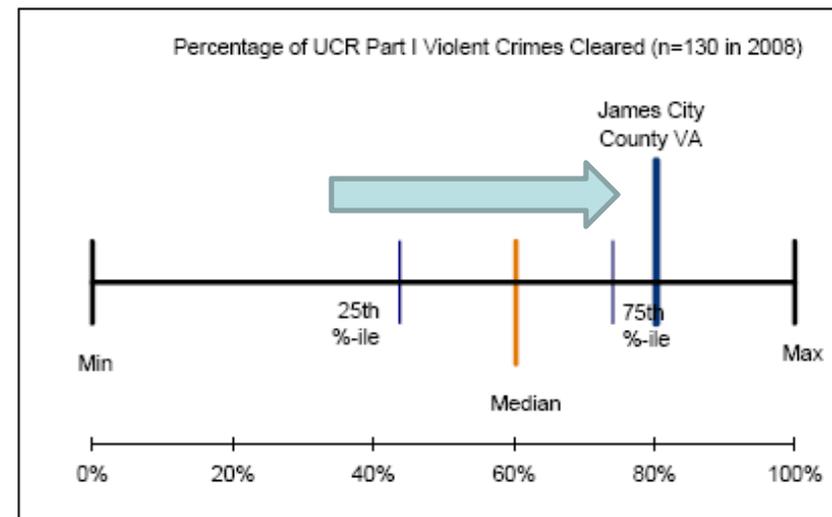
- Common set of measures in specific service areas
- 150+ local governments in US and Canada; 20+ in Virginia
- Report lag time

# Examples of ICMA Performance Measures

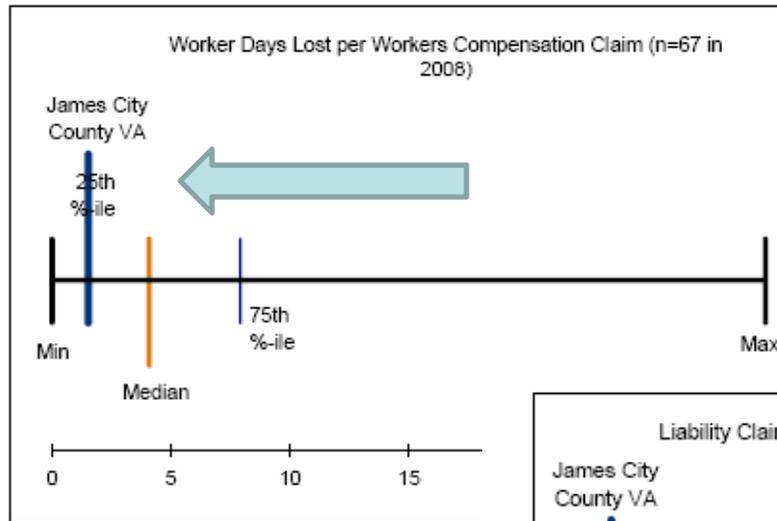


Below median  
Violent Crimes  
Reported

Above median  
Violent Crimes  
Cleared

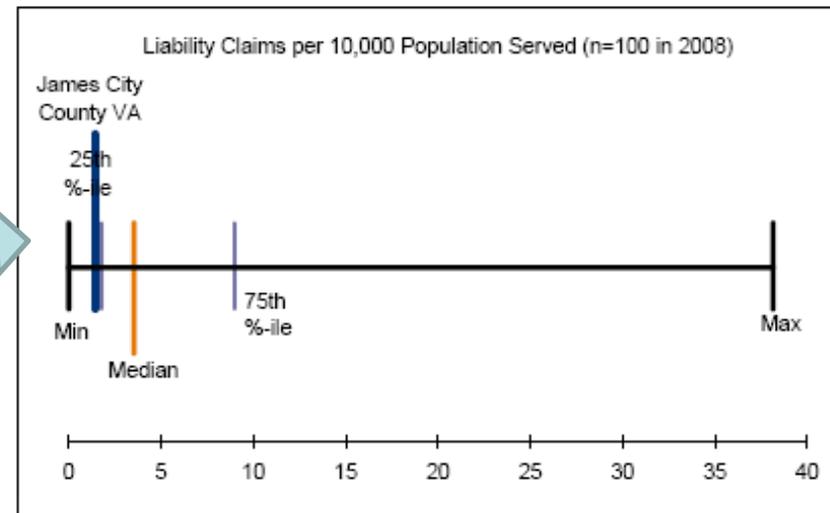


# Examples of ICMA Performance Measure



Below median  
Worker Days Lost

Below median  
Liability Claims



# County Performance Measures



James City County  
FY 2010 Adopted Budget  
Capital Improvements Program  
2010-2014



Manage finances wisely and encourage a balanced economy



Improve the lives of citizens and foster a sense of community



Plan responsibly for the needs of a growing, diverse community



Steward the natural environment and historic heritage



Provide outstanding customer service



*supporting a sustainable future*

Examples of County Measures		FY08 Actual	FY09 Actual	FY10 Adopted	△
EMS	# of Patients Treated	4,762	5,238	5,400	↑
Social Services	% Placed to permanent home prior to age 18	100%	100%	98%	→
Solid Waste	Tons of white goods/scrap metal recycled	398	257	325	↓

# FY 2010 Strategic Management Plan



## James City County FY 2010 Strategic Management Plan Actions

### Manage finances wisely and encourage a balanced economy

- Complete capital projects on time and within budget.
- Continue to seek shared services in partnership with W-JCC school division.
- Incorporate financial planning recommendations from Efficiency Study.
- Reduce operating expenses.

- Expand workforce housing options.
- Support the Virginia Peninsula Mayors and Chairs plan to end homelessness.
- Utilize Federal Stimulus funds.

### Improve the lives of citizens and foster a sense of community

### Plan responsibly for the needs of a growing, diverse community

- Implement Board adopted Comprehensive Plan recommendations.
- Revise ordinances as prioritized by Comprehensive Plan.

- Comply with regional consent order and reduce sewer spills.
- Identify drainage and stormwater improvements and implement solutions.
- Proceed on adopted Shaping Our Shores Master Plan for Jamestown Beach Campground, Jamestown Yacht Basin and Chickahominy Riverfront Park.
- Protect and acquire critical green space lands.
- Reduce County's carbon footprint.

### Steward the natural environment and historic heritage

### Provide outstanding customer service

- Implement additional online services for citizens.
- Participate in community civic meetings and share information regarding County services.

*supporting a sustainable future*

Adopted by the Board of Supervisors  
April 28, 2009



**Questions?**

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF SEPTEMBER 2009, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. BOARD DISCUSSION**

1. Financial Update

Mr. Sanford Wanner, County Administrator, explained that the purpose of the work session was to update the Board on financial trends in preparation for the Board's January 2010 Budget Retreat. He noted that during the last budget retreat, a presentation was made by the Williamsburg Area Association of Realtors President, Frank Hughes. Mr. Wanner stated that Mr. Hughes would update the Board on real estate trends since the Budget Retreat to provide background information for the presentation from Financial and Management Services staff looking forward into Fiscal Year 2011. He stated that staff would appreciate any early guidance in preparation for the next budget process.

a. Williamsburg Area Association of Realtors (WAAR) Real Estate Update

Mr. Frank Hughes, President, Williamsburg Area Association of Realtors (WAAR), presented statistics on decreased real estate sales and sale amounts in the past three years in the Williamsburg area and noted that home sales had decreased 17 percent from January to August 2009, which he commented was an improvement. He presented information about the amount of time homes stay on the market, which was flat for single-family homes, but increased dramatically for condominiums. He noted that though there was a downturn, James City County single-family home sales were better than the City of Williamsburg and York County overall. He also showed that the number of new listings and the decreased sales have begun to stabilize. He reviewed sales data by price range and noted that the majority of the sales are at or below the \$300,000 range, which he determined was a result of the first-time homebuyer tax credit. He stated the sellers were downsizing, renting, or moving out of the area in many cases. He stated the WAAR and its larger association have requested that the First-Time Homebuyer Tax Credit be extended beyond the current deadline, expanded to all buyers, and increased to \$10,000 to help revitalize the market. He stated that according to his data, 67 percent of home sales are priced below \$400,000, but only 54 percent of the inventory is in that price range, meaning higher-priced homes are being sold at price reductions. He stated this would result in

compressed values in the neighborhoods and sales below assessments.

Mr. Hughes responded to questions about reduced new construction and reduced new home sales, and the upsurge in sales of affordable housing. He noted price compression among higher-valued homes and a reduction in contact with potential buyers. He noted that James City County has been fortunate that it has not had the number of short sales of other localities, such as Prince William County. He stated that he felt very positive about the statistics of the last three months.

Mr. Goodson stated he felt it would be useful to track the home sale price in comparison to its appraisal.

Mr. Hughes stated that realtors work with sellers, and advertising the assessed value of a home could negatively impact the seller's bargaining position during a sale. He stated that they did not publicize that data in order to protect the seller.

Mr. John McDonald, Manager of Financial and Management Services, stated that staff tracks sale prices versus assessed values. He stated the difficulty was that one sale would not help determine a trend in the price compression of homes of a certain value, such as those valued at over \$1 million. He stated there was excellent data for homes in the \$300,000 range.

Mr. Goodson stated he would like to see data about the percentage above or below the assessed values that homes were selling. He stated the factors included homes selling below assessment, as a result of price compression, and the decrease in new construction, which results in a lower-valued land book.

Mr. McDonald stated that the January 2010 assessment date will provide valuable information in attempting to address some of these issues. Expectations are that commercial real property assessments will drop due to declines in business income and residential assessed values will drop because the sales trends show sales lower than assessments in certain price ranges. This continues a trend that was apparent in the January 2009 general reassessment where 5,000 properties saw assessment changes, most of them reductions. For a period of time the sales values were much higher than the assessments and drops in sales prices simply reduced the difference between sales and assessment, which was no longer true.

Mr. Goodson stated that there was difficulty in determining the effect of the assessments on revenues and potential changes in the tax rate because affordable housing was selling at or above the assessed value and higher-end homes were selling below assessment. He said that a tax rate increase would negatively impact affordable housing assessments.

Mr. McDonald stated that depending on the values, the relative impact was not significant.

Mr. Kennedy stated his concern for the Business, Professional, and Occupational License (BPOL) and licensing taxes were going to be affected. He stated that housing was the main driver of the economy, so any effect on housing would result in a significant change in revenues.

Ms. Sue Mellen, Assistant Manager of Financial and Management Services, noted that at the January 2009 Budget Retreat, she had presented the Board with a slide indicating the median ratio of 95 percent and stated that the figures through June 2009 indicated that the County was in the 95 percent and above range. She stated that was very similar to last year, but it was not above 100 percent. She stated that value was being tracked.

Mr. McDonald stated that the median was not above 100 percent, but there were components where the County would need to take action to reduce assessments in certain neighborhoods.

b. Financial Update

Ms. Mellen stated her presentation would update the Board on the budget at the close of FY 2009. She stated that slightly more revenues were received than were spent or committed to spend. She stated the difference was roughly \$28,000 and was a direct result of a decrease in spending at the end of the year. She stated that when revenue categories began coming in lower than anticipated, staff was instructed to eliminate any unnecessary spending. She stated the revenues were \$3 million less than budgeted and \$2.9 million less than FY 2008.

Ms. Mellen reviewed revenue categories, including property taxes and real estate revenues. She stated that they increased in FY 2009 from FY 2008, but she stated that a decrease was expected in FY 2010. She said the FY 2009 values came in roughly \$200,000 less than projected due to collection issues, but she was confident in the numbers for FY 2010. She said that personal property taxes came in roughly \$1 million less than FY 2008 and were lower than expected by about \$700,000, due to estimates for abatements and supplemental assessments being delayed. She stated those collections would not occur until FY 2010. She stated that the revenue category would be watched closely due to the delayed assessments and additional supplemental bills, particularly due to the Cash for Clunkers program, which may result in higher revenue for personal property taxes.

Ms. Mellen reviewed the building-related revenues, which declined for FY 2008, FY 2009, and the FY 2010 projected budget. She stated the revenue stream came in about \$200,000 higher than expected. She stated that some of the increase could be attributed to refinancing, timeshares, and more sales than expected. She stated the building permit revenues for FY 2009 came in roughly \$50,000 higher than expected, but a decline was still projected for FY 2010.

Ms. Mellen reviewed the consumer-driven revenues, and stated that business licenses were lower than expected; she stated this would need to be adjusted for FY 2010. She stated this was difficult since the revenues were not collected until May of each year. She stated she would bring revised BPOL numbers in January. She stated that sales, meals, and lodging each came in roughly \$50,000 short of the expected values, but there was only one month of data for FY 2010. She stated these revenues would be monitored closely. She noted that lodging taxes were suffering. She stated staff did not believe there would be an increase in FY 2010.

Ms. Mellen reviewed State budget reductions for FY 2010. She stated that as a result of the reduction in the State Sales Tax for Education, a budget amendment would need to come before the Board. She reviewed the reductions for HB599 funds and contributions for Constitutional Officers. She stated the Constitutional Officers received substantial cuts.

Mr. Goodson asked if the Compensation Board had given guidance on salary adjustments.

Mr. Wanner stated that the State cuts are being passed onto the locality to be absorbed or reduced through the local budget. He stated this trend has continued for several years and would continue.

Mr. Icenhour asked about how this would reduce school-related allocations in the County budget.

Mr. Wanner stated the reduction in State Sales Tax for Education would result in a reduction in funds for the schools.

Ms. Mellen reviewed reduced State contributions to regional entities, including the Colonial Services Board, Merrimac Center, and other organizations. She noted that these reductions were in addition to the Local Aid to State Government for FY 2010, resulting in reductions of roughly \$1.5 million.

Ms. Mellen noted revenues to watch in FY 2010, including personal property, BPOL, Sales, Meals, and Lodging, Building Permits, and State Revenues.

Discussion was held about potential increases in income taxes and sales tax revenue during the summer and the back-to-school season. Ms. Mellen stated the most recent numbers from July were at a deficit of about \$15,000 from 2008. Mr. McDonald stated that the figures from September would be available in mid-October because sales tax figures are roughly two months behind.

c. Revenue Alternatives for FY 2011 Budget

Mr. McDonald presented five revenue alternatives for guidance from the Board to determine which, if any, should be discussed during the January Budget Retreat. The first item he reviewed was an increase in the real estate tax rate by \$0.01 for an estimated taxpayer impact of \$30 annually and estimated County revenue of \$1,090,000. He stated that due to reduced assessments, some people may still see a decrease in real estate property tax bills.

The second alternative was an increase in the personal property tax rate of \$0.25. He estimated this would result in a \$50 increased impact on the taxpayer annually and would generate \$1,100,000 of revenue. He noted that this increase would not apply to machinery and tools, construction equipment, or business personal property taxes.

The third item Mr. McDonald reviewed was the Motor Vehicle Local License Tax, or decal fee, which the County recently discontinued. He stated that reinstating this fee at a rate of \$23 per motor vehicle and \$15 per motorcycle would impact the taxpayer by about \$46 annually and generate \$1,300,000 in revenue. He noted that the County is one of eight counties in the State which does not assess this tax.

The fourth alternative was a Stormwater Utility Fee. Mr. McDonald stated that this was recommended by the County's efficiency study to address Stormwater Management. He stated the fee would be assessed at \$4.90 per month which would result in an annual impact on the taxpayer of \$58.80 and result in \$2 million in County revenue. He stated that the estimations assume previously assessed rates.

The last revenue alternative discussed was a Consumer Utility Tax on Electricity and Natural Gas at a rate of up to \$3 per month per utility with a maximum impact of \$72 per year. He stated the revenue potential for this item was unknown at this time because the revenue estimate data would need to be collected from the

utilities. He stated that based on what other localities including the City of Williamsburg and New Kent County collect; the revenue would be approximately \$3 million per year. Mr. McDonald noted that James City County is one of nine counties in the State that does not assess this tax on electricity. He also noted that the tax could be varied to be assessed based on consumption. He asked for guidance on these potential revenue alternatives.

Discussion was held on core service requirements for the County. Mr. Wanner noted that based on existing revenues, the school system has been told not to expect an increased allocation. He said that County jobs are being held open for longer and many positions have been eliminated in anticipation of the FY 2011 budget. He stated that in addition to these measures, the County will need to absorb State cuts and increased Virginia Retirement System (VRS) contributions. He stated that staff has been involved in a dialogue to shift priorities and eliminate positions as a result of decreased projected revenues for the upcoming year. He stated the priorities for funding were public education, public safety, and those in the safety net. He said everything else is open for reductions. He noted that services and facilities will be reduced in order to maintain the budget with projected revenues.

Discussion was held about the challenges of FY 2011 and FY 2012 due to State budget shortfalls of roughly \$4.5 billion. The decreased State contributions affect the local government and the agencies that cooperate with the local governments, including the libraries and jails. Mr. Wanner commented that the land book was market-based, and the slow real estate market would drastically affect revenues. He noted that staff and services were being reduced this year to prepare for reductions in FY 2011. He stated that services should be evaluated to determine what is worth paying for. He reviewed current tradeoffs, including the elimination of leaf collection. He stated these types of choices needed to be considered by the Board and guidance needed to be provided for staff.

Discussion was held about town hall meetings in each district to get input from citizens about reductions in services and about revenue enhancements.

Discussion was held about ways to fund curbside leaf collection and the potential for a voluntary curbside trash collection service as a cost-reduction for citizens and a way to subsidize the recycling program. Mr. McGlennon and Mr. Icenhour stated their support for the voluntary curbside trash collection program. Mr. Kennedy commented that he could not support this program if it negatively impacted citizens in rural areas. Ms. Jones commented that it was possible to get better rates than the County contract, and she proposed a reduction in recycling service to a two-week schedule. She stated her opposition to initiating a new County program at this time. Mr. Goodson proposed a fee-based recycling program or eliminating curbside service. Mr. Wanner stated more research would be evaluated and this item could come forward again at the Budget Retreat.

In relation to revenue alternatives, Mr. McGlennon indicated he did not agree with the motor vehicle license tax since it was a regressive tax and was a nuisance to manage when the County previously collected it. The Board agreed that Mr. Wanner should contact the utilities to determine the revenue estimates. Mr. Goodson stated he could not support a real estate property tax increase. Mr. McGlennon asked to keep open consideration for an increase in the real estate property tax rate since this would result in the largest revenue with the least impact on the taxpayer. He also noted that this amount and the amount of personal property taxes were taken into account on Federal income tax returns. Mr. Icenhour asked to reconsider the real estate tax-rate increase option. He noted he was not a proponent of the personal property tax rate increase, but he would be willing to consider the option. He stated his hesitation about the utility tax, but stated he was interested to see what figures were projected. Mr. Goodson stated his interest in the motor vehicle license fee as a result of costs to maintain the vehicle registration information.

Mr. Wanner discussed current measures being taken to reduce County positions and evaluate how to reduce services to save money for FY 2011. Mr. Kennedy asked about potential reduced work hours or furloughs.

Discussion was held about County spending in relation to inflation, imposed mandates, and population increases. Mr. Wanner noted that in the past, the Board has added employees and services as a result of increased population and increased expectations for the level of service provided. He stated that those instances were part of the decisions to be evaluated for the next budget. Discussion was held about determining what service fees should be implemented or increased in order to provide the services that citizens would like to maintain. Mr. Wanner stated he would like to evaluate these alternatives since several more factors would be apparent at the time of the January Budget Retreat. The Board agreed that staff should continue to evaluate all five of the alternative revenue sources.

Discussion was held about town hall meetings in each district and Mr. Wanner recommended getting input from mid-November to mid-January to prepare the next budget.

**D. BREAK**

At 5:56 p.m., the Board broke for dinner.

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Sanford B. Wanner  
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF SEPTEMBER 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**B. ROLL CALL**

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

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

**B. MOMENT OF SILENCE**

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

**D. HIGHWAY MATTERS**

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated he had no updates to report at this time.

Mr. McGlennon thanked Mr. Halacy for arranging for him to meet with engineers regarding Jamestown Road, enabling the traffic signal study to be redone after the Colonial Parkway is reopened. He stated the study will evaluate the impact of the traffic light on neighborhoods and St. Martin's Church and its preschool. He stated that if the warrants demonstrate a need for a signal, VDOT will have to install it for safety reasons, but he stated his appreciation for re-evaluating the need.

**E. PUBLIC COMMENT**

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on illegal junkyards and blight in the County.
2. Mr. John Rhein, 3505 Hunters Ridge, spoke on behalf of the National Federation for the Blind (NFB). He displayed the NFB commemorative coin which is being sold to benefit Braille literacy. He stated the NFB State Conference would be held at the Williamsburg Hospitality House in November, 2009.

3. Mr. Ed Oyer, 139 Indian Circle, commented on decreased real estate sale prices, decreased revenues, and improvements on Route 60 East.

Mr. Kennedy recognized Planning Commissioner George Billups and Planning Commission Chairman Rich Krapf.

Mr. Kennedy also recognized Mr. Mickey Chohany, former Councilman for the City of Williamsburg.

## **F. PRESENTATIONS**

### 1. Virginia Association of Counties Achievement Award

Mr. Mike Edwards, Virginia Association of Counties, presented an award to Mr. Kennedy in honor of the James City County “Neighborhoods Organizing Ways to Achieve Connections” (NOWAC) program.

Mr. Kennedy recognized the Neighborhood Connections and IT staff who helped create the award-winning NOWAC program.

### 2. Community Services Building – Mr. Alex Kuras

Mr. Kuras gave a brief overview of the history of the Historic Triangle Community Services Building and the nonprofit human services organizations that operate in the building. He commented on the evolution of the building, including upgrading and converting the center meeting room. He stated the renovations would result in a more attractive space that would be more cost-efficient. He stated that a major fundraiser would be held to offset the current debt of roughly \$250,000. He commented that he would be happy to have referrals of additional potential tenants.

## **G. CONSENT CALENDAR**

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

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

### 1. Minutes – September 8, 2009, Regular Meeting

2. Revenue Sharing Program Emergency Traffic Signal – Fire Station 2 (UPC # 94645)

**RESOLUTION**

**REVENUE SHARING PROGRAM EMERGENCY TRAFFIC SIGNAL –**

**FIRE STATION, UPC # 94645**

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

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

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

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

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

Revenue:

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

Expenditures:

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

3. Dedication of Streets in Fenwick Hills Sections 1, 2, and 3

**RESOLUTION**

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

WHEREAS, the streets described on the attached Additions Form AM - 4.3 fully incorporated herein by reference are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

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

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

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

4. Contract Award – James City/Williamsburg Community Center Gym Floor Replacement \$ 140,977

## **RESOLUTION**

### **CONTRACT AWARD - JAMES CITY/WILLIAMSBURG COMMUNITY CENTER**

#### **GYM FLOOR REPLACEMENT - \$140,977**

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

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

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

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

5. County/State Project Administration Agreement, American Reinvestment and Recovery Act

**RESOLUTION**

**COUNTY/STATE PROJECT ADMINISTRATION AGREEMENT,**

**AMERICAN REINVESTMENT AND RECOVERY ACT,**

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

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

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

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

6. Appropriation of \$518,394 for the American Reinvestment and Recovery Act Project

**RESOLUTION**

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

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

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

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

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

Fiscal Year 2010 Special Projects/Grant Fund

Revenue:

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

Expenditure:

Route 60 Shoulder and Drainage Improvements                                     \$518,394

- 7.     Award of Bid – Oakland Estates Drainage Improvements and Yarmouth Creek Stream Stabilization Project \$239,662.70

**RESOLUTION**

**AWARD OF BID – OAKLAND ESTATES DRAINAGE IMPROVEMENTS AND**

**YARMOUTH CREEK STREAM STABILIZATION PROJECT - \$239,662.70**

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

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

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

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

**H.     PUBLIC HEARINGS**

- 1.     SUP-0016-2009. James City County Police Headquarters

Mr. Jason Purse, Senior Planner, stated Mr. Shawn Gordon, on behalf of the James City County Police Department, has applied to construct the new Police headquarters at 4600 Opportunity Way, across the street from the new Thomas Nelson Community College (TNCC) campus. The headquarters will consist of a main building, approximately 47,100 square feet in size, an accessory building for additional storage, specialty vehicle storage, as well as an impound lot located near the rear of the property. The new Police headquarters will allow the Police department to oversee all of its functions from one central site in the County and allow for its anticipated expansion well into the future.

Staff found the proposal, with conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. The Police headquarters provides a valuable service to the County and its central location will make it more convenient for the community. Additionally, the proposed conditions will help mitigate the impacts of the headquarters and the proposed architectural design, which is similar to nearby buildings of TNCC and Warhill High School and will help the facility blend in with the community.

At its meeting on September 9, 2009, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff recommended approval of the resolution.

Mr. McGlennon commented on a letter from the Friends of the Powhatan Creek Watershed relating to environmental protection measures, including impervious cover and stormwater runoff.

Mr. Purse stated the original plan provided 61 percent impervious cover due to parking requirements. He stated that through a study and working with a design engineer, the impervious cover was reduced to 44 percent. He noted the geothermal heating and well system and that there would be a Best Management Practice (BMP) facility in the rear of the site.

Ms. Jones asked for information on steps to capture rainwater and bio-retention on the site.

Mr. William Cain, Environmental Engineer, stated the majority of the Warhill site was in a master plan in 2006, where runoff points were noted. He stated that the rear side of the police building would accommodate water quantity control with a dry pond. He stated that to increase water quality, some curb, gutter, and median would be reduced to allow for infiltration. He stated that a majority of the water is taken care of in this way. He stated that one of the leading credits to the building was that there was no irrigation system, which would eliminate the use of a cistern.

Mr. Goodson stated that while this site is 44 percent impervious, this parcel was subdivided from a larger parcel that may not be developed. He stated that the same criteria may not be considered as it would be in a larger legacy parcel.

Mr. Cain stated this site could effectively be 100 percent impervious but the Warhill Site could be set at less than 50 percent impervious.

Mr. McGlennon stated that the majority of the runoff would be treated.

Mr. Cain stated that the front three acres would drain to the trunk line with Prime Outlets and TNCC.

Mr. McGlennon stated that it appeared that only 50 percent of stormwater runoff was being treated, but it was actually significantly more.

Mr. Icenhour asked about the number of parking spaces.

Mr. Purse stated there were 119 spaces for officers and 33 spaces for the public for a total of 152, reduced from over 180 spaces. Mr. Purse noted that this number did not include the impound lot.

Mr. Icenhour asked how the 44 percent impervious cover compares to what is on-site at Warhill and TNCC.

Mr. Cain stated that the TNCC site would have been reviewed by the State, rather than the County, so that information was not readily available.

Mr. Kennedy asked about the change requesting the Development Review Committee (DRC) to review the landscaping and architectural review.

Mr. Purse stated that the landscaping portion was redundant, but the architectural review would likely be incomplete at the time of the DRC meeting, which would necessitate a second meeting.

Mr. Kennedy opened the Public Hearing.

1. Mr. Shawn Gordon, Capital Projects Administrator, gave a brief overview of the minimum silver Leadership in Energy and Environmental Design (LEED) certification of the Police Building, to be constructed by David Nice Builders. He reviewed the geothermal heating and cooling system, Low-Impact Development, Bio-retention drainage system, drought-tolerant landscaping, construction waste management plan and locally produced materials. He stated all staff and contractors involved in the project would be trained for implementing LEED in the field, and that the work would be subject to a third-party independent review for design and energy efficiency.

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

Mr. McGlennon made a motion to adopt the resolution.

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

## **RESOLUTION**

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

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

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

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

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

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

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

1. This SUP shall be valid for the operation of the JCC Police Headquarters and accessory uses thereto as shown on the Master Plan titled "Special Use Permit Master Plan JCC Police Headquarters" dated August 24, 2009 (the "Master Plan"). The Police Headquarters shall be located at 4600 Opportunity Way, further identified as JCC Real Estate Tax Map No. 3210100016 ("Property"). Development of the site shall be generally in accordance with the Master Plan as determined by the Director of Planning. Minor changes may be permitted by the Development Review Committee (DRC), as long as they do not change the basic concept or character of the development.
2. All exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from any side. Fixtures, which are horizontally mounted on poles, shall not exceed 30 feet in height. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
3. The Police Headquarters shall be developed in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the Police Headquarters and related facilities. A screening and landscaping plan shall be provided for approval by the Director of Planning and the Development Review Committee prior to final site plan approval.
4. The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color, or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
5. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final development plan approval. The standards shall include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Prior to final site plan approval, the Director of Planning and the Development Review Committee shall review and approve the final building materials and colors for consistency with renderings entitled "Proposed James City County Police Headquarters" and dated August 24, 2009.
7. If construction has not commenced on this project within 24 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

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

5. Ordinance to Amend James City County Code, Chapter 15, Offenses – Miscellaneous, by Adding Section 15-41, No Wake Zone; to Authorize the County to Establish a Procedure for No Wake Zones, as Permitted under Section 29.1-744, Code of Virginia

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

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

Mr. Kinsman commented that the U.S. Coast Guard and the James City County Police Department did not report any complaints. He stated that the VDGIF routinely patrols Powhatan Creek, which cited summons for lack of equipment and two warnings were given. He stated it was not a high-volume complain area. He noted the Hampton Roads Planning District Commission (HRPDC) study entitled “Erosion Control Options” and there were various studies that had opposite conclusions.

Staff recommended adoption of the ordinance.

Mr. Goodson asked about the options for addressing No Wake Zones.

Mr. Kinsman stated the ordinance in the packet was a procedural ordinance to allow someone to make out an application for the Board’s consideration. He stated that another section of the State Code would allow for the Board to consider a freestanding ordinance for a particular area which would then be sent to the VDGIF.

Mr. Goodson stated that if the freestanding ordinances were for individual properties or for larger areas.

Mr. Kinsman stated that the VDGIF would prefer contiguous properties for safety and simplicity. He stated that establishing a set application period would be reasonable, such as with the Agricultural and Forestal District (AFD) application process.

Mr. McGlennon stated that the first case was to provide for a procedure to apply for a No Wake Zone; in the second case a separate ordinance would be considered for each request.

Mr. Kinsman noted that freestanding ordinances would not be codified, but a policy of criteria would be established to evaluate them.

Mr. McGlennon stated that the VDGIF has the authority to establish No Wake Zones, and they would ultimately approve the No Wake Zones recommended by the Board of Supervisors.

Mr. Kinsman stated that was correct and that the VDGIF leaves the process to the locality.

Mr. Icenhour asked if citizens could apply directly to the VDGIF.

Mr. Kinsman stated that the VDGIF could not accept an application directly from a citizen.

Ms. Jones asked about safety rules near docks.

Mr. Kinsman stated that there were boating safety rules enforced by the Coast Guard or VDGIF, but this ordinance would apply to areas that would not regularly require no wake.

Ms. Jones stated that boaters were required to go through a safety class.

Mr. Kinsman stated that was correct.

Ms. Jones asked how the No Wake Zones would be enforced.

Mr. Kinsman stated the County's single VDGIF officer would enforce it. He stated that if a witness was able to positively identify a boater creating a wake, it could be enforced.

Mr. Kennedy asked how many citations were issued last year.

Mr. Kinsman stated one summons due to lack of a life jacket.

Mr. Kennedy asked if there were no wakes in canals, docks, and around other boats with similar safety rules.

Mr. Kinsman stated there were safety requirements that regulate wake, but this ordinance would apply to areas that were not already addressed.

Mr. Rogers stated that that they would already be regulated through State Code.

Mr. Kennedy asked how No Wake Zones affected buildings, docks, and other boats.

Mr. Rogers stated that boats and other vehicles required a controlled wake, but slowing down to no wake was required when within 50 feet of structures and buildings.

Mr. Kennedy asked Police Chief Emmett Harmon how this would affect the workload in the Police department.

Chief Harmon commented that it was unlikely with the Police Office's single boat; it would be unlikely that the Police department would be able to enforce no wake on Powhatan Creek very efficiently.

Mr. McGlennon asked how informed individuals were of the rules regarding No Wake Zones.

Chief Harmon stated that he understood that people were responsible for any damage as a result of their wake.

Mr. Kennedy opened the Public Hearing.

1. Mr. Steve Chantry, 118 Godspeed Lane, Powhatan Shores, stated his opposition to the No Wake Ordinance. He stated concern about the lack of requirement for a demonstrated need for no wake. He stated that he also opposed the lack of requirement for public notification. He stated that a No Wake Zone is a preventive measure for unknown buildings or docks ahead. He stated that safety dictated boaters to slow down in many cases.

2. Mr. Ron Campana, 101 Branscome Blvd., President of Powhatan Shores Homeowners Association, stated that the majority of the homeowners who have contacted him have stated their opposition to the ordinance.

3. Mr. Brian Jensen, 127 Branscome Blvd., on behalf of the Powhatan Shores Homeowners Association, commented on the efforts of the Powhatan Shores community to maintain its environment and safe and responsible boating. He stated that according to the VDGIF, there has been only one recreational boating issue on Powhatan Creek since 1999. He stated there was a standard of courtesy and safety among the community boaters. He stated the No Wake Zones would create a negative impact on property values and would create a potential safety hazard. He stated opposition to the proposed ordinance and requested denial to allow for a fair, open, and objective process.

4. Mr. Rick Young, 116 Discovery Lane, commented on the extent of a No Wake Zone request and the impact of non-contiguous No Wake Zones. He stated the VDGIF is on Powhatan Creek frequently and there have been very few incidents in the area. He commented on erosion and stated the wake helped reduce the necessity of dredging. He stated that the issue should come forward when it becomes a safety issue.

5. Mr. Frank Boyer, 110 Discovery Lane, stated his opposition to the ordinance. He stated that safety dictated being responsible for the boat's wake by structures, docks, and other boats. He stated that other rules cover most safety concerns and he felt the ordinance was unnecessary.

6. Ms. Carolyn Cox, 313 Neck-O-Land Road, commented that her late husband grew up on Powhatan Creek. She stated that her husband had spent years laying rip-rap on the property due to erosion. She said that boats have not observed the No Wake Zone within 50 feet of her dock. She requested approval.

7. Ms. Wendy Hinkle, 309 Neck-O-Land Road, attributed the lack of incidents reported to the lack of information to homeowners. She stated that most boaters know and obey laws, but inexperienced boaters do not observe the rules in her area. She stated that the areas are regulated with a 50-foot No Wake Zones, but no signs are posted to indicate that. She requested approval of the ordinance.

8. Mr. Craig Metcalfe, 4435 Landfall Drive, stated his support for No Wake Zones in the County to protect properties from boat ways. He stated that there was a death resulting from a speeding boat collision. He stated that it is illegal for citizens to post their own No Wake Zone signs. He requested for the opportunity to post a sign to request people to slow down.

9. Mr. Tim Cleary, 103 Lands End Drive, stated his support for No Wake Zones when necessary. He stated that with the many waterways in James City County, a process is needed to establish No Wake Zones. He requested denial of the ordinance and requested that the ordinance establish the requirement of a public hearing for the No Wake Zone, require demonstrable evidence of safety hazard, and should require review and consideration by County staff. He requested an open, fair, objective process to consider No Wake Zone applications.

10. Mr. Michael Watson, 4389 Landfall Drive, stated his opposition to the No Wake Zone ordinance. He stated that he did not feel the threat existed on Powhatan Creek. He stated in other localities, marsh grasses minimize the impact of wake, development creates more sediment than boating, and decreased motor boating has an impact on property values. He stated that without motor boating, the channel would fill and restrict access to fisherman and recreation boaters. He asked that the Board require clear documented evidence to require the No Wake Zones. He stated there were laws that require training and licensure and to ensure safety near docks, other boats, and buildings. He stated that this was an enforceable law. He stated there were also rules that apply to paddlers that must be observed.

11. Mr. Robert Beck, 6425 Conservancy Road, commented that there was a problem with erosion on College Creek. He requested approval of the ordinance.

12. Mr. Tom Williamson, 4385 Landfall Drive, stated his support for the ordinance. He stated that the laws were unlikely to be enforced. He stated that this would be a way to determine if enforcement is needed.

13. Ms. Susan Swinford, 4384 Landfall Drive, stated her support for the ordinance. She requested the Board approve the ordinance to protect the property and the boaters on the creek.

14. Mr. Dennis Shook, 218 Neck-O-Land Road, stated his opposition to the ordinance. He stated that individuals should be responsible for their own wakes.

15. Ms. Elsie Johnson, 210 Red Oak Landing Road, requested approval of the No Wake Zone ordinance due to the impact on marshlands. She stated her concern for erosion in the marshes as a result of the wakes.

16. Mr. Bingham Jones, 8 Hiawatha Court, commented on the ordinance before the Board would establish a procedure to invoke the right to request a No Wake Zone. He stated that the public would still need to have a set of requirements for the request. He stated that while he believed there was a legitimate need for No Wake Zones, the procedure with defined requirements was a necessity.

17. Mr. Joe Swanenburg, 1026 The Pointe, Chickahominy Haven, stated he believed the ordinance had loopholes. He stated he felt there should be a committee that would determine if the No Wake Zone was needed, with the assistance of the zoning and environmental divisions.

18. Mr. Jim Lenceski, 103 Godspeed Lane, commented that he believed the ordinance had many loopholes. He stated that as a jet skier, he observed the rules of the waterways, but No Wake Zone signs would not deter some boaters from being discourteous. He stated that erosion would occur over time regardless of boat traffic.

19. Mr. Larry Waltrip, 100 Lands End Drive, stated that this ordinance was a vehicle to make an application. He stated that the purpose was not to create a No Wake Zone on the entire creek. He stated that he had observed boaters who did not demonstrate courtesy near his property. He stated he was in support of

freestanding resolutions rather than the ordinance as written. He stated he would appreciate if all boaters in the area would demonstrate common courtesy and observe the no wake laws. He reiterated he would not support the current ordinance, but would support freestanding ordinances where individual property owners could apply for the No Wake Zone.

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

Ms. Jones asked if there was anything that prohibits property owners from posting a No Wake Zone sign on a dock or boathouse.

Mr. Kinsman stated that the VDGIF regulates the signage and buoys for No Wake Zones.

Ms. Jones asked if the property owner could go through the VDGIF.

Mr. Kinsman stated that the property owner would still need to work through the local government.

Mr. Icenhour asked how there were signs on the creek now.

Mr. Kinsman stated that some predate the heightened regulation of the VDGIF since 2001.

Mr. McGlennon stated that he understood there may be some places in the County to designate a No Wake Zone and expect it to be respected. He stated that he believed there was some consensus on the uncertainty about where the ordinance would go. He stated there were many who may believe that the existence of a No Wake Zone ordinance would end discourteous behavior by boaters. He agreed that what was needed was attaching the ordinance to guidelines that demonstrate the standards, procedures, and expectations of the application process. He stated the ordinance references the State Code which provides for the public hearing and the cost involved. He said that the appropriate mechanism needed to be determined to allow for application and consideration of No Wake Zones. He stated it would be reasonable to have evidence to determine there was a problem. He said he would request the Board to defer the ordinance and bring it back with refined guidelines. He stated that there were a number of people who have identified appropriate places for No Wake Zones. He noted that the Watershed study of Yarmouth Creek calls for No Wake Zones. He stated that even if the ordinance is not adopted, a citizen may request a freestanding ordinance, and a set of guidelines is necessary in either case.

Mr. Goodson stated that he did not support this approach for No Wake Zones. He stated he understood there were concerns at College Creek and stated he would ask staff to investigate a No Wake Zone for this area. He stated in this case, it could result in a piecemeal series of No Wake Zones. He requested a Board policy to move forward on a No Wake Zone area with established guidelines.

Mr. McGlennon stated that was essentially what he was recommending.

Mr. Goodson stated that he did not see a need to defer the ordinance to determine a policy.

Mr. Icenhour stated that would be piece-mealing the process. He stated that if there was no ordinance and policy, the freestanding ordinances would be individual properties. He commented that the process should clarify that the whole process would require a public hearing, that fees would be paid by the applicant, and on establishing a documented need. He asked to establish the magnitude of the problem, including safety, environmental impacts. He stated his support for a deferral and asked that staff work with the citizens to create a clear policy.

Mr. Goodson stated the problem with the ordinance would only allow for a property owner to apply in front of his/her own property.

Mr. Kinsman stated that any citizen may apply for a No Wake Zone within the territory of the County.

Mr. Goodson stated that citizens would have to come forward to defend their rights.

Mr. McGlennon stated there would be established guidelines to regulate the process. He stated that the freestanding ordinances would not prohibit random applications throughout the year.

Mr. Goodson asked if a committee would evaluate the applications.

Mr. Wanner stated a community committee could be established to work with staff to determine guidelines.

Mr. McGlennon stated that he did not want to prejudge whether the final vehicle would be the ordinance or freestanding ordinances.

Mr. Wanner stated that it was possible to deny the proposed ordinance and direct staff to create the policy and guidelines.

Mr. Goodson stated that was his preference.

Mr. Kennedy stated he agreed with denying the proposed ordinance.

Ms. Jones stated that the issue was mainly a concern of discourtesy by the boaters. She stated the homeowners needed to know whom to contact when there was a problem. She stated that the areas that are giving issues to homeowners are currently no wake areas, but the regulations are not being enforced.

Mr. McGlennon stated he believed Mr. Goodson wanted a no wake area in the County.

Mr. Goodson stated he disagreed with this vehicle.

Ms. Jones stated that the enforcement of the current policy was needed.

Mr. Kennedy stated that clarification on how to file a complaint would be posted on the County website. He stated that he did not believe he could support this, since it would be difficult to enforce. He stated his opposition to this ordinance.

Mr. Icenhour asked if someone was able to take video evidence of a violation, and what enforcement was possible for the citizen filing the complaint.

Chief Harmon stated video evidence would help identify who broke the law. He stated that many violations occur at a distance, which would make identification difficult.

Mr. Icenhour stated that it would be hard to enforce this. He stated his concern that there are legitimate infractions that are not being addressed.

Ms. Jones asked to increase awareness of trouble in specific areas.

Mr. McGlennon stated that there was not a No Wake Zone in the area.

Ms. Jones stated there were docks and boathouses.

Mr. Rogers stated that it was not a No Wake Zone area, but it would be a violation.

Mr. Goodson asked what the difference was between a No Wake Zone and the other laws.

Mr. Rogers stated there were independent State laws regarding no wakes around structures or docks within 50 feet; he stated that No Wake Zones were codified under a different section.

Mr. Goodson stated that the zones that are already protected are not being enforced.

Mr. Icenhour stated that at his lake property, his entire cove is a No Wake Zone, and in other areas that allow a wake, there is a major difference.

Mr. Goodson commented that this was an estuary used for travel.

Mr. Icenhour stated that to establish this on a main waterway would be problematic and would require a compelling reason. He stated that the ordinance would only create a vehicle to evaluate it. He stated the ordinance would not ensure that the result was a No Wake Zone. He stated that the application would have to stand on its own merits. He stated he supported a deferral, but he wanted to come back with a policy to handle the issue.

Mr. McGlennon asked that staff develop a set of guidelines for the consideration of No Wake Zones.

Mr. Rogers stated that if there is no action on the ordinance, the ordinance is not approved. He stated staff could come back with guidance.

Mr. Goodson stated he agreed with that.

No action was taken on the ordinance. The Board requested staff establish guidelines.

Mr. Rogers stated that if an ordinance was required, it would need to be readvertised to be approved with the guidelines.

Mr. Kennedy recessed the Board for a short break at 9:23 p.m.

Mr. Kennedy reconvened the Board at 9:35 p.m.

2. Abandonment of a Portion of the Right-of-Way for Route 658 (Olde Towne Road), Section 1

Mr. Leo Rogers, County Attorney, stated this was an abandonment of a portion of right-of-way on Olde Towne Road. He stated that once it is abandoned, it is still State property, but is no longer designated as right-of-way. He stated that it contributes to the realignment of Olde Towne Road.

Mr. Icenhour asked about the delay.

Mr. Rogers stated the State requested the abandonment.

Mr. Kennedy opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the resolution.

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

## **RESOLUTION**

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

#### **(OLDE TOWNE ROAD), SECTION 1**

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

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

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

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

3. Ordinance to Amend James City County Code, Chapter 15, Offenses – Miscellaneous, by Adding Section 15-39, Graffiti; to Authorize the County to Remove or Repair the Defacement of Buildings, Walls, Fences and other Structures, as Permitted under Section 15.2-908, Code of Virginia

Mr. Adam Kinsman, Deputy County Attorney, responded to recent incidents of graffiti. He stated that ordinarily when graffiti was observed, the property owner is contacted and the County requests him/her to address it. He stated that there are instances when the property may be vacant or the property owner may be outside the County. He stated that there were two instances covered in the ordinance, which included public property and private property within sight of the public right-of-way. In the instance of a private building, the property owner has 15 days to comply before the graffiti is removed by the County, with the costs being recovered from the property owner. He stated if the perpetrator was caught, the costs could be recovered from him/her. He stated this was a last-resort option as the property owners would still be contacted. He recommended adoption of the ordinance.

Mr. Goodson stated his appreciation for work on this ordinance.

Mr. McGlennon asked if the County could remove graffiti within 15 days in certain circumstances.

Mr. Kinsman stated the 15-day notice would allow for reimbursement of costs and that the graffiti could be removed earlier, but the County would not be reimbursed.

Mr. Kennedy commented on graffiti at Pocahontas Hotel. He asked if a graffiti fund was able to be established by individuals who were caught.

Mr. Kinsman stated that was a consideration.

Mr. Kennedy stated that this could be a devastating cost to property owners through no fault of their own.

Mr. Wanner stated that a separate line item could be setup through the Treasurer.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the ordinance.

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

4. Ordinance to Amend James City County Code, Chapter 15, Offenses – Miscellaneous, by Adding Section 15-40, Drug Blight; to Authorize the County to Require Removal, Repair, Etc., of Buildings and other Structures Harboring Illegal Drug Use, as Permitted under Section 15.2-907, Code of Virginia

Mr. Adam Kinsman, Deputy County Attorney, stated the drug blight ordinance was a companion to the graffiti ordinance. He stated that this was an uncommon circumstance in the County, but the Police department was vigilant toward drug and gang activity in the County. He stated that the basic operation of the ordinance is that the Chief of Police would need to determine that drug blight exists on a property. He stated that once the Police Chief determines that, the problem would need to be addressed through increased patrols or other means. He stated that if that does not help, an affidavit would be issued to the building code official. The building official would then notify the property owner of the problem and require a 30-day time frame to fix the problem. He stated if at that time, it was not fixed, the building official would then issue another letter requiring a 15-day time frame to fix the problem, and if there was still no compliance, the County would then move forward to make the improvements.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

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

**I. BOARD CONSIDERATIONS**

1. Adoption of Planning Commission Job Description

Mr. Sanford Wanner, County Administrator, stated that staff has prepared a job description for the Planning Commission and its members. He stated that this issue came forward in previous years. He said that the job description outlines general expectations and duties of commissioners. He stated in the last few years, he has become aware of possible interference of the legislative process as well as interference with the role of the County Administrator. He stated the resolution allows for the adoption of the Planning Commission job description. He stated that Planning Commission Chairman Rich Krapf has submitted a letter requesting deferral for additional review and input. He stated that if the Board wished to defer the item, it should come forward on October 27, 2009, to allow for staff to converse with the Planning Commission Chair.

Ms. Jones requested a more general description and reference to the Code. She stated her appreciation for the input of the Planning Commission.

The item was deferred to October 27, 2009.

**J. PUBLIC COMMENT**

1. Mr. Mike McMahan, 6233 Weathersfield Way, President of the Homeowners Association of the Villages of Westminster, commented on additional damage to the Powner Court roadway; he stated his concern that it should be fixed properly. He commented on sporadic mowing on Route 60 near his neighborhood and line painting in the intersection. He requested more consistent enforcement of the noise ordinance.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated the item scheduled for closed session could be done in open session. He stated certain Board, Economic Development Authority, and Planning Commission members will visit the City of Charlottesville and County of Albemarle on September 28, to discuss how growth and density are handled. The Board was provided a memo regarding leaf collection elimination. He stated the cost of one leaf collection this year was \$28,400, which could be appropriated from contingency to pay for it. He noted that the County would provide free drop-off of leaves this fall as a result of the elimination of the curbside pickup. He requested guidance from the Board on this matter. He stated the free drop-off would benefit the citizens for a longer time. He requested a vote from the Board authorizing him to be the voting representative at the VML Annual Conference. He stated when the Board completed its business, it should adjourn to 7 p.m. on October 13, 2009.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson made a motion to designate Mr. Wanner as the Virginia Municipal League Voting Designee for the VML Annual Conference.

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

Mr. McGlennon made a motion for Mr. Fred Boelt to be reappointed on the Historical Commission.

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

Mr. Goodson commented on the homeowners association of the Villages of Westminster taking over mowing near the neighborhood.

Mr. Icenhour stated that he spoke with Mr. Halacy, who would meet with Mr. McMahan to create an agreement with the homeowners association.

Mr. Icenhour asked the status of the road repairs at the Villages of Westminster.

Mr. Steven Hicks, Manager of Development Management, stated the purchase order has been approved and he was waiting for some signatures and a meeting with the citizens.

Mr. Icenhour asked to ensure that the homeowners association was involved in the discussion to make sure the road is repaired adequately. He stated he would speak with Mr. Halacy about the line-painting issue.

Mr. Icenhour stated the current noise ordinance is a criminal offense, and that the County had an ability to change the noise ordinance to a civil charge.

Mr. Rogers stated that this was being addressed by a Supreme Court issue in Virginia Beach, but the County's noise ordinance is still being enforced. He stated that a group of attorneys are in a working group to create a legislative program item and different ways of adopting noise ordinances. He stated that this would likely be considered on the Board's legislative agenda.

Mr. Icenhour stated that he would like to assist the citizens in any way possible under the current ordinance.

Mr. Rogers stated he was currently working on this.

Mr. McGlennon stated he would like to make a motion to restore the one-time leaf collection this year as he felt it may be difficult for many people to transport all their leaves. He stated this would help minimize the number of leaves in storm drains.

Mr. Goodson asked about the cost of the collection.

Mr. Wanner stated the \$28,400 would come from contingency.

On a roll call vote, the vote was AYE: Goodson, McGlennon, Icenhour, Kennedy (4). NAY: Jones, (1).

Mr. McGlennon asked to consider Stormwater Management as a work session.

Mr. Doug Powell, Assistant County Administrator, stated Stormwater Management was currently on the Board's work session schedule. He stated it was originally scheduled for October, which would correspond with the Executive Search Services interviews, but it could be moved to November.

Ms. Jones commented on stimulus money received by other localities for stormwater management.

Mr. Wanner stated that the County had applied for stimulus funds for stormwater management but had been denied.

**M. ADJOURNMENT** to 7 p.m. on October 13, 2009.

Mr. Goodson made a motion to adjourn.

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

At 10:05 p.m., Mr. Kennedy adjourned the Board to 7 p.m. on October 13, 2009.

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Sanford B. Wanner  
Clerk to the Board

092209bos\_min

MEMORANDUM

DATE: October 13, 2009  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Chief of Police  
SUBJECT: Grant Award – Justice Assistance Grant – \$13,446

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The James City County Police Department has been awarded a Justice Assistance Grant (JAG) in the amount of \$13,446. The funds are to be used to purchase a Child ID computer system and various other materials and supplies for several of the crime prevention programs sponsored by the Department's Community Services Unit.

The grant requires no match.

Staff recommends adoption of the attached resolution.

  
Emmett H. Harmon

CONCUR:

  
Sanford B. Wanner

EHH/nb  
GA\_JustAsst\_mem

Attachment

**RESOLUTION**

**GRANT AWARD – JUSTICE ASSISTANCE – \$13,446**

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) in the amount of \$13,446; and

WHEREAS, the funds are to be used to purchase a Child ID computer system and various other materials and supplies for several of the crime prevention programs sponsored by the Department's Community Services Unit; and

WHEREAS, there is no match required of this grant.

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:

JAG – FY 2010	<u>\$13,446</u>
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Expenditure:

JAG – FY 2010	<u>\$13,446</u>
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Mary Jones  
Vice Chair, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2009.

GA\_JustAsst\_res

MEMORANDUM

DATE: October 13, 2009  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Chief of Police  
SUBJECT: Grant Award – American Recovery and Reinvestment Act: Port Security Grant Program – \$61,300

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The James City County Police Department has been awarded an American Recovery and Reinvestment Act: Port Security Grant Program (ARRA: PSGP) for \$61,300. These grant funds are to be used toward the purchase of personal protective equipment for personnel using the zodiac-style boats funded through the 2007 Port Security Grant Program (funded in FY 2010) as the Department expands its Marine Patrol and Special Weapons and Tactics (SWAT) capabilities.

The grant requires no matching funds.

Staff recommends adoption of the attached resolution.

  
Emmett H. Harmon

EHH/nb  
GA\_ARRA\_PSGP\_mem

Attachment

**RESOLUTION**

**GRANT AWARD – AMERICAN RECOVERY AND REINVESTMENT ACT:**

**PORT SECURITY GRANT PROGRAM – \$61,300**

WHEREAS, the James City County Police Department has been awarded an American Recovery and Reinvestment Act: Port Security Grant Program (ARRA: PSGP) for \$61,300; and

WHEREAS, the funds are to be used toward the purchase of personal protective equipment for personnel using the zodiac-style boats funded through the 2007 Port Security Grant Program (funded in FY 2010); and

WHEREAS, the grant requires no matching funds.

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:

ARRA: PSGP	<u>\$61,300</u>
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Expenditure:

ARRA: PSGP	<u>\$61,300</u>
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Mary Jones  
Vice Chair, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2009.

GA\_ARRA\_PSGP\_res

MEMORANDUM

DATE: October 13, 2009  
TO: The Board of Supervisors  
FROM: John T.P. Horne, General Services Manager  
SUBJECT: Budget Transfer - Curbside Leaf Collection - \$19,400

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The adopted Fiscal Year 2010 budget did not contain funding for any curbside leaf collection this season. Upon further review at the September 22, 2009 Board meeting, the Board has indicated its desire to proceed with one round of curbside leaf collection in December 2009. Staff is proceeding with development of that program. Funds for the program exist in the Operating Contingency budget and must be transferred to the Refuse Collection budget.

Staff recommends adoption of the attached resolution transferring \$19,400 from Operating Contingency to Refuse Collection.

  
John T.P. Horne

JTPH/gb  
BudTransLC\_mem

Attachment

**RESOLUTION**

**BUDGET TRANSFER - CURBSIDE LEAF COLLECTION - \$19,400**

WHEREAS, the Board of Supervisors has indicated its desire to conduct a curbside leaf collection program in Fiscal Year 2010 consisting of one round of collection; and

WHEREAS, funds for the program need to be transferred from the Operating Contingency budget to the Refuse Disposal budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers funds for this program as follows:

From:

Operating Contingency	<u>\$19,400</u>
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To:

Refuse Disposal- Leaf collection Program	<u>\$19,400</u>
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Mary Jones  
Vice Chair, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2009.

BudTransLC\_res

MEMORANDUM

DATE: October 13, 2009  
TO: The Board of Supervisors  
FROM: John T. P. Horne, General Services Manager  
SUBJECT: Budget Transfer – Palmer Lane Office Improvements – \$47,300

---

When the County purchased the office buildings in 2004 at Palmer Lane, the buildings did not have good quality windows and doors. The windows have deteriorated significantly and no longer provide serviceable insulation from heat and cold on the exterior of the building. This is resulting in very high heating and cooling costs and excessive energy use. The doors have similar problems. In addition, neither the doors nor the windows can be reliably secured for security purposes. Staff has been able to negotiate very competitive pricing for their replacement. The project will result in significantly lower energy usage, increased security, and better occupant comfort.

Staff recommends adoption of the attached resolution transferring \$47,300 from Operating Contingency to Capital Improvements Plan (CIP), Facilities Improvements.

  
\_\_\_\_\_  
John T.P. Horne

JTPH/nb  
PalmerLnImp\_mem

Attachment

**RESOLUTION**

**BUDGET TRANSFER – PALMER LANE OFFICE IMPROVEMENTS – \$47,300**

WHEREAS, the Board of Supervisors wishes to replace the windows and doors at the County offices on Palmer Lane; and

WHEREAS, the replacement will support significant energy savings and security improvements at the facilities; and

WHEREAS, funds for the program need to be transferred from Operating Contingency to Capital Improvements Plan (CIP), Facility Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers funds for this program as follows:

From:

Operating Contingency	<u>\$47,300</u>
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To:

CIP, Facilities Improvements	<u>\$47,300</u>
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Mary Jones  
Vice Chair, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2009.

PalmerLnImp\_res

**SPECIAL USE PERMIT-0013-2009. Cardinal Acres Two-Family Dwelling  
Staff Report for the October 13, 2009, Board of Supervisors Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

September 9, 2009, 7:00 p.m.  
October 13, 2009, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Michael Putt of First Investments of Virginia

Land Owner: Mr. Michael Putt

Proposal: To allow for the construction of one two-family dwelling (“duplex”) on the subject property. Two-family dwellings are specially permitted uses in the R-2, General Residential, zoning district.

Location: 114 Cardinal Acres Drive

Tax Map/Parcel No.: 4640400006A

Parcel Size: .34 acres

Zoning: R-2, General Residential, with Proffers

Comprehensive Plan: Moderate-Density Residential

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds this proposal to be consistent with the Comprehensive Plan Land Use Map designation for the subject parcel and with the surrounding development. Staff recommends that the Board of Supervisors approve this Special Use Permit (SUP) with the attached conditions.

Staff Contact: Sarah Propst, Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On September 9, 2009, the Planning Commission recommended approval of this application by a vote of 7-0, with the attached conditions.

**Proposed Changes Made Since Planning Commission Meeting**

None

## **PROJECT DESCRIPTION**

Mr. Michael Putt of First Investments of Virginia has applied for an SUP to allow for the construction of one two-family dwelling (hereafter referred to as a “duplex”) on the property located at 114 Cardinal Acres Drive. The subject property is zoned R-2, General Residential, and is designated Moderate Density Residential on the James City County 2003 Comprehensive Plan Map. The .34-acre site is located in the Cardinal Acres subdivision east of the Foxfield subdivision, south of The Pointe at Jamestown subdivision, and west of the Jamestown 1607 subdivision. The property can further be identified as (46-4)(4-06a).

The parcel is generally level and cleared, although there are some trees and bushes throughout the site. A gravel driveway exists on the southern border of the lot to provide access to the James City Service Authority (JCSA) lot. A 25-foot JCSA easement runs along the back/northeastern border of the parcel; no permanent structures are planned within the easement.

### **Project History**

An SUP and rezoning were previously approved for this site. The rezoning (Z-0012-2004) changed the zoning from R-8, Rural Residential, to R-2, General Residential, with Proffers. The subject parcel was subdivided from the adjacent JCSA well lot. The SUP (SUP-0029-2004) was approved on January 11, 2005, for a duplex of the same size and scale as the current SUP application request. That SUP expired in January 2008.

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** Powhatan Creek Watershed

**Staff Comments:** The Environmental Division staff has reviewed the application and concurs with the layout proposed on the Master Plan. As this property is located within the tidal mainstem subwatershed of Powhatan Creek, Special Stormwater Criteria (SSC) requirements apply to this lot per the Powhatan Creek Watershed Management Plan. Stormwater runoff from this site is directed to the adjoining property of Jamestown 1607. To manage site runoff, the owner/developer has agreed to stormwater management features such as, but not limited to, rain barrels, pervious pavers, and soil amendments (organic matter or other suitable materials which are tilled into the soil to make the soil more absorbent). The Environmental Division notes that a formal site plan, in conjunction with the Master Plan, will ensure that stormwater management features are properly utilized on the site. Staff has recommended a condition to ensure that runoff reduction measures will be addressed on-site prior to issuance of a building permit.

### **Public Utilities**

The subject parcel lies within the Primary Service Area (PSA) of James City County.

This parcel would be served by public water and public sewer facilities provided by the JCSA.

**Staff Comments:** The owner/developer will be responsible for creating and enforcing water conservation standards, which will be subject to JCSA’s approval. JCSA noted no problems with or objections to this proposal. JCSA will also review the formal site plan.

### **Transportation**

**2007 Traffic Counts:** From Cardinal Acres Drive to 4H Club Road, approximately 8,235 average daily trips.

**2026 Volume Projected:** From the James River to Neck-O-Land Road, projected 10,000 vehicles per day. “OK” category in the 2003 Comprehensive Plan.

**Traffic Generation and Road Improvements:** The proposed project has the potential to generate 12 additional daily trips. This will not impact the surrounding road network.

**VDOT Comments:** The Virginia Department of Transportation (VDOT) staff has reviewed the application and has no objection to the proposed project.

**Staff Comments:** The addition of a duplex on the last available lot in Cardinal Acres subdivision should not have any appreciable negative impact on the overall traffic flow in the surrounding area.

**COMPREHENSIVE PLAN**

*(Note: Page References are made to the James City County 2003 Comprehensive Plan.)*

**Land Use Map**

Designation	<p><b>Moderate Density Residential (Page 121):</b> Moderate-Density Residential areas are residential developments or land suitable for such developments with a minimum gross density of four dwelling units per acre, up to a maximum of 12 units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. Suggested uses include townhouses, apartments, attached cluster housing, recreation areas, and manufactured home parks.</p>
	<p><b>Staff Comments:</b> Staff believes that the proposed in-fill development of a duplex on the last available lot in the Cardinal Acres subdivision is consistent with the surrounding development and the Moderate-Density Residential designation.</p>
Goals, Strategies, and Actions	<p><b>Strategy No. 2 (Page 138):</b> Ensure development is compatible in scale, size, and location to surrounding existing and planned development.</p>
	<p><b>Action No. 16 (Page 140):</b> Identify target areas for infill, redevelopment, and rehabilitation with the PSA.</p>
	<p><b>Staff Comments:</b> The application proposes to put growth into the PSA where it may be more efficiently served by public utilities and services. As noted previously, the proposal would be compatible and harmonious both in terms of use and intensity with the surrounding area. This application represents a positive and beneficial infill project for James City County that would result in a better use of the subject property.</p>

**Environment**

Powhatan Creek Watershed Management Plan	<p><b>Description (Page 47):</b> Powhatan Creek is a 22 square-mile watershed of significantly biodiversity. The Powhatan Creek drains into the James River.</p>
	<p><b>Staff Comment:</b> Because of its location, this property is subject to SSC established for developments located within the Powhatan Creek Watershed Area.</p>
Goals, Strategies, and Actions	<p><b>Action No. 5 (Page 66):</b> Encourage the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs) to mitigate adverse environmental impacts.</p>
	<p><b>Staff Comment:</b> According to information provided by the applicant, Low Impact Development (LID) measures will be considered for implementation and compliance with the requirements set forth by SSC for the Powhatan Creek Watershed Management Plan Area. A condition has been included to reflect this.</p>

## Transportation

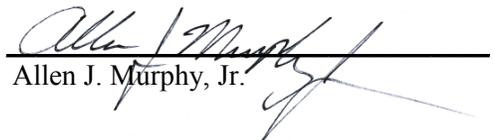
Jamestown Road	<b>Description (Page 76):</b> Projected traffic volumes for Jamestown Road would normally justify widening the two-lane road to four-lanes. Construction of a four-lane facility would be very disruptive; therefore, the comprehensive plan recommends that Jamestown Road be maintained as a two-lane facility.
	<b>Staff Comment:</b> According to VDOT's analysis, the traffic generated by this proposal will not negatively affect the current Level of Service for this segment of Jamestown Road.

## RECOMMENDATION

On September 9, 2009, the Planning Commission recommended approval of this application by a vote of 7-0. Staff finds that this proposal is consistent with the Comprehensive Plan Land Use Map designation for the subject parcel and with surrounding development. Based on this analysis, staff recommends approval of this application with the attached resolution.

\_\_\_\_\_  
Sarah Propst, Planner

CONCUR:

\_\_\_\_\_  
  
Allen J. Murphy, Jr.

SP/nb  
SUP0013\_2009

### ATTACHMENTS:

1. Location Map
2. Plat
3. Unapproved Minutes from the September 9, 2009, Planning Commission Meeting

## RESOLUTION

### CASE NO. SUP-0013-2009. CARDINAL ACRES TWO-FAMILY DWELLING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Michael Putt has applied on behalf of First Investments of Virginia for an SUP to allow for the construction of a two-family dwelling on a parcel of land zoned R-2, General Residential with Proffers; and

WHEREAS, the proposed development is shown on a plan prepared by LandTech Resources, Inc, with a final revision date of September 2, 2009 (the "Master Plan") and entitled "SUP Drawing for Remnant Lot – Cardinal Acres Subdivision (A Duplex Community)"; and

WHEREAS, the property is located at 114 Cardinal Acres Drive and can be further identified as James City County Real Estate Tax Map Parcel No. 4640400006A; and

WHEREAS, the Planning Commission, following its public hearing on September 9, 2009, voted 7-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0013-2009 as described herein with the following conditions:

1. Terms of Validity: Construction shall commence on the Project within 36 months from the date of approval of this SUP by the Board of Supervisors, or the SUP shall become void. For purposes of this SUP condition, "construction" shall be defined as having obtained building permits for, and passed inspection of, footings and/or foundation.
2. Water Conservation Standards: The owner/developer shall be responsible for developing and enforcing water conservation standards, which shall be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards shall include, but 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. Stormwater Runoff: Stormwater management/runoff reduction measures will be applied to the development of this parcel, subject to the approval of the Environmental Division Director, to mitigate the increased post-development runoff from this site and provide a safe mode of bypass for less-frequent, higher-intensity storms. Runoff reduction measures may include, but are not limited to, pervious pavers, rain barrels, soil amendments, lot-scale rain gardens, or biofiltration strips with landscaping. A site plan, detailing the stormwater management/runoff reduction measures, shall be approved prior to the issuance of a building permit.
4. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Mary Jones  
Vice Chair, Board of Supervisors

ATTEST:

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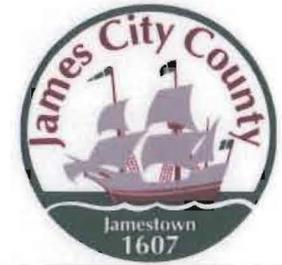
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2009.

SUP0013\_2009\_res

# JCC-SUP-0013-2009

## Cardinal Acres Two-Family Dwelling



UNAPPROVED MINUTES FROM THE SEPTEMBER 9, 2009 PLANNING  
COMMISSION MEETING

SUP-0013-2009 Cardinal Acres Two Family Dwelling

Ms. Leanne Reidenbach stated that Mr. Michael Putt of First Investments of Virginia has applied for a special use permit to allow a two-family dwelling to be built on a parcel zoned R-2 with proffers. The site is 0.34 acres located at 114 Cardinal Acres Drive and is shown as Moderate Density Residential by the Comprehensive Plan. A special use permit is required for a duplex in the R-2 district. An SUP and rezoning for a similar proposal were approved in January 2005, but the SUP expired in 2008.

The surrounding lots within the Cardinal Acres neighborhood all contain two-family dwellings. Townhomes are located directly behind the parcel in Jamestown 1607. Some of these surrounding developments have experienced localized flooding. The applicant has agreed to mitigate any additional runoff created by this development by utilizing low impact development techniques such as rain barrels, pervious pavers, and soil amendments as noted by condition #3. Staff believes that this is an appropriate location for infill development and it provides additional benefit through the provision of storm water management/runoff reduction measures. The proposed duplex is also consistent with surrounding development and with the Comprehensive Plan Land Use designation. Staff recommends that the Planning Commission recommend approval of this proposal with the conditions listed in the staff report.

Mr. Poole asked if the applicant was comfortable with the conditions that were presented in the staff report.

Ms. Reidenbach stated yes.

Mr. Billups asked if an archeological study was done.

Ms. Reidenbach answered that a study was not done as part of this application, and she was not sure if one was done in the past. She stated that this area was disturbed so it was determined that a study did not need to be done.

Mr. Krapf asked if a study was done in 2004 with the original application.

Ms. Reidenbach stated it was not done with the original application, and she was not sure if it was done prior to that with the original development of Cardinal Acres.

Ms. Kratter asked whether staff believed that the stormwater run off condition actually mandates the measures the County would like to see.

Ms. Reidenbach answered that the condition actually reads that stormwater management and run off measures will be applied to the development subject to the Environmental Director's approval. The condition includes several measures that could be used, such as rain barrels,

pervious pavers, and soil amendments.

Ms. Kratter asked where the access would be to this property. She asked whether it disturbs the existing duplex there.

Ms. Reidenbach stated there is no need to relocate the existing driveway. There will be a shared maintenance agreement to serve the parcel in question.

Ms. Kratter asked how much of the property will be the driveway since it is a flag lot.

Ms. Reidenbach stated that she did not have an exact number, but it was enough to reach the duplex and was largely already in place to serve the JCSA well lot.

Ms. Kratter asked if the driveway will be gravel or paved.

Ms. Reidenbach answered that it will be a gravel driveway.

Ms. Kratter asked about mitigating the impacts on the adjacent properties and the neighborhood during the construction process.

Ms. Reidenbach stated that staff could discuss with the applicant conditions that would address concerns during the construction process. Historically in other cases, there have been conditions such as certain hours that construction can occur, but that this would not generate impacts beyond construction of a single-family dwelling.

Ms. Kratter expressed her concerns due to the neighborhood being heavily populated and developed.

Mr. Henderson asked if the James City Service Authority (JCSA) had any comments with regards to the well lot that is adjacent to it.

Ms. Reidenbach answered that when the original application was processed, the well lot encompassed this entire property including where the dwelling is proposed. Since then, Mr. Putt has purchased this property from the JCSA for the purpose of building a two-family structure. JCSA did not have any comments on the current application other than having water conservation guidelines.

Mr. Fraley asked if special stormwater criteria apply in this case.

Ms. Reidenbach answered that it does apply in this case.

Mr. Krapf opened the public hearing.

Ms. Mary Delaney Smallwood, of 1102 London Company Way, spoke. She expressed her concerns with the flooding issues in her development of Jamestown 1607. She stated the applicant's property is directly behind the 400 section of her development. Ms. Smallwood

stated that her development has had increased drainage and flooding problems. She felt that rain barrels will not alleviate any problems because the problems are due to run off and drainage. She asked that the necessary precautions are taken to alleviate some of the drainage problems if this application is approved. She felt that the statement made by the developer that it would not affect Jamestown 1607 is incorrect.

Mr. Krapf asked the applicant to address the measures suggested for LID and flood control.

Mr. Putt stated that he owns the properties adjacent to the proposed site. He stated it is in his best interests to keep his tenants happy in that area. He stated that pavers, plantings, and rain barrels will be installed as suggested by the County. Mr. Putt stated that a retention area will be on the site as well. Mr. Putt stated he takes pride in his property and maintains them himself. He stated that most of his tenants stay for 5 – 8 years.

Mr. Poole asked Mr. Putt if he was comfortable with the conditions in the staff report and he noted that he was.

Ms. Kratter asked for an estimate as to what the rent might be for these homes.

Mr. Putt stated he was not sure at this time, but that the more requirements that are placed upon him, the more he will have to charge for rent. He stated that normally he does not increase his rent every year, unless his taxes and/or insurance increase. He stated some of his tenants are single parents.

Mr. Krapf asked Mr. William Cain of the Environmental Division to address the cumulative stormwater runoff that was mentioned earlier and its impact on Jamestown 1607.

Mr. Cain stated that when the Environmental Division reviewed the application, they did look at the effects on the adjacent neighborhoods. The applicant has agreed to all of the conditions that have been requested of him. He stated that the lot is approximately 15,000 square feet and the soil is very compacted from use. He stated the applicant has agreed to loosen the soil to promote infiltration, provide a bioretention area, and install rain barrels and pervious pavers. Mr. Cain stated that due to the contour of the lot, water will flow towards Jamestown 1607. He does not believe this will affect any of the units if there is an unusual event.

Mr. Fraley asked if it was the County's objective to replicate post-development flow to pre-development levels.

Mr. Cain answered that for a single lot, this is not typically the task that the Environmental Division is trying to accomplish. It is the goal in this case to mitigate as best as can be accomplished while making it developable. The goal is not to be a large burden on someone developing a single lot.

Mr. Fraley asked if there were any engineering techniques that could be used to redirect the flow of water.

Mr. Cain answered that in this location it would be difficult because of the location of existing outfalls. He believes this would be more disruptive than construction of the unit itself.

Mr. Krapf closed the public hearing.

Mr. Henderson moved for approval.

Mr. Poole seconded the motion stated that the zoning, the Comprehensive Plan, and the desire to have affordable housing all support this application. He understands the issues for the residents of Jamestown 1607. He believes that with the small amount of paving that is proposed, along with some of the environmental protections offered, he is not convinced that this will add to the problems in the area or prevent any future issues.

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

## M E M O R A N D U M

DATE: October 13, 2009

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator  
Adam R. Kinsman, Deputy County Attorney

SUBJECT: Sale of Property - 4001 Rochambeau Drive

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The attached resolution authorizes the sale of a single-family home located at 4001 Rochambeau Drive on a County-owned 10.746-acre parcel, the former Joshua Glen subdivision. The 2,920-square-foot, 4-bedroom, and 3-bath single-family home was donated to the County by the developer of the large-lot Willow Pond Estates subdivision located on Forge Road contingent on the house being moved by the County. In the mid-1980s the 10.746-acre, eight-lot Joshua Glen subdivision located on Rochambeau Drive was acquired by the County in conjunction with plans to develop the Ware Creek Reservoir basin. Since the reservoir project was abandoned, the County has received several inquiries regarding sale of these lots which are located outside the Primary Service Area, but staff concluded that sale of the lots for development of eight new homes would not be consistent with County land use and environmental policies. Therefore, earlier this year, the lot lines in the Joshua Glen subdivision were vacated to create a single 10.746-acre parcel. This large parcel provided a suitable site to relocate the donated home.

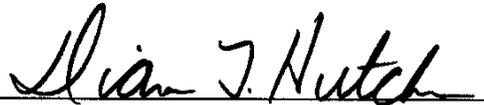
Relocation of the donated home to the Rochambeau property and rehabilitation of the home present the opportunity to dispose of surplus County property. The home and 10.746-acre property is being marketed to the public for sale by a local real estate firm at a listing price of \$399,900. The deed conveying the property will include a restriction to prohibit any future subdivision of the 10.746-acre parcel. The net proceeds of the sale will provide much-needed funds to address the County's affordable housing needs.

Staff recommends approval of the attached resolution authorizing the sale of property at 4001 Rochambeau Drive.

  
Richard B. Hanson

  
Adam R. Kinsman

CONCUR:

  
Diana F. Hutchens

Attachment

**RESOLUTION**

**SALE OF PROPERTY - 4001 ROCHAMBEAU DRIVE**

WHEREAS, a single-family home was donated to the County contingent on it being moved from its location on Forge Road; and

WHEREAS, the County owns a 10.746-acre parcel located at 4001 Rochambeau Drive identified as Parcel No. 1330100017 on the James City County Real Estate Tax Map which has been determined to be surplus property and to be a suitable location for relocation of the donated home; and

WHEREAS, the donated home has been moved to 4001 Rochambeau Drive, the home has been rehabilitated, and necessary improvements to the property have been made to enable sale of the land and home located on Parcel No.1330100017 (“the Property”); and

WHEREAS, a public hearing was conducted on October 13, 2009, by the Board of Supervisors to receive public comment on the sale of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the property to be offered for sale and marketed by a local licensed real estate broker and directs the County Administrator to execute a deed and such other documents as may be necessary to sell the Property at its fair market value.

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Mary Jones  
Vice Chair, Board of Supervisors

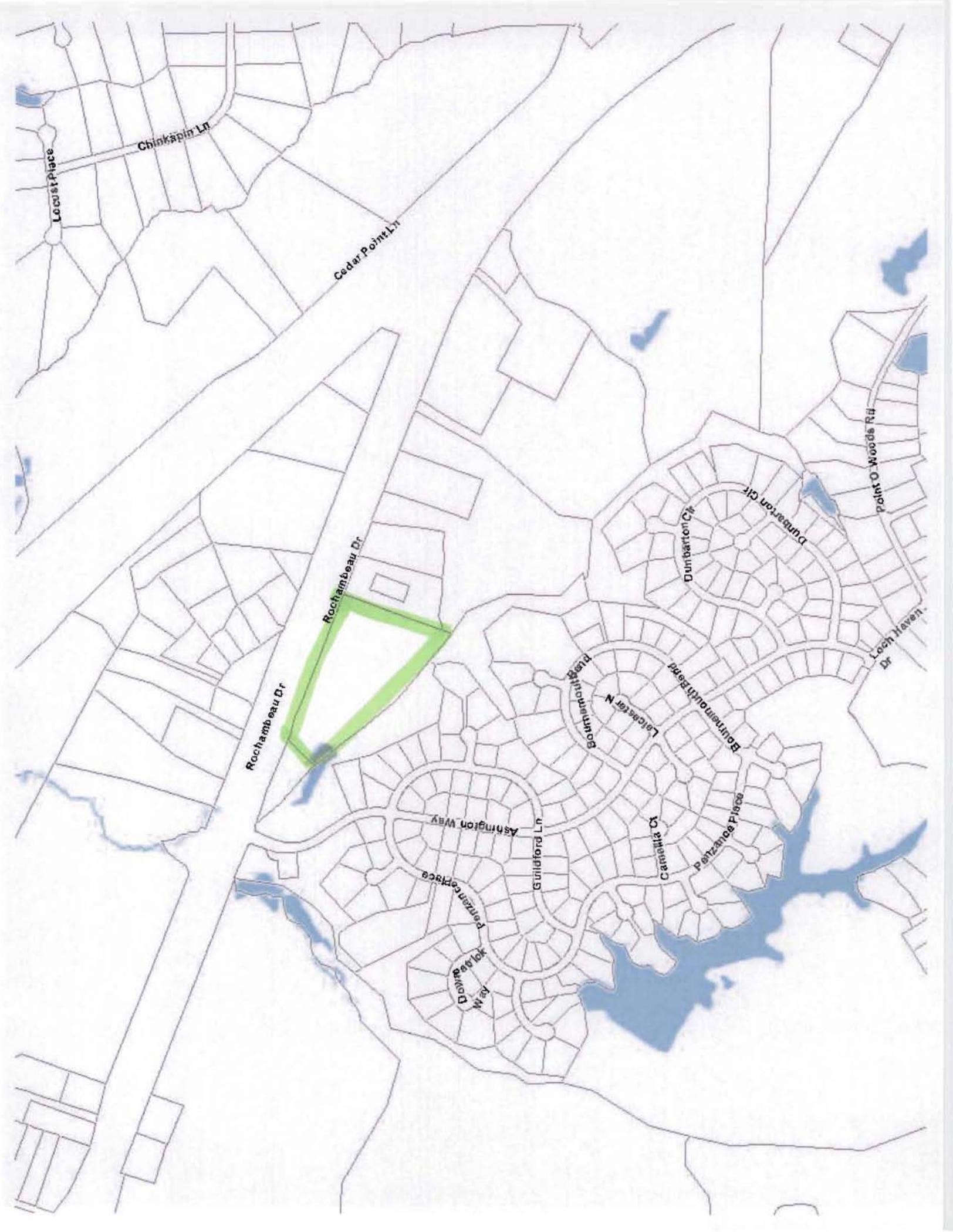
ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2009.

4001Rochambeau\_res



Locust Place

Chinkapin Ln

Cedar Point Ln

Rochambeau Dr

Rochambeau Dr

Dunbarton Cir

Dunbarton Cir

Point O Woods Rd

Loch Haven Dr

Bourneoutlet Dr

Larchester N

Bourneoutlet Dr

Pitzano Place

Camilla Ct

Guildford Ln

Ashington Way

Parent Place

Le M. Dr