

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

December 14, 2010

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Leondra Graves, a seventh-grade student at Berkeley Middle School

E. RECOGNITION – Chairman's Award

F. PRESENTATIONS -

1. FEMA - National Flood Insurance Program's Community Rating System
2. Annual Financial Report – Goodman and Company, LLP

G. PUBLIC COMMENT

H. BOARD REQUESTS AND DIRECTIVES

I. CONSENT CALENDAR

1. Minutes –
 - a. November 23, 2010, Work Session
 - b. November 23, 2010, Regular Meeting
2. Grant Appropriation – Clerk of the Circuit Court - \$119,515
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes

J. PUBLIC HEARINGS

1. Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower (Deferred from November 9, 2010, Deferral Requested)
2. Withdrawal of Lease for a Boat Storage Facility at Chickahominy Riverfront Park (Continued from November 23, 2010)
Supports County's Strategic Pathway 1.b - identify services/programs with overlapping missions and/or constituents and increase efficiencies through shared or merged services
3. Case No. AFD-9-86-3-2010. Gordon Creek AFD – 3603 News Road Addition
4. Sale of Property – 107 Louise Lane – \$29,200
5. Ordinance to Extend the Cox Cable Franchise to March 31, 2011

-CONTINUED-

K. BOARD CONSIDERATIONS

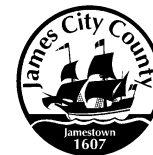
1. 2011 Legislative Program (Deferred from November 23, 2010)
2. Acquisition of Real Property – 112 Allyson Drive – \$47,250
Supports County's Strategic Pathway 4.f - manage stormwater effectively and protect groundwater
3. Forest Heights Community Development Block Grant (CDBG)
 - a. Forest Heights Community Development Block Grant (CDBG) Agreement and Appropriation of Funds
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable; 2.c - increase the variety of safe, sanitary and affordable housing; and 4.f - manage stormwater effectively and protect groundwater
 - b. Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable; 2.e - improve access to information by decreasing the "digital divide"; 5.c - implement mechanisms to track, resolve and follow up complaints; and 5.f - ensure services recognize and respect diversity
 - c. Community Development Block Grant Local Business and Employment Plan
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable; 2.b - enhance employability of citizens; 2.c - increase the variety of safe, sanitary and affordable housing; and 5.e - share information with citizens
 - d. Section 504 Grievance Procedure for Disability Nondiscrimination
Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable; 5.c - implement mechanisms to track, resolve and follow up complaints; and 5.f - ensure services recognize and respect diversity

L. PUBLIC COMMENT

M. REPORTS OF THE COUNTY ADMINISTRATOR

N. BOARD REQUESTS AND DIRECTIVES

O. ADJOURNMENT to 4:00 p.m. on January 3, 2011



MEMORANDUM COVER

Subject: Review of FY 2010 Financial Statements for James City County and James City Service Authority - Goodman and Company, LLP

Strategic Management Plan Pathway: N/A

Action Requested: None

Summary: Review of financial statements for FY 2010 for James City County and James City Service Authority.

No action is required.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachment:

1. Memorandum

Agenda Item No.: E-2

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

TO: The Board of Supervisors

FROM: Tara Woodruff, Accounting Director

SUBJECT: Review of FY 2010 Financial Statements for James City County and James City Service Authority – Goodman and Company, LLP

Included in the Reading File are the FY 2010 financial statements for James City County and James City Service Authority. Leslie Roberts, Partner at Goodman and Company, LLP, will present an overview to the Board.

No Board action is needed.

Tara Woodruff

TW/nb
AnnFinRept_mem

Attachment

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, HELD ON THE 23RD DAY OF NOVEMBER 2010, 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

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

C. BOARD DISCUSSIONS

1. Lake Powell Service District

Mr. Stephen Pond, on behalf of the petitioner committee for the Lake Powell Service District, gave a brief presentation on the proposed Lake Powell Service District and the restoration of the dam. He explained the financial implications and benefits in the petition as a result of restoring the dam and creating the special tax district. He gave an overview of the proposed structure and use of the property.

Discussion was held about the properties which were not part of the special tax district and the changes in assessments for Lake Powell property owners. Discussion was held about the tax benefit to the County and the additional assessed rate. Discussion was also held on potential up-front payments or second mortgages for the lakefront properties and the possibility of managing the project privately. The possibility of public-private partnerships was discussed as a way to make the funding available. Mr. Pond and the Board discussed the recreational use of the future lake and public access to the facility.

Mr. Kennedy asked staff to determine if there was a similar situation in the County wherein tax would be deferred for public access to an amenity. He stated his concern about setting a precedent with this project. He asked staff the costs of preparing this project in time.

Mr. Middaugh commented on the possible generation of nutrient bank credits in relation to restoring the lake. Mr. Rogers noted that legislation dictates that if the government owned the pond, the County could not sell the credits, but the private entity could sell the credits. Mr. McGlennon asked to consider this as an option, but not to lose critical time on the original project if the nutrient bank option is not viable.

Mr. Middaugh stated that if the Board wished to play a part in this project and assume the associated risk, he would recommend assessing the total cost of the project, as well as maintenance of the facility. He stated if these costs were included, the risk would be reduced. Mr. Goodson stated he agreed with using these

standards since they could be transferred to other projects in the future. He stated he could support a similar project, but not the currently proposed plan. Ms. Jones stated the situation was unfortunate for the homeowners, but she felt fiscal concerns were significant. Mr. Kennedy commented that this project would impose this on future boards; he noted that there were other issues with significantly declining property values, such as in the case of Chinese drywall homes. He stated he would like to see specific financial information and options before moving forward. Mr. McGlennon stated that anything approved by the Board would have adequate specificity with the guidance from the County Administrator. He stated that special districts such as this were put in place to serve a real need for the community. Mr. Icenhour commented that he would like to see a developed plan, along with timelines for the project and reduction of risk to the County. He asked that staff bring this back for a future work session.

Discussion was held about staff requirements to prepare this item for a work session in January. Mr. Kennedy asked to set up a page on the County website as a resource to the public on this project. Mr. Kennedy noted that he did not want to seize time designated for Rural Lands and the Zoning Ordinance update to address this project. There was support for the County's role in communicating officially with the Army Corps of Engineers to work toward a deadline extension for this project.

At 5:11 p.m., the Board took a brief break.

At 5:15 p.m., Mr. Kennedy reconvened the Board.

2. Legislative Agenda

Mr. Leo Rogers, County Attorney, introduced Delegate William K. Barlow, 64th District; Delegate Robin Abbott, 93rd District; Delegate Brenda Pogge, 96th District; and Senator Thomas K. Norment, Jr., 3rd District.

Mr. Rogers provided an overview of the proposed 2011 Legislative Program of items to be introduced on behalf of the County and supported by the County. The Board, staff, and delegation discussed the legislative items and discussed revisions to the program.

The Board and staff discussed amendments to the Legislative Program, which would be assigned to the County's delegation in the General Assembly after adoption by the Board.

D. BREAK

At 6:29 p.m., the Board took a break.

Robert C. Middaugh
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF NOVEMBER 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Grady Joyner, a third-grade student at Matoaka Elementary School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS –

1. Recognition – Lafayette High School Football Team

Mr. Goodson, along with School Board members Jim Nickols, Joe Fuentes and Ruth Larson and Acting Superintendent Dr. Scott Burchbuckler presented a certificate of acknowledgment to coaches and senior members of the Lafayette High School Football Team in recognition of their exemplary attitudes and sportsmanship in the face of adversity.

Principal Swinton thanked the Board for recognizing the team and acknowledged the team's hard work.

2. Regional Day - Dana Dickens, Hampton Roads Partnership

Mr. Dana Dickens, Hampton Roads Partnership Executive Director, highlighted Regional Day in May 2010 and the Resolution of Interdependence and comprehensive economic development strategy that were adopted as part of that event. He presented a picture from the event to the Board in recognition of James City County's participation.

Mr. McGlennon thanked Mr. Dickens for presenting the work of the Hampton Roads Partnership.

F. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, commented on the work session discussion regarding Lake Powell Service District. He commented that the Greenspace Fund was designed to purchase land similar to Lake Powell which would be subsidized by the property owners under the current proposal. He stated the property was being restored to its original state.

2. Senator Tommy Norment, 139 Wareham's Point, commented that he was not speaking in his capacity as an elected official, but as a member of the Towne Bank Corporate Board. He commented on the reports relating to a quadricentennial statue to be located in the Williamsburg-James City County Courthouse. He stated that he worked on the 2007 Commemoration committee, and Towne Bank was a major contributor to these efforts. He stated that Towne Bank, in collaboration with the Jamestown-Yorktown Foundation, funded the \$50,000 for the second of three statues, which was an item on the Consent Calendar. He noted that this funding was not public money, but a contribution from Towne Bank. He stated he was very proud to have been a part of that contribution.

3. Ms. Terry McIlwean, 2128 Lake Powell Road, stated her opposition to the restoration of Lake Powell due to unclear financial obligations and construction requirements.

4. Mr. Ed Oyer, 139 Indian Circle, commented on the three Veteran's Day ceremonies he attended, most notably Stonehouse Elementary School's event.

5. Ms. Linda Reese, 511 Spring Trace, commented on development issues at Autumn West.

6. Mr. Robert Richardson, 2786 Lake Powell Road, commented on district residency requirements of the members of the Board of Supervisors; Board members' comments on unions; and lack of an explicit County stance on the coal plant.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated there would be a public meeting regarding the expansion on Ironbound Road on November 30, 2010, at 7 p.m. at the James City-Williamsburg Community Center. She stated that the Virginia Department of Transportation (VDOT) would hold an open house prior to the meeting from 5 to 7 p.m.

Mr. Goodson thanked the Chairman for the opportunity to present the certificate of recognition to the Lafayette High School football team, as his son was a member of the team.

H. CONSENT CALENDAR

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

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

1. Minutes - November 9, 2010, Regular Meeting

2. Grant Award - Kiwanis Club of Williamsburg - \$400

RESOLUTION

GRANT AWARD – KIWANIS CLUB OF WILLIAMSBURG – \$400

WHEREAS, the James City County Police Department has been awarded a grant for \$400 from the Kiwanis Club of Williamsburg; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used to augment the youth education services provided by the Department's Community Services Unit.

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

Revenue:

Kiwanis – FY 11	<u>\$400</u>
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Expenditure:

Kiwanis – FY 11	<u>\$400</u>
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3. Courthouse Appropriation - \$50,000

RESOLUTION

COURTHOUSE APPROPRIATION - \$50,000

WHEREAS, the Circuit Court Judge has received State funding for a second life-size bronze statue to match the existing Chief Powhatan statue located in the circle outside the Courthouse; and

WHEREAS, there are no local match dollars required.

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

Revenue:

Courthouse Statues	<u>\$50,000</u>
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Expenditure:

Courthouse Circle	<u>\$50,000</u>
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I. PUBLIC HEARING

1. Lease Agreement - The College of William and Mary Boat Storage Facility

Mr. Middaugh stated that a staff presentation was not planned for this item as it was requested to be deferred until December 14, 2010. He requested that the public hearing be opened and remain open.

Mr. Kennedy opened the public hearing.

Mr. McGlennon stated that as an employee of the College of William and Mary, he would recuse himself from voting on this item.

The public hearing remained open and the item was deferred until December 14, 2010.

J. BOARD CONSIDERATIONS

1. 2011 Legislative Program

Mr. Kennedy stated that a deferral was requested for this item.

Mr. McGlennon stated that he wished to be able to have the final version of the Legislative Program prior to voting on this item, but he encouraged the County Attorney to commence work on items as necessary.

This item was deferred until December 14, 2010.

2. Acquisition of Real Property - 6001 Richmond Road

Mr. Rick Hanson, Director of the Office of Housing and Community Development, stated in November 2009 the Virginia Department of Housing and Community Development (VDHCD) awarded James City County a \$25,000 Community Development Block Grant (CDBG) Project Planning Grant to pay for planning, conceptual design, preliminary engineering, and cost estimates for road, drainage, related infrastructure improvements, and housing alternatives within the Forest Heights Project Planning Area. This area includes property fronting on Forest Heights Road, Neighbors Drive, and Richmond Road between Prime Outlet Mall and Wellesley Boulevard. The preliminary engineering and project planning provided information required for preparation of a CDBG construction grant application. The Board of Supervisors on March 23, 2010, authorized the submission of a \$1.4 million CDBG application to assist in funding the Forest Heights Neighborhood Improvement Project. The County was notified in July 2010 of the award of the \$1.4 million CDBG grant for this project.

Mr. Hanson stated that an Option to Purchase 6001 Richmond Road was obtained on February 26, 2010, from the owner, EJK Properties, LLC. This vacant 6.01-acre parcel is critical to the implementation of the Forest Heights Road Neighborhood Improvement Project. He stated that this parcel would provide property for a stormwater management pond, right-of-way for a connector road, property for boundary line adjustments for existing residential properties, and property for additional lots and open space.

Mr. Hanson stated the negotiated purchase price of \$280,000 was based on the estimated fair market value established by Richard Sebastian, former Director of Real Estate. The Option includes a \$13,000 price increase if closing does not take place before December 1, 2010. Previously appropriated program income in the Community Development Fund is available to purchase the property and will count toward the local match for the CDBG grant.

Staff recommended approval of the attached resolution to permit the purchase of 6001 Richmond Road prior to December 1, 2010.

Mr. Kennedy asked where the office stands on the approval of residents in this neighborhood.

Mr. Hanson stated that residents were present who had been working diligently to get approval for this project and stated a public meeting would take place soon.

Mr. Kennedy asked if there was support from all the residents.

Mr. Hanson stated modifications have been made to satisfy some of the outstanding concerns.

Mr. Icenhour stated that he and staff have investigated how the concerns of one resident could be addressed while maintaining the project. He stated that he believed that her concerns have been satisfied.

Mr. Doug Powell, Assistant County Administrator, stated that staff has made modifications to the road plan to prevent the County from acquiring property from one resident and the acquisition would be made across the street, to which the owner was amicable. He stated that the concerned property owner seemed to be pleased with the plan.

Ms. Jones stated that the original plan would require the resident to be relocated, but the revised plan would not require the resident to move and would acquire only a small corner of the property. She stated that she has worked with staff to ensure that all lines of communication were open.

Mr. Kennedy asked if this has been documented.

Mr. Hanson stated that prior to submitting the grant application, statements were signed by the owners to indicate their interest in the program. He stated that the program and the purchase of this property would allow residents to receive property in exchange for the property that was being acquired.

Mr. Icenhour stated he shared Mr. Kennedy's concern and stated he wanted the public meeting on December 7, 2010, to be advertised to every resident. He stated that he wants each resident to have recourse.

Mr. Kennedy stated he wished to see support from the community, and if residents have signed statements of support, he was comfortable.

Mr. Kennedy asked about the assessed property value.

Mr. John McDonald, Manager of Financial and Management Services, stated the assessed value was \$144,000 and that due to the assessment process, the property assessment was fair based on access and other properties along that road. He stated that an individual assessment of the specific property gives the parcel much more value.

Mr. Kennedy asked if the property was purchased for \$200,000 in 2005.

Mr. Hanson stated that was correct.

Mr. Kennedy noted the extreme property increase and asked if the County would be able to close by December 1, 2010.

Mr. Hanson stated that the closing could be done by December 1, 2010.

Ms. Jones asked if the price could be renegotiated.

Mr. McDonald stated that it could be explored.

Ms. Jones stated she was uncomfortable with the difference in the assessment and the appraisal.

Mr. McDonald stated the appraisal was based on the characteristics of the individual property rather than a general assessment of the parcels in the area.

Ms. Jones asked if the property owner was involved in the redevelopment.

Mr. McDonald stated that it was an investment company, not a resident.

Mr. Goodson stated that regardless, this was an integral parcel to the redevelopment process.

Ms. Jones asked about the timeline of the redevelopment process.

Mr. Hanson outlined the timeline.

Ms. Jones asked if this was begun nine years ago.

Mr. Hanson stated that it was not.

Mr. Goodson stated this was the negotiated price, which was not particularly expensive. He stated the option was to purchase or not purchase the property.

Mr. McDonald stated the assessment process was a means to equalize a diverse selection of properties and this was an outlier sale. He stated in the assessment process, it could not be considered.

Ms. Jones asked about the percentage of accuracy of assessments.

Mr. McDonald stated that it was between 95 and 100 percent.

Ms. Jones asked if this property was not considered within that percentage.

Mr. McDonald stated that there was a process to equalize the assessments to consistently assess properties. He stated in this case, the County ignored the purchase price because the similar properties were not of comparable value.

Mr. Icenhour stated that this was purchased at a higher price.

Mr. McDonald stated that it was purchased in a different real estate market from the present.

Mr. Icenhour commented on the per acre price of the property. He agreed with Mr. Goodson that this was a fairly reasonable price for this property. He stated concern about the possible shortcomings of the appraisal system.

Mr. McGlennon asked if the current assessment reflect a general positive trend.

Mr. McDonald stated that he did not have that information, but could get it for the Board.

Mr. McGlennon stated that he did not believe there was reason to assume that the value was higher in 2005; the investor saw it as an opportunity to make money in the future.

Mr. Kennedy stated that land values in the County were inconsistent. He stated concern that the property costs go up when the County shows interest in a parcel of property. He stated that the assessment system should be evaluated. He stated he supported the project, but was concerned about the cost of the land based on the assessed value.

Mr. McDonald stated it was not based on the assessed value, but on an individual assessment of the parcel.

Ms. Jones asked about the proposed lot lines.

Mr. Hanson noted the area on the map. He explained that the property would be available for various uses and the County would not have to acquire the additional property for rights-of-way.

Mr. Kennedy asked how this parcel compares to other lots on the road.

Mr. McDonald stated there was a difference between potential lots with road access and the existing parcel.

Mr. Kennedy stated that he was interested in the comparison with the existing lots.

Mr. Hanson commented that residential lots have a significantly different value than other lots.

Mr. Kennedy asked if the property owner was aware of any potential development here when he/she purchased the property in 2005.

Mr. McDonald stated that this was considered for highway system in the 1980s, but the County could not obtain the right-of-way.

Mr. Goodson stated only a few projects of this kind have been done in County history, so it was unlikely that the investor saw this acquisition as a possibility.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

ACQUISITION OF REAL PROPERTY – 6001 RICHMOND ROAD

WHEREAS, EJK Properties, LLC is the owner of certain real property identified as James City County Tax Map No. 3220100085, being approximately 6.01 acres and more commonly known as 6001 Richmond Road (“Property”); and

WHEREAS, the County desires to use the Property in the Forest Heights Neighborhood Improvement Project for stormwater management, road right-of-way, boundary line adjustments, new

residential lots, and open space; and
WHEREAS, the Board of Supervisors is of the opinion that the County should acquire the Property for \$280,000 pursuant to the terms of the Option Agreement from EJK Properties, LLC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the 6.01 acres of Property and to execute any and all documents as may be necessary to complete the transaction.

3. Agreement between the Virginia Peninsula Localities on Homelessness

Ms. Barbara Watson, Assistant Manager of Community Services, gave a brief history of the Homelessness agreement for the localities on the Virginia Peninsula. She stated that this agreement would replace the previously approved agreement. She stated the purpose of the agreement was to continue to seek regional resources, maintain a regional Homelessness Management Information System (HMIS), and provide effective coordination in the Continuum of Care process for the purpose of securing Housing and Urban Development (HUD) Continuum of Care funds for regional homeless service providers.

Staff recommended approval of the resolution to adopt the amended Agreement between the Virginia Peninsula Localities on Homelessness, which automatically renews on an annual fiscal year basis, until terminated by a resolution of the Governing Bodies of the Parties.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

AGREEMENT BETWEEN THE VIRGINIA PENINSULA LOCALITIES ON HOMELESSNESS

WHEREAS, the Parties formalized the establishment of the Virginia Peninsula Mayors and Chairs Commission on Homelessness ("Commission") as the collective body to oversee regional homelessness initiatives; and

WHEREAS, the Commission is committed to the goal of implementing the Virginia Peninsula Regional Plan to end Homelessness and serving the citizens of the respected localities; and

WHEREAS, the Commission is partnering with homelessness service providers throughout the Peninsula to administer a \$727,262 Homelessness Prevention and Rapid Rehousing Program grant through the Virginia Department of Housing and Community Development; and

WHEREAS, the Parties adopted an Agreement between the Virginia Peninsula Localities on Homelessness ("Agreement") effective December 1, 2008, and desire to replace the Agreement as set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute on behalf of James City County, Virginia, an Agreement between the Virginia Peninsula Localities on Homelessness by and among the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the

Counties of James City and York, dated the 1st day of December, 2010.

K. PUBLIC COMMENT

Mr. Robert Richardson, 2786 Lake Powell Road, commented that the resurfacing on Lake Powell Road was very well done. He commented on decorum and improper remarks supposedly aimed at individuals.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh reminded the public that County offices would be closed on Thursday, November 25, and Friday, November 26, 2010, for Thanksgiving. He asked Mr. Powell to give an update on Black Friday event preparations.

Mr. Powell stated that Premium Outlets in conjunction with the County, VDOT, James City County Police, and the schools, would provide shuttles to the outlet malls for shoppers during the Black Friday event. He stated that additional signage would be posted and police patrols would be assigned to this area. He stated during peak hours, traffic would not be allowed to turn right at Route 60 going east to avoid backups.

Mr. Middaugh stated that Deputy Chief Stan Stout would be designated as the chief in command during this event.

Mr. Icenhour thanked staff for their efforts on behalf of the residents of Chisel Run.

Mr. Middaugh stated when the Board completes its business, it should then go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of parcels of property for public use. He noted that following the closed session, the Board should adjourn to Tuesday, December 14, 2010, with a work session on Transfer of Development Rights at 4 p.m. followed by a regular meeting at 7:00 and a meeting of the James City Service Authority Board of Directors. That will be the only Board meeting in December.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated he attended the Hampton Roads Planning District Commission (HRPDC) meeting on Wednesday, November 17, 2010, and that the prioritization of transportation issues was presented. He stated the plan was online and he was available for comments and questions. He stated the Skiffe's Creek Connector Road was a high-priority James City County project on the list.

At 8:14 p.m., Mr. Kennedy recessed the Board for a meeting of the James City Service Authority Board of Directors.

At 8:17 p.m., Mr. Kennedy reconvened the Board.

N. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of parcels of property for public use.

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

(0).

At 8:18 p.m., Mr. Kennedy recessed the Board into Closed Session.

At 8:32 p.m., Mr. Kennedy reconvened the Board.

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

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

(0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

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

O. RECESS to 4 p.m. on December 14, 2010

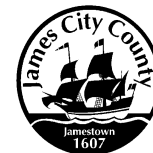
Mr. McGlennon made a motion to recess.

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

(0).

At 8:33 p.m., Mr. Kennedy recessed the Board until 4 p.m. on December 14, 2010.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

Subject: Grant Appropriation – Clerk of the Circuit Court – \$119,515

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

Action Requested: Shall the Board approve the resolution that accepts the State Compensation Board's Technology Trust Fund grant award?

Summary: The Clerk of Circuit Court has been awarded a grant from the State Compensation Board's Technology Trust Fund to be used for the replacement of computer equipment and its maintenance and converting records to digital format. This grant requires no local match and does not supplant local operations.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: I-2

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

TO: The Board of Supervisors

FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services

SUBJECT: Grant Appropriation – Clerk of the Circuit Court – \$119,515

The Clerk of the Circuit Court has been awarded a grant from the State Compensation Board's Technology Trust Fund totaling \$119,515. This grant requires no local match and will be used for the replacement of computer equipment and its maintenance and converting records, such as deeds, to digital format. The State determines the equipment replacement schedule and reimburses the County for the full cost. These funds may not supplant local operations.

Staff recommends approval of the attached resolution authorizing a budget appropriation of \$119,515 to the Special Projects/Grants fund.

Suzanne R. Mellen

SRM/gb
GA-CirCrt1210_mem

Attachment

RESOLUTION

GRANT APPROPRIATION – CLERK OF THE CIRCUIT COURT – \$119,515

WHEREAS, the State Compensation Board has awarded the Clerk of the Circuit Court grant totaling \$119,515; and

WHEREAS, no local match is required for this grant.

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

Revenue:

Revenue from the Commonwealth	<u>\$119,515</u>
-------------------------------	------------------

Expenditure:

Clerk of the Circuit Court	<u>\$119,515</u>
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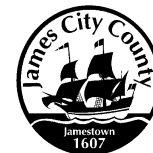
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

GA_CirCrt1210_res



MEMORANDUM COVER

Subject: Case No. SUP-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board defer the Special Use Permit (SUP) for the Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower until the first meeting in February 2011?

Summary: Ms. Gloria Freye of McGuire Woods, on behalf of Hospice House and Support Care of Williamsburg, has applied for an SUP to allow a 124-foot Wireless Communication Facility on the Hospice House site located at 4445 Powhatan Parkway. The Board previously deferred this case at the applicant's request. The Commonwealth Transportation Board meets in January 2011 and is scheduled to hear the request by the applicant to allow access to the alternative site off Route 199. The alternate site is located along Route 199 behind Eastern State and across from Ford's Colony.

At the February 2011 meeting, the applicant may be prepared to report back to the Board of Supervisors regarding the acceptability of all possible alternative sites.

Staff concurs with this request and recommends that the Board defer this case until the first meeting in February 2011.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Staff Report

Agenda Item No.: J-1

Date: December 14, 2010

SPECIAL USE PERMIT-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower

Staff Report for the December 14, 2010, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

December 2, 2009, 7:00 p.m.

January 12, 2010 (applicant deferral), 7:00 p.m.

February 9, 2010 (applicant deferral), 7:00 p.m.

March 9, 2010 (applicant deferral), 7:00 p.m.

June 8, 2010 (applicant deferral), 7:00 p.m.

July 13, 2010 (applicant deferral), 7:00 p.m.

November 9, 2010 (applicant deferral), 7:00 p.m.

December 14, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant:

Gloria Freye, McGuire Woods

Land Owner:

Hospice House and Support Care of Williamsburg

Proposal:

To allow for the construction of a 124-foot-tall (120-foot tower with 4-foot lightning rod) monopole wireless communications facility "WCF" on the subject property. WCFs are specially permitted uses in the R-8, Rural Residential, zoning district.

Location:

4445 Powhatan Parkway

Tax Map Parcel No.:

3830100001a

Parcel Size:

.48 acres out of 11.182 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential and Conservation Area

Primary Service Area:

Inside

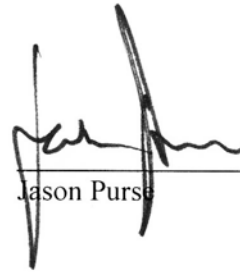
STAFF RECOMMENDATION

The applicant has requested that this case be deferred until the first meeting in February 2011. This deferral will allow the applicant to determine if the Route 199 parcel will be a viable alternative site. The Commonwealth Transportation Board will meet in January 2011 to hear a request by the applicant to allow access to an alternative site off Route 199. At that time, the applicant will be prepared to report back to the Board of Supervisors regarding the acceptability of all possible alternative sites. Planning staff concurs with this decision on the part of the applicant, and recommends that the Board of Supervisors defer this case as requested.

Staff Contact:

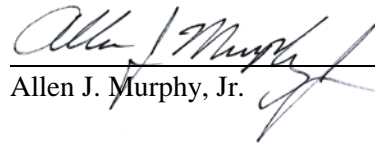
Jason Purse, Senior Planner

Phone: 253-6685



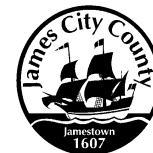
Jason Pursi

CONCUR:



Allen J. Murphy, Jr.

JP/nb
sup24-09HHwcf_v8.doc



MEMORANDUM COVER

Subject: Withdrawal of Lease for a Boat Storage Facility at Chickahominy Riverfront Park

Strategic Management Plan Pathway: N/A

Action Requested: None

Summary: James City County Parks and Recreation has partnered with The College of William and Mary Rowing Club and the Williamsburg Boat Club to provide recreational and competitive rowing activities in James City County. As part of this partnership, a lease agreement was forwarded to the Board for consideration at its meeting on November 23, 2010, for a boat storage facility at Chickahominy Riverfront Park.

Since the meeting, several concerns have arisen and staff would like to withdraw the request for approval of the lease for the boat storage facility and continue working toward an agreement that is beneficial for all parties and the citizens of James City County.

No action is required at this time.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum

Agenda Item No.: J-2

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

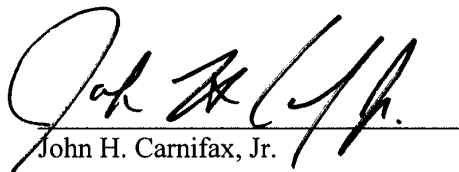
TO: The Board of Supervisors

FROM: John H. Carnifax, Director of Parks & Recreation

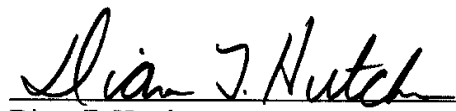
SUBJECT: Withdrawal of Lease for a Boat Storage Facility at Chickahominy Riverfront Park

As the Board is aware, James City County Parks and Recreation has partnered with The College of William and Mary Rowing Club and the Williamsburg Boat Club since 2000 to provide recreational and competitive rowing activities in James City County. To further aid this partnership, a lease agreement was developed and forwarded for Board consideration at the November 23, 2010, meeting for a boat storage facility at Chickahominy Riverfront Park.

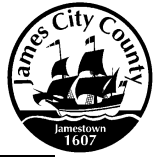
Since that time, several issues concerning ownership, rights of usage, and insurance have arisen, and as a result, the Division would like to withdraw the request for the approval of the lease for the boat storage facility. County staff members are continuing to meet with our partners to pursue additional options that may be more beneficial for all parties and the citizens of James City County.


John H. Carnifax, Jr.

CONCUR:


Diana F. Hutchens

JHC/gb
BoatLeaseWD_mem



MEMORANDUM COVER

Subject: Case No. AFD-9-86-3-2010. Gordon Creek AFD - 3603 News Road Addition

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution that enrolls a 30.74 acre-property located at 3603 News Road into the Gordon Creek AFD?

Summary: Mr. and Mrs. Jerry Nixon have applied to enroll a 30.74-acre property located at 3603 News Road into the Gordon Creek Agricultural and Forestal District (AFD). The entire parcel will be entered into the AFD, however some portions of the property not wooded or in agricultural use, may not qualify for land use taxation. Approximately three acres of the parcel are presently being farmed. A residence and several other accessory structures are located on less than an acre of the property. The remainder of the parcel is wooded. The property is located adjacent to two properties already included in the Gordon Creek AFD. The AFD Committee unanimously recommended that the property should be enrolled in the Gordon Creek AFD. The Planning Commission voted 7-0 to recommend approval.

Staff recommends approval of this AFD addition.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

N/A

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Staff Report
2. Ordinance
3. Two Location Maps
4. Minutes of the AFD Committee
5. Minutes of the Planning Commission Meeting

Agenda Item No.: J-3

Date: December 14, 2010

AGRICULTURAL AND FORESTAL DISTRICT-9-86-3-2010. Gordon Creek AFD-3603 News Road Addition

Staff Report for December 14, 2010, Board of Supervisors Meeting

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

PUBLIC HEARINGS

AFD Advisory Committee:
Planning Commission:
Board of Supervisors:

Building F Board Room, County Government Complex

October 19, 2010, 4:00 p.m.
November 3, 2010, 7:00 p.m.
December 14, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant:	Jerry and Martha Nixon
Location:	3603 News Road
Tax Map/Parcel No.:	3730100003
Primary Service Area:	Inside
Parcel Size:	30.7 acres
Existing Zoning:	A-1, General Agricultural
Comprehensive Plan:	Low Density Residential
Surrounding AFD Land:	Several parcels in the Gordon Creek AFD are located directly south and west of the subject parcels.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve the addition to the Gordon Creek AFD.

At its October 19, 2010, meeting, the AFD Advisory Committee voted 6-0 to recommend approval of this application.

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

PLANNING COMMISSION RECOMMENDATION

On November 3, 2010, the Planning Commission recommended approval of this AFD addition by a vote of 7-0.

Proposed Changes Made Since the Planning Commission Meeting

None

PROJECT DESCRIPTION

Mr. and Mrs. Jerry Nixon have applied to enroll a 30.74-acre property located at 3603 News Road into the Gordon Creek AFD. The entire parcel will be entered into the AFD, however some portions of the property not wooded or in agricultural use, may not qualify for land use taxation. Approximately three acres of the parcel is presently being farmed. A residence and several other accessory structures are located on less than an acre of the property. The remainder of the parcel is wooded.

Surrounding Land Uses and Development

A portion of the Gordon Creek AFD is located to the south and west of the subject parcels. The adjacent property that is not currently enrolled in the Gordon Creek District is primarily wooded in nature. Several large subdivisions are located in close proximity to the subject property including Greensprings Plantation, Monticello Woods, and Ford's Colony.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as Low Density Residential. Action Land Use 6.1.1 of the 2009 Comprehensive Plan states that the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

Analysis

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. The continuation of AFD property within the Primary Service Area (PSA) is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created and maximizing the beneficial use of the property. The Gordon Creek AFD was renewed on September 28, 2010, and will expire on October 31, 2014. The existing Gordon Creek AFD contains 3,203.8 acres. If this addition is approved, the District will consist of 3,234.5 acres. This addition would be subject to the following conditions of the Gordon's Creek AFD:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFD, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

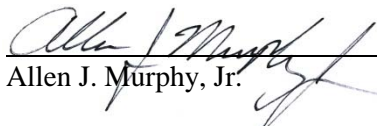
RECOMMENDATION

Staff recommends that the Board of Supervisors approve the addition to the Gordon Creek AFD. At its October 19, 2010, meeting, the AFD Advisory Committee voted 6-0 to recommend approval of this application. At its meeting on November 3, 2010, the Planning Commission recommended approval of this AFD addition request by a vote of 7-0.



Sarah Propst

CONCUR:



Allen J. Murphy, Jr.

SP/nb
AFD9-86-3-2010.doc

ATTACHMENTS:

1. Ordinance
2. Large Area Location Map
3. Small Area Location Map
4. AFD Advisory Committee Minutes
5. Planning Commission Minutes

ORDINANCE NO. _____

AFD-9-86-3-2010. GORDON CREEK - 3603 NEWS ROAD ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, to add 30.74 acres of land owned by Jerry and Martha Nixon located at 3603 News Road and identified as James City County Real Estate Tax Map No. 3730100003 to AFD 9-86, which is generally known as the 3,203.8-acre "Gordon Creek Agricultural and Forestal District (AFD)"; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the addition of land to the Gordon Creek AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on October 19, 2010, voted 6-0 to recommend approval of this application; and

WHEREAS, the Planning Commission, following its public hearing on November 3, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby adds 30.74 acres owned by Jerry and Martha Nixon as referenced herein to the 3,203.8 acres of the Gordon Creek AFD with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
December, 2010.

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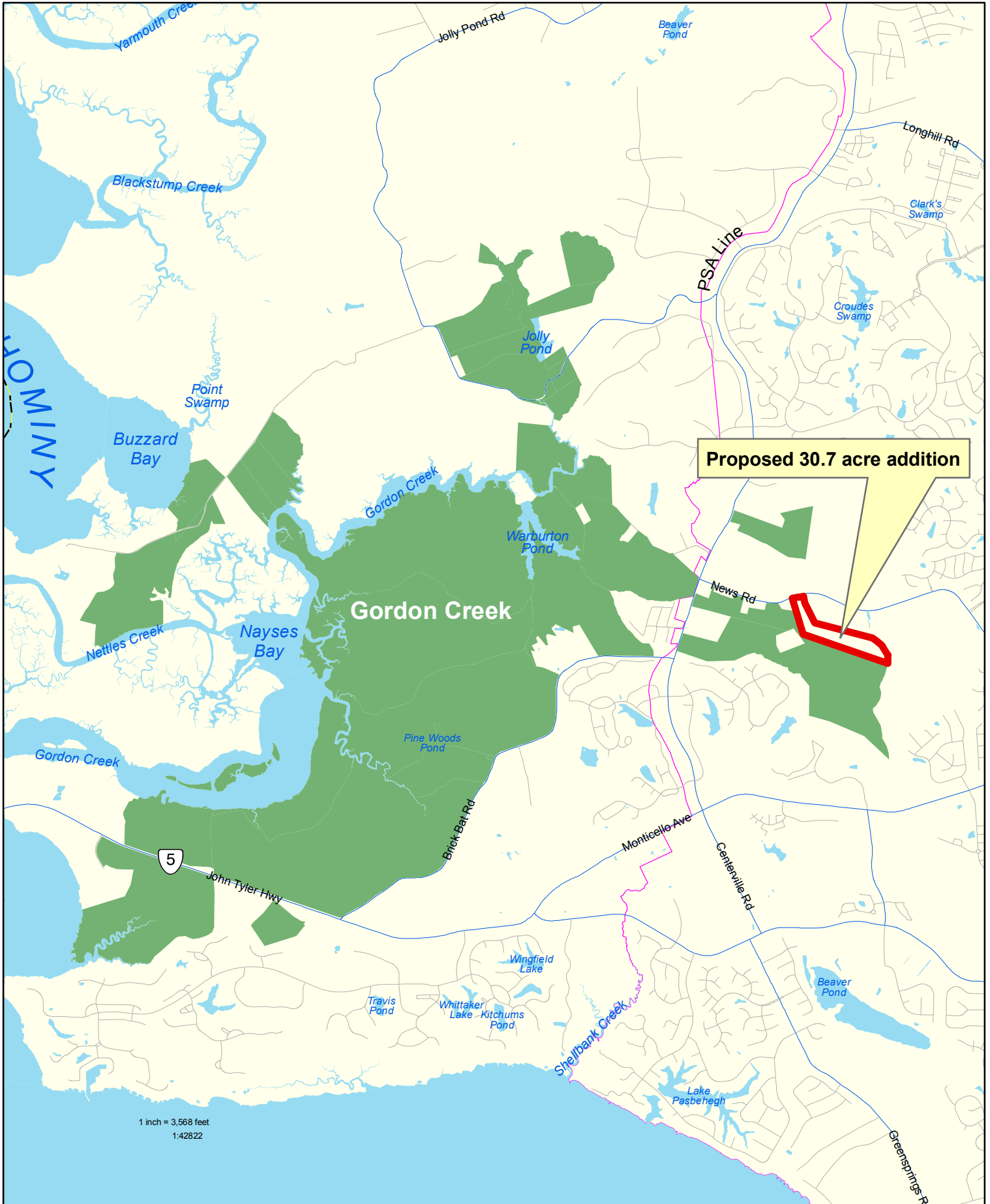


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Aerial Imagery Copyright 2005 James City County.

1 inch = 1,381 feet
0 0.2 0.4 Miles

AFD-9-86-3-2010, Gordon Creek AFD, 3603 News Road Addition



1 inch = 3,568 feet
1:42822

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.
Aerial Imagery Copyright 2005 James City County.

1 inch = 3,568 feet
0 0.5 1 Miles

APPROVED MINUTES OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19th DAY OF OCTOBER, TWO THOUSAND AND TEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Hitchens
Mr. Richardson
Ms. Smith
Mr. Ford
Mr. Bradshaw
Ms. Garrett

Also Present

Mr. Purse (Planning)
Ms. Terry Costello (Planning)

Absent

Mr. Abbott
Mr. Harcum
Mr. Icenhour

2. New Business:

Approval of the September 23, 2010 Meeting Minutes

Mr. Bradshaw moved for approval of the minutes with a second from Ms. Smith. The Committee unanimously approved.

• **AFD Addition – 3603 News Road – Gordon Creek Addition**

Mr. Purse stated Mr. and Mrs. Jerry Nixon have applied to enroll a 30.74 acre property located at 3603 News Road, into the Gordon Creek AFD. Approximately 3 acres of the parcel is presently being farmed. A residence and several other accessory structures are located on less than an acre of the property. The remainder of the parcel is wooded.

Mr. Ford moved for approval of the addition with a second from Mr. Hitchens.

In a roll call vote the motion was approved. (6-0)

3. Other Business:

Mr. Purse mentioned that the Board of Supervisors approved having one policy on withdrawing property from an AFD. Previously there had been two policies.

Mr. Hitchens asked if staff had considered having an outreach effort to educate and attract more landowners to place their property in an AFD.

Mr. Purse answered that this is something staff can consider.

Mr. Hitchens moved for adjournment, with a second from Mr. Bradshaw.

The meeting was adjourned at 4:25 p.m.

Ms. Loretta Garrett, Chair

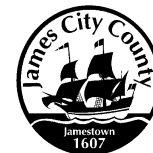
Jason Purse, Senior Planner

AFD-09-86-3-2010, News Road Gordon Creek Agricultural and Forestal District (AFD)
Addition

Ms. Sarah Propst stated Mr. and Mrs. Jerry Nixon have applied to add 30.7 acres of land, to the existing Gordon Creek Agricultural and Forestal District (AFD). The parcel is in the PSA, is zoned A-1 and designated Low-Density Residential on the Comprehensive Plan Land Use Designation Map. If approved, the parcel will be added to the Gordon Creek AFD under the same conditions as the other parcels already enrolled. The parcel will be up for renewal October 2014. With this addition the total acreage of the Gordon Creek AFD would be 3,163 acres. On October 19, 2010 the AFD Advisory Committee voted (6-0) to recommend approval for the addition. Staff recommends that the Planning Commission recommend approval of the addition to the BOS.

Mr. Poole moved for approval of the recommendation to the addition of the Gordon Creek AFD.

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



MEMORANDUM COVER

Subject: Sale of Property - 107 Louise Lane - \$29,200

Strategic Management Plan Pathway: N/A

Action Requested: Does the Board approve the sale of property at 107 Louise Lane?

Summary: James City County owns the property at 107 Louise Lane which was purchased as a buffer for the Ware Creek Reservoir. The reservoir is no longer a viable project thus the property is surplus.

Staff recommends approval of the attached resolution authorizing the sale of the property at 107 Louise Lane for \$29,200, the assessed value of the parcel. The proceeds would revert to the James City Service Authority (JCSA) who paid for the property when it was purchased.

Fiscal Impact: Sale proceeds would revert to the JCSA - property would be placed into private ownership.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Map

Agenda Item No.: J-4

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

TO: The Board of Supervisors

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

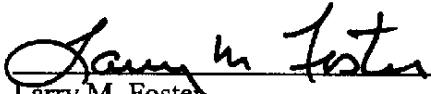
SUBJECT: Sale of Property – 107 Louise Lane – \$29,200

In the mid-1980s the James City Service Authority (JCSA) purchased several parcels of land as a property reserve for what was intended to be the Ware Creek Reservoir basin. While the JCSA paid for the property, the parcels were deeded to James City County.

As the Board is aware, the Ware Creek Reservoir was abandoned by the County in 1993 after an extended legal battle with the U.S. Environmental Protection Agency who vetoed the project. There is no hope of reviving the Ware Creek project; therefore, the property is surplus.

The Board has authorized the sale of many of the parcels that were acquired on an individual basis. A local builder has made an offer for the parcel at 107 Louise Lane at the assessed value of \$29,200.

This meeting has been advertised as a public hearing on the sale of 107 Louise Lane. After receiving public comment, staff recommends approval of the attached resolution authorizing the sale for \$29,200, the value of the property as established by the James City County Office of Real Estate Assessment. The proceeds would go back to the JCSA. A local contractor who targets the affordable housing market has expressed an interest in the property.


Larry M. Foster

LMF/nb
LouiseLnSale_mem

Attachment

RESOLUTION

SALE OF PROPERTY – 107 LOUISE LANE – \$29,200

WHEREAS 107 Louise Lane was purchased by the James City Service Authority (JCSA) in the mid-1980s for the Ware Creek Reservoir project, deeded to James City County, and has been determined to be surplus; and

WHEREAS a public hearing was conducted on December 14, 2010, 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, hereby authorizes the sale of 107 Louise Lane for the assessed value of \$29,200 and agreed that the proceeds of the property sale be returned to the JCSA.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

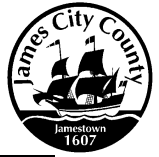
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This drawing is neither a legally recorded map
nor a survey and is not intended to be used as such.



MEMORANDUM COVER

Subject: Ordinance to Extend the Cox Cable Franchise to March 31, 2011

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve an ordinance to extend the Cox Cable Franchise to March 31, 2011?

Summary: Cox Communications of Hampton Roads, LLC ("Cox") had anticipated the new franchise negotiations would be completed by December 31, 2010, but due to internal personnel changes at Cox, they have requested an extension of the cable franchise to March 31, 2011. As stated in the Cox request letter, terms of the fiber deal are co-extensive with the terms of the Franchise, and therefore, any extension of the franchise also extends the County Cox agreement for use of the fiber.

Staff recommends adoption of the ordinance.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Ordinance
3. Fourth Amendment to Franchise Certificate

Agenda Item No.: J-5

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney

SUBJECT: Ordinance to Extend the Cox Cable Franchise to March 31, 2011

Attached for your consideration is an ordinance to extend the cable franchise for Cox Communications of Hampton Roads, LLC ("Cox") to March 31, 2011. On May 25, 2010, the Board of Supervisors adopted an ordinance which clarified and synchronized the expiration dates for the ordinance, certificate, and agreement to December 31, 2010. It was anticipated that the new franchise negotiations would be completed before that time. However, Cox is experiencing some personnel changes and requested an extension to March 31, 2011. The Cox letter requesting the extension is attached. County and Cox staff fully anticipate completing the franchise discussions and the fiber network/business agreement prior to March 31, 2011. As stated in the Cox letter, the term of the fiber deal is co-extensive with the term of the Franchise. Therefore, any extension of the Franchise also extends the County/Cox agreement for use of the fiber.

Staff recommends adoption of the attached ordinance.


Leo P. Rogers

LPR/nb
CoxCbleExtnd_mem

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE TERM OF THE COX COMMUNICATIONS FOR

HAMPTON ROADS, LLC'S FRANCHISE CERTIFICATE TO MARCH 31, 2011

WHEREAS, by Resolution dated January 26, 1996, the Board of Supervisors consented to the transfer and assignment of the Franchise Certificate issued to Continental Cablevision of Virginia, Inc. ("Initial Grantee") to Cox Communications of Hampton Roads, LLC ("Cox"); and

WHEREAS, by Ordinance No. 141A-7, adopted on December 4, 1995, the Board of Supervisors extended the Franchise Certificate to the Initial Grantee for 15 years from the date of the Ordinance; and

WHEREAS, the Second Amendment to Franchise Certificate, dated December 4, 1995, extended the Franchise Certificate to the Initial Grantee for a term of 29 years from the effective date of the original Franchise Certificate, June 8, 1981; and

WHEREAS, the County and Cox are parties to an agreement to provide an institutional network until December 31, 2010; and

WHEREAS, on May 25, 2010, the County and Cox clarified, confirmed, and extended the expiration date of the Franchise Certificate to December 31, 2010; and

WHEREAS, Cox has requested that the County extend the cable television franchise and the co-extensive fiber optic use agreement to March 31, 2011.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The term of the County's Franchise Certificate, as amended, with Cox Communications of Hampton Roads, LLC shall run through March 31, 2011, along with the County/Cox agreement for use of the fiber network.
2. The County Administrator is hereby authorized and directed to execute the Fourth Amendment to Franchise Certificate with Cox Communications of Hampton Roads, LLC.

This Ordinance shall be in full force and effect from the date of its adoption.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

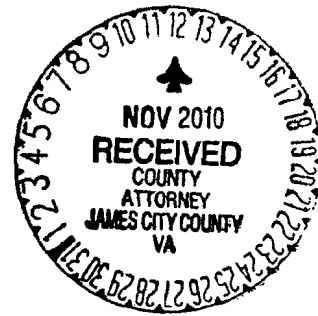
Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of
December, 2010.

CoxCbleExtnd_res



Government Affairs
1341 Crossways Boulevard
Chesapeake, Virginia 23320
757.369.4632 tel 757.222.8180 fax



November 10, 2010

Leo P. Rogers, Esq.
County Attorney
James City County
101-C Mounts Bay Road
Williamsburg, VA 23185

Re: Extension of Franchise Agreement and Settlement and Release Agreement

Dear Mr. Rogers:

This is a follow-up to our discussion on November 3, 2010, concerning two agreements between Cox Communications Hampton Roads, LLC and James City County: the Franchise Certificate ("Franchise"), originally effective June 8, 1981, and the Settlement and Release Agreement ("Settlement"), dated December 6, 1995, governing the construction and use of certain network facilities. In order to provide sufficient time to negotiate the terms of a renewal of the Franchise and to finalize the terms of a business arrangement to replace the Settlement, we discussed the extension of both documents until March 31, 2011. Inasmuch as the negotiations on both documents are progressing well, we expect them to conclude prior to that date, however, prudence dictates a sufficient amount of time to accommodate the Board of Supervisor meeting schedule. We appreciate the County's consideration of this request.

As you know, the Franchise was extended through December 31, 2010 by Ordinance No. 141A-13. We request the Board of Supervisors adopt a similar ordinance to extend the Franchise to March 31, 2011.

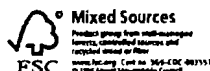
Under Article II, Section D of the Settlement, the term of that document "shall be coextensive" with the term of the Franchise (*see also*, Article III, Section D). We do not believe a separate document is necessary to extend the Settlement to March 31, 2011.

We appreciate the County's consideration of this request. If you could provide a copy of the extension documents prior to the Board of Supervisor taking action, I would appreciate it. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Kathryn Falk
Vice President, Government Affairs
Cox Communications - Virginia

cc: Michael McL. Grover, Cox Communications
Siobhan Tinsley, Cox Communications
Steve Goad, Cox Communications - Virginia



In harmony with the Cox Conserves eco-friendly program, we are proud to print on Forest Stewardship Council-certified paper.

FOURTH AMENDMENT TO FRANCHISE CERTIFICATE

This Fourth Amendment to Franchise Certificate is made as of December 14, 2010 by and between the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia ("County or Grantor") and Cox Communications Hampton Roads, LLC, a Limited Liability Company duly organized under the applicable laws of the State of Delaware ("Cox or Grantee").

WHEREAS, Continental Cablevision of Virginia, Inc., ("Initial Grantee") received a non-exclusive franchise (the "Franchise") to construct, operate and maintain a cable communications system in James City County under a Franchise Certificate effective June 8, 1981; and

WHEREAS, the County and Initial Grantee agreed to extend the Franchise Certificate for nine years by the Amendment to Franchise Certificate dated July 2, 1990; and

WHEREAS, by Ordinance No. 141A-7 dated December 4, 1995 the County extended the Franchise Certificate with the Initial Grantee for fifteen years from the date of the Ordinance; and

WHEREAS, the Second Amendment to Franchise Certificate dated December 4, 1995 extended the Franchise to Initial Grantee for a term of twenty-nine years from the effective date of the Franchise Certificate, June 8, 1981; and

WHEREAS, the County and Initial Grantee entered into an agreement to provide an institutional network ("INET") until December 31, 2010; and

WHEREAS, by Resolution dated January 26, 1996 the County Board of Supervisors consented to the transfer and assignment of the Franchise to Cox; and

WHEREAS, on May 25, 2010 Cox and the County clarified, confirmed and extended the expiration date of the Franchise Certificate to December 31, 2010 in order to have the same termination date in the ordinance, certificate and INET agreement; and

WHEREAS, Cox and the County mutually agree to extend the date of the Franchise Certificate and the co-extensive INET agreement to March 31, 2011.

NOW, THEREFORE, in consideration of the mutual promises made herein, the parties agree to amend the Franchise Certificate as follows:

1. The term of the Franchise shall expire on March 31, 2011 for a term of 29 years, 10 months and 23 days from the effective date of the Franchise Certificate, June 8, 1981.

2. Excepted as amended by Paragraph numbered 1, all remaining terms of the Franchise Certificate shall remain in full force and effect as the agreement between the parties and shall be amended or changed only in writing agreed to and executed by the parties.

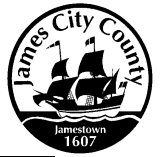
IN WITNESS WHEREOF, the parties, being first duly authorized, executed this Fourth Amendment to Franchise Certificate as of the 14th day of December, 2010.

COX COMMUNICATIONS HAMPTON ROADS, LLC

By: _____
its:

COUNTY OF JAMES CITY, VIRGINIA

By: _____
Robert C. Middaugh, County Administrator



MEMORANDUM COVER

Subject: 2011 Legislative Program

Strategic Management Plan Pathway: N/A

Action Requested: Shall the Board approve the resolution to adopt the 2011 Legislative Program?

Summary: The 2011 Legislative Program contains important issues that would benefit the County if adopted by the General Assembly at their 2011 session.

Staff recommends approval of the resolution.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: K-1

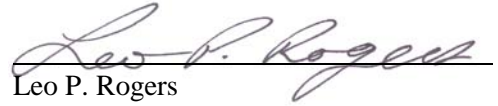
Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010
TO: The Board of Supervisors
FROM: Leo P. Rogers, County Attorney
SUBJECT: 2011 Legislative Program

Attached for your consideration is a resolution approving James City County's 2011 Legislative Program.

Staff recommends adoption of the attached resolution.


Leo P. Rogers

LPR/gb
11LegProg_mem2

Attachments

RESOLUTION

2011 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2011 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interest of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2011 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2011 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

11LegProg_res2



JAMES CITY COUNTY 2011 LEGISLATIVE PROGRAM

Part I. Legislation to be Introduced on Behalf of the County

1-1. LOCAL CIGARETTE TAX

Amend Virginia Code § 58.1-3831 to authorize counties with a population density in excess of 400 people per square mile, according to the most recent of the United State Bureau of Census, to levy a tax upon the sale or use of cigarettes to the same extent permitted by cities and towns.

1-2. INCLUDE JAMES CITY COUNTY AMONG THOSE COUNTIES WHICH MAY EXEMPT FROM TAXATION CERTAIN PROPERTIES TAXED UNDER LAND USE CLASSIFICATION

Amend Virginia Code § 58.1-3237.1 to include James City County among those localities which may exclude certain lands from land use taxation.

1-3. INCLUSION OF JAMES CITY COUNTY AMONG THOSE LOCALITIES WHICH MAY ENACT AGRICULTURAL AND FORESTAL DISTRICTS OF LOCAL SIGNIFICANCE

Amend Virginia Code §§ 15.2-4402 and 15.2-4407 to include James City County among those localities which may establish agricultural and/or forestal districts of local significance.

1-4. VIRGINIA RETIREMENT SYSTEM CONTRIBUTION FOR PUBLIC SAFETY EMPLOYEES

Amend Virginia Code § 51.1-144 (F) (2) to allow employers the option of paying an equivalent amount in lieu of the required Virginia Retirement System member contributions just for the employer's public safety employees.

1-5. PERMIT THE USE OF FUNDS CONTAINED IN AN INDIVIDUAL'S VIRGINIA RETIREMENT SYSTEM ACCOUNT FOR RESTITUTION WHEN THE INDIVIDUAL IS CONVICTED OF EMBEZZLING FUNDS FROM A GOVERNMENTAL ENTITY

Amend Virginia Code § 18.2-112.1 to permit the use of money contained in an individual's Virginia Retirement System account as restitution when that individual is convicted of embezzling funds from a governmental entity.

1-6. ELIMINATE THE NEW MANDATE FOR LOCAL FUNDING OF THE STATE "LINE OF DUTY" BENEFIT PROGRAM

Amend the State Code and/or amend the State's annual appropriation acts to require the State to fully fund State-mandated benefits as defined in the Line of Duty program.

1-7. REIMBURSEMENT OF COSTS ASSOCIATED WITH TRAINING PUBLIC SAFETY EMPLOYEES

James City County calls upon the General Assembly to commission a study to determine the feasibility of a reimbursement program whereby the Commonwealth or a Virginia locality is reimbursed for the costs associated with training public safety employees that leave employment, within a set period of time, to work at the Commonwealth or another Virginia locality.

1-8. AUTHORIZE LIMITED USE OF DISCONTINUED ROADS FOR VEHICULAR TRAFFIC

Amend Virginia Code § 33.1-152.1 to authorize counties to allow the limited use of roads discontinued from the Virginia Department of Transportation's secondary system provided that the county in which the road is situated adopts an ordinance identifying a public health, safety or transportation need and accepting responsibility for the maintenance of the discontinued road.

1-9. ADD JAMES CITY COUNTY TO THE LIST OF LOCALITIES THAT CAN REQUIRE PROPERTY MAINTENANCE FOR OCCUPIED PROPERTIES

Amend Virginia Code § 15.2-901 (A) (3) to add James City County to the list of localities that may adopt an ordinance requiring the owners of occupied properties to maintain their property.

**JAMES CITY COUNTY
2011 LEGISLATIVE PROGRAM**



Part II. Position/Legislation Supported by the County

2-1. STATE FUNDING FOR TOURISM

The County urges the General Assembly to increase funding for the Virginia Tourism Corporation (“VTC”) to promote tourism in Virginia generally, and the Historic Triangle in particular.

2-2. AUTHORITY TO IMPOSE IMPACT FEES

Amend Title 15.2, Chapter 22, to authorize localities to impose impact fees in order to fairly fund public infrastructure costs caused by new residential development.

2-3. JUNE 14, 2011 PRIMARY DATE CHANGE

James City County supports the extension of the June 14, 2011 primary date to September 13, 2011 in anticipation of the 2011 redistricting process.

2-4. APPLICATION OF TRANSIENT OCCUPANCY TAX TO TRAVEL COMPANIES AND INTERNET SALES

James City County supports a clarification of Virginia Code § 58.1-3819 et seq., to make sure that the transient occupancy tax applies to the entire amount charged for rooms by travel companies and on Internet sales regardless of any discounted rates paid by such companies for such rooms. This would provide equal taxing of room sales by Virginia businesses and Internet sales companies.

2-5. COMMUTER RAIL IN SOUTHEAST VIRGINIA

The County supports planning for a commuter rail system from Richmond through the Peninsula to Virginia Beach to connect urban centers for commuters and provide transportation alternatives for tourism.

2-6. TRANSPORTATION FUNDING

James City County urges the General Assembly to address critical transportation infrastructure needs. Transportation should be addressed as a statewide issue rather than a regional or local issue.

2-7. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT (“CSA”) FUNDING

James City County urges the General Assembly to: 1) adequately fund the Medicaid waiver program to reduce the waiting list of individuals and families now eligible for services; 2) provide services to children with serious emotional disorders; and 3) to cover reasonable administrative costs for CSA programs. Adequate funding and services will help prevent the mentally ill from being released early from treatment, living on the streets, going to jail, or being inappropriately placed in residential facilities or other government programs.

2-8. TAX EQUITY BETWEEN CITIES AND COUNTIES

James City County supports equal taxing authority for cities and counties.

2-9. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

James City County supports maintaining State funding for mental health and substance abuse treatment in jails and juvenile detention facilities given the overwhelming percentage of adults and juveniles in the system diagnosed with mental health and/or substance abuse conditions.

2-10. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

The County supports restoring the funding cuts made to pre-K and K-12 funding. In addition, the County supports restoring the funding cuts made to higher education which could cripple some of the most prestigious higher education institutions in the world, including the College of William & Mary.

2-11. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

James City County supports the State maintaining funding to public libraries to make sure that the State and the localities maintain their proportionate share of funding.

2-12. PROVIDE ADEQUATE FUNDING FOR STATE MANDATES

Given the difficult budget year faced by the Commonwealth and localities, James City County calls upon the General Assembly to oppose unfunded mandates and to reduce existing State mandates commensurate with any reduction in State funding to localities.

2-13. RESTRICTION ON IMPOSING REAL ESTATE TAXES

James City County opposes any legislation restricting local taxing authority to establish real estate tax rates or place artificial limits on the assessment of real property at its fair market value.

2-14. OPPOSE CHANGING THE PRESUMPTION OF CORRECTNESS FOR TAX ASSESSMENTS

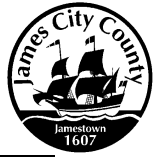
James City County opposes any legislation which changes the presumption of correctness currently given to real and personal property tax assessments. Administrative decisions on tax assessments are entitled to a presumption of correctness. The burden should be on the taxpayer to show that a uniform system of assessment is incorrect with regard to specific property. Changing the current presumption of correctness for tax assessments will impose additional costs on the administration of government.

2-15. THE DILLON RULE

James City County supports legislation consistent with that which exists in the majority of states, to provide counties, cities and towns greater local autonomy over matters within the purview of local governments.

2-16. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE AND THE VIRGINIA ASSOCIATION OF COUNTIES

James City County supports the legislative programs of the Virginia Municipal League and the Virginia Association of Counties.



MEMORANDUM COVER

Subject: Acquisition of Real Property - 112 Allyson Drive - \$47,250

Strategic Management Plan Pathway: 4.f - Manage Stormwater effectively and protect groundwater

Action Requested: Shall the Board approve the resolution that authorizes acquisition of 112 Allyson Drive for construction of an engineered regional stormwater facility to serve Old Stage Manor subdivision?

Summary: A negotiated purchase prices of \$47,250 was agreed upon with the owner, Paul A. White, for acquisition of 112 Allyson Drive. Purchase of this 0.405-acre parcel will enable the County to mitigate severe drainage problems affecting the Old Stage Manor subdivision through the construction of an engineered regional stormwater facility on the parcel.

Staff recommends adoption of the resolution.

Fiscal Impact: None

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Maps (2)

Agenda Item No.: K-2

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

TO: The Board of Supervisors

FROM: Angela M. King, Assistant County Attorney
John T. P. Horne, General Services Manager

SUBJECT: Acquisition of Real Property - 112 Allyson Drive - \$47,250

Attached is a resolution which, if adopted by the Board, will authorize and direct the County Administrator to acquire 0.405 acres located at 112 Allyson Drive (the "Property") for the purchase price of \$47,250 from Paul A. White, owner of the Property. The Property is located in the Powhatan District and designated as Parcel No. 3310400007 on the James City County Tax Map.

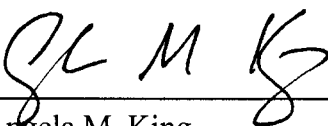
The Property is a low point in the neighborhood, which collects all of the runoff from a 14-acre watershed in the Old Stage Manor subdivision. Platted in the 1970s, the Old Stage Manor subdivision does not contain any stormwater management facilities.

The County has been working to mitigate severe drainage problems affecting the Property since 1999 when Hurricane Floyd flooded the first floor of the residence. The residence on the Property flooded again during the fall 2006 and is currently unliveable. Given the recurrence of flooding and the untreated condition of the Old Stage Manor subdivision, staff recommends that the County purchase the Property in order to construct an engineered regional stormwater facility to serve the Old Stage Manor subdivision.

For 2008 and 2009, the Property's assessment value was \$134,500. The Property's current assessment value is \$49,300 which reflects a decrease due to damage to the residence. Funds to purchase the Property will come from Water Quality Capital Fund No. 013-020-0300.


Prior to demolition of the existing residence, the County will permit salvage of the Property by the current owner which will promote recycling and reduce the County's disposal costs. Also prior to demolition, the County's Police Department and Fire Department will utilize the existing residence to conduct public safety exercises. The County will see additional cost savings by having the demolition done internally by General Services.

Staff recommends approval of the attached resolution.



Angela M. King

CONCUR:



John T.P. Horne

AMK/JTP/nb
112AllysonAcq_mem

Attachment

RESOLUTION

ACQUISITION OF REAL PROPERTY - 112 ALLYSON DRIVE - \$47,250

WHEREAS, Paul A. White is the owner of certain real property located at 112 Allyson Drive in the Powhatan District and designated as Parcel No. 3310400007 on the James City County Tax Map; and

WHEREAS, Paul A. White has offered to sell the above-referenced Property, containing 0.405 acres, to James City County for \$47,250; and

WHEREAS, the County desires to use the Property located in the Old Stage Manor subdivision for stormwater management; and

WHEREAS, the Board of Supervisors is of the opinion that the County should acquire the Property for \$47,250.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the 0.405 acres of Property and to execute any and all documents as may be necessary to purchase the Property from Paul A. White for \$47,250.

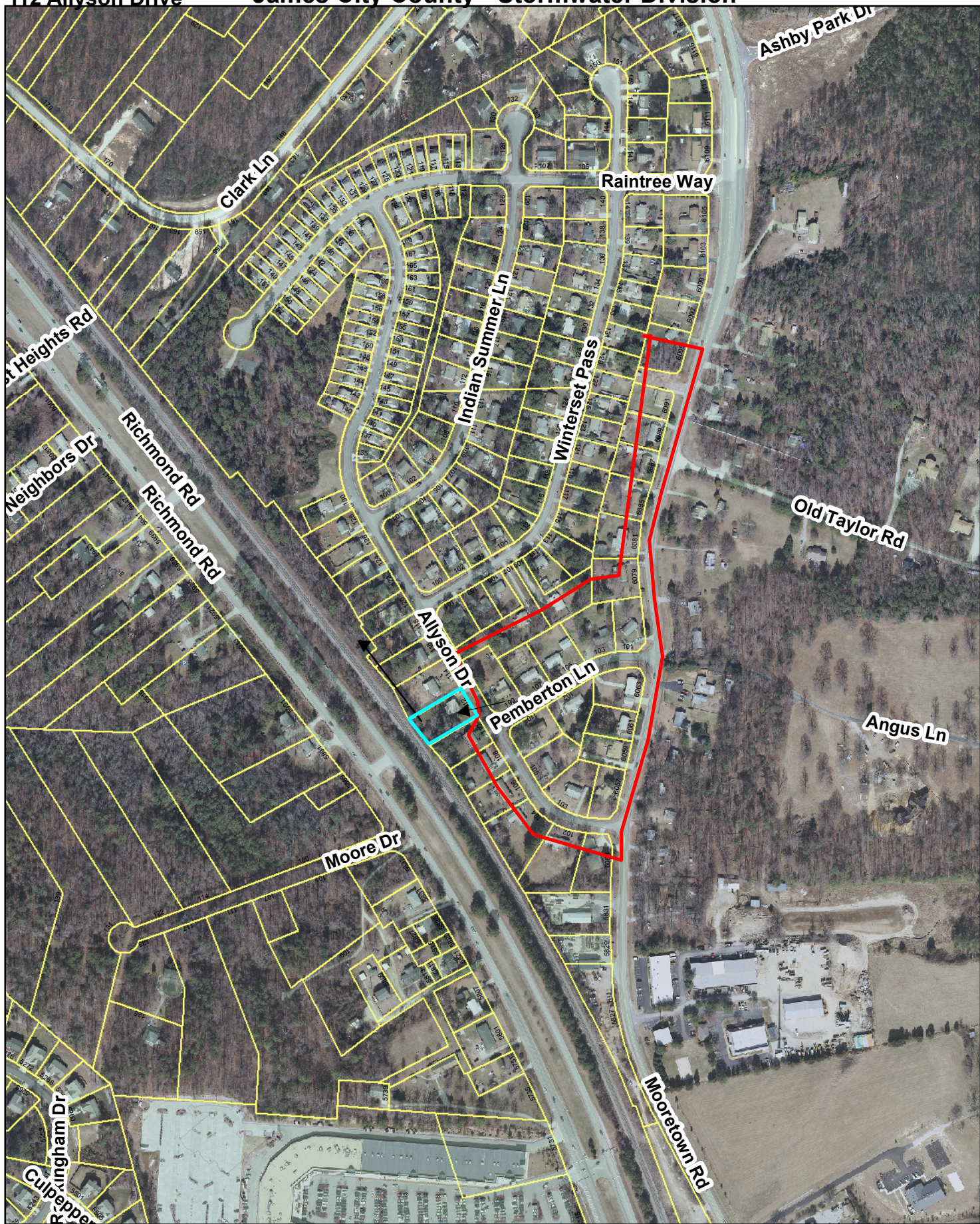
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

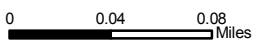
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

112AllysonAcq_res



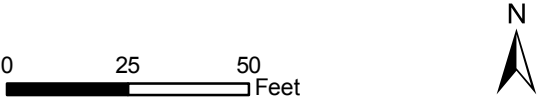
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies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

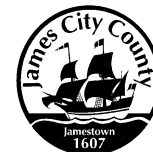
1 inch = 400 feet





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MEMORANDUM COVER

Subject: Forest Heights Community Development Block Grant (CDBG) Agreement and Appropriation of Funds

Strategic Management Plan Pathway: 2.a - Address the needs of the underserved and protect the vulnerable; 2.c - Increase the variety of safe, sanitary and affordable housing; and 4.f - Manage stormwater effectively and protect groundwater

Action Requested: Shall the Board approve the resolution authorizing the County Administrator to sign and appropriate funds for the Forest Heights CDBG project and expenditure of appropriated funds for the acquisition of property needed for the project?

Summary: The Forest Heights CDBG will assist with funding to improve housing conditions, to provide new streets, drainage and other facilities, and to preserve Forest Heights as a viable residential neighborhood.

CDBG funds of \$1,400,000 along with \$1,094,552 of local funds, \$270,000 of private funds, and \$72,500 of other Federal funds will be used to complete the project activities specified in the CDBG Application and Agreement.

The CDBG funds will be provided in two contracts: one for \$800,000 and the second for \$600,000. The first CDBG Agreement is the subject of this resolution. This Agreement for \$800,000, along with \$615,425 of local, \$36,250 other Federal funds, and \$10,000 of private funds will be used to complete property acquisition; planning for property rezoning and resubdivision; design, engineering, and bidding of road, storm drainage, water, sewer, and associated improvements; and approximately one-half of the housing rehabilitation, energy efficiency improvements, permanent relocation, and required building demolition.

Staff recommends approval of the resolution for entering into agreement to accept CDBG funds and appropriate funds for the Forest Heights CDBG project, and expenditure of appropriated funds for the acquisition of property needed for the project.

Fiscal Impact: The CDBG funds for the first contract will provide \$800,000 to the County for use in this project. The local match funds are available from program income in the County's Community Development Fund.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Concept Plan

Agenda Item No.: K-3a

Date: December 14, 2010

M E M O R A N D U M

DATE: December 14, 2010

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Forest Heights Community Development Block Grant (CDBG) Agreement and Appropriation of Funds

The County has completed the environmental review and other actions required from the County's Community Development Plan by the Virginia Department of Housing and Community Development (VDHCD) prior to the start of the Forest Heights Neighborhood Improvement Community Development Block Grant (CDBG) Project. A public meeting was held on December 7, 2010, to update residents on the CDBG project activities, schedule, and impacts, as well as revisions to the Forest Heights Road and Neighbors Drive Concept Plan made since the March 15, 2010, public meeting. This project will improve housing conditions, provide new streets, drainage and other facilities; and preserve Forest Heights as a viable residential neighborhood. CDBG funds of \$1,400,000 along with local funds of \$1,094,552 from the County's Community Development Fund, private funds of \$260,000, from Habitat for Humanity, \$10,000 from Housing Partnerships, and \$72,500 of other Federal funds from the EPA Climate Showcase grant are to be expended to undertake the following activities specified in the CDBG Agreement over a three-year period:

1. Rehabilitation of seven homes to housing quality standards, including energy audits and energy efficiency improvements.
2. Substantial reconstruction of two homes to be moved following boundary line adjustments.
3. Permanent relocation of two owner households and two non-owner households from property acquired due to road realignment.
4. Construction of four homes to provide homeownership opportunities for low- and moderate-income households.
5. Demolition of two vacant, dilapidated dwellings.
6. Demolition of three homes and one trailer due to road realignment.
7. Acquisition of 11 parcels totaling approximately 7.6 acres for road realignment, stormwater management, infill housing sites, and required open space.
8. Construction of approximately 1,680 linear feet of street with curb, gutter, and sidewalk built to the Virginia Department of Transportation (VDOT) standards.
9. Construction of 420 linear feet of multi-use trail along Richmond Road.
10. Construction of a storm drainage basin and approximately 3,350 linear feet of storm sewer.
11. Installation of approximately 880 linear feet of 8-inch waterline, 670 linear feet of 8-inch sewer line, and 30 water and 23 sewer connections.
12. Construction of an approximately 400-linear-foot turn lane on Richmond Road.
13. Planting of street trees and installation of street lights.
14. Clearance of junk, debris, derelict structures, inoperable vehicles, and overgrown vegetation in the project area.

The notice of award of the CDBG funds states that the funds will be provided under two contracts: \$800,000 for Phase One and \$600,000 for Phase Two. The \$800,000 of CDBG funding provided for Phase One, along with \$615,425 of local funds, \$36,250 of other Federal funds, and \$10,000 of private funds will be used to complete property acquisition; planning for property rezoning and resubdivision; design, engineering, and bidding of road, storm drainage, water, sewer, and associated improvements; and approximately one-half of the housing rehabilitation, energy efficiency improvements, permanent relocation, and building demolition. The local funds required to match the CDBG-Phase One contract includes \$515,425 previously appropriated from

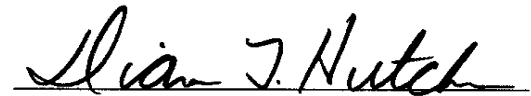
the County's Community Development Fund plus an additional \$100,000 recommended to be appropriated from the Community Development Fund.

Purchase of real property is required for road rights-of-way, stormwater management, essential boundary line adjustments for existing residential lots, additional affordable homes, and open space. Property purchase, the rezoning application, property subdivision, and boundary line adjustments are to be guided by the attached Forest Heights Road and Neighbors Drive Area Concept Plan.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the CDBG agreement, to appropriate the CDBG funds allocated to Phase One of the Forest Heights Neighborhood Improvement Project, and to appropriate additional funds from the County's Community Development Fund to support the project and expenditure of appropriated funds for the acquisition of property needed for the project.


Richard B. Hanson

CONCUR:


Diana F. Hutchens

RBH/nb
FH_CDBGagmnt_mem

Attachment

RESOLUTION

FOREST HEIGHTS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT

AND APPROPRIATION OF FUNDS

WHEREAS, the James City County Board of Supervisors authorized by resolution on March 23, 2010, the submission to the Virginia Department of Housing and Community Development (VDHCD) an application for a Community Development Block Grant (CDBG) for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, James City County has been notified of the award of \$1,400,000 of CDBG funds to be disbursed under two contracts and is undertaking all actions required by VDHCD prior to entering into an agreement to receive the CDBG funds; and

WHEREAS, sufficient funds are available in the County's Community Development Fund to provide local funds, not previously appropriated, which are required to complete the activities under the Forest Heights CDBG Phase One contract; and

WHEREAS, acquisition of real property is a specified activity in the Forest Heights CDBG application and is required to enable the road and other improvements specified in the CDBG application and in the Forest Heights Road and Neighbors Drive Concept Plan to be completed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant Agreement and Phase One contract with the Virginia Department of Housing and Community Development.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2011, as follows:

Revenues:

Forest Heights Neighborhood Improvement Project	
Community Development Block Grant Phase One	\$800,000
Community Development Fund Balance	<u>100,000</u>
	<u>\$900,000</u>

Expenditures:

Forest Heights Project CDBG	\$800,000
Forest Heights Project Local Share	<u>100,000</u>
	<u>\$900,000</u>

BE IT FURTHER RESOLVED that the appropriation of funds for the Forest Heights CDBG Project be designated a continuing appropriation to carry beyond FY 2010 until the Forest Heights Project is completed.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the expenditure of CDBG and other appropriated funds from the County's Community Development Fund to be used to purchase real property required to enable roads and other improvements specified in the CDBG application and the Forest Heights Road and Neighbors Drive Concept Plan to be completed.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

FH_CDBGagmnt_res





MEMORANDUM COVER

Subject: Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan

Strategic Management Plan Pathway: 2.a - Address the needs of the underserved and protect the vulnerable; 2.c - Increase the variety of safe, sanitary and affordable housing; 5.e - Share information with citizens; and 5.f - Ensure services recognize and respect diversity

Action Requested: Shall the Board approve the resolution that adopts the Forest Heights Neighborhood Improvement Project Community Development Block Grant (CDBG) Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan?

Summary: The Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan are proposed to govern provision of housing rehabilitation, replacement housing, and relocation assistance for the Forest Heights Neighborhood Improvement CDBG Project.

The Housing Rehabilitation Program Design describes housing rehabilitation program oversight and staffing, applicant and property eligibility requirements, housing rehabilitation standards, permanent and temporary relocation assistance, terms of financial assistance, contracting procedures, and dispute resolution procedures.

The Residential Anti-Displacement and Relocation Plan indicates actions to avoid displacement of households and actions when demolition is unavoidable to assure one for one replacement of low- and moderate-income household occupied dwellings. This plan also indicates actions to provide assistance in accordance with the Federal relocation assistance requirements to the two owner households and one renter household who reside in homes which need to be acquired to provide rights-of-way for construction of State maintained streets as well as relocation assistance to an individual living in a trailer located on a lot to be acquired.

Staff recommends approval of the resolution to adopt the Forest Heights Housing Rehabilitation Program Design and the Residential Anti-Displacement and Relocation Plan.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. CDBG Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan

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Agenda Item No.: K-3b

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan

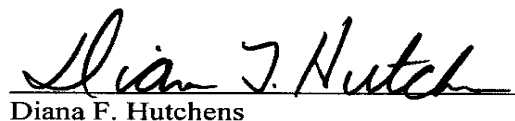
The Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan are documents required by the Virginia Department of Housing and Community Development to govern provision of housing rehabilitation, replacement housing, and relocation assistance for Community Development Block Grant (CDBG) Project. The Housing Rehabilitation Program Design describes housing rehabilitation program oversight and staffing, applicant and property eligibility requirements, housing rehabilitation standards, permanent and temporary relocation assistance, terms of financial assistance, contracting procedures, and dispute resolution procedures. Existing staff in the Office of Housing and Community Development will perform the duties described in the Program Design.

The Residential Anti-Displacement and Relocation Plan indicates actions to avoid displacement of households and actions when demolition is unavoidable to assure one-for-one replacement of low- and moderate-income household occupied dwellings. This plan also indicates actions to provide assistance in accordance with the Federal relocation assistance requirements to the two owner households and one renter household who reside in homes which need to be acquired to provide rights-of-way for construction of State-maintained streets, as well as relocation assistance to an individual living in a camper trailer located on a lot to be acquired.

Staff recommends approval of the attached resolution to adopt the Forest Heights Housing Rehabilitation Program Design and the Residential Anti-Displacement and Relocation Plan.


Richard B. Hanson

CONCUR:


Diana F. Hutchens

RBH/nb
FH_ADispReloc_mem

Attachment

RESOLUTION

FOREST HEIGHTS HOUSING REHABILITATION PROGRAM DESIGN AND RESIDENTIAL

ANTI-DISPLACEMENT AND RELOCATION PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality that utilizes Community Development Block Grant Funds for housing rehabilitation, replacement housing, and relocation assistance have adopted program policies and procedures by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopt the attached Forest Heights Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance for the Forest Heights Neighborhood Improvement Project.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

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HOUSING REHABILITATION PROGRAM DESIGN

James City County
Forest Heights Neighborhood Improvement Project
CIG# 10-15

Program Purpose and Objective

James City County will improve housing and infrastructure conditions in the Forest Heights neighborhood through construction of 1,680 linear feet of public street, 1,680 linear feet of sidewalk, 3,350 linear feet of storm sewer, one storm water drainage basin, 420 linear feet of paved multi-use trail, rehab of 7 LMI owner-occupied homes, construction of 2 replacement homes for relocated homeowners, substantial reconstruction of 2 homes being relocated due to road improvements, demolition of 2 dilapidated vacant structures, clean-up and removal of debris, and construction of 4 new affordable homes for LMI purchasers. This project will benefit 56 persons, 45 of whom are low-and-moderate income.

Upon adoption by the James City County Board of Supervisors the housing rehabilitation program design contained in this document shall apply to all housing rehabilitation assistance provided from the Forest Heights Neighborhood Improvement Community Development Block Grant (CDBG) Program.

Additionally, with the exception of sections of the guidelines that specifically mention Forest Heights Neighborhood Improvement CDBG Program, these guidelines shall also apply to rehabilitation assistance provided from program income derived from previous CDBG projects.

OVERSIGHT AND STAFFING

Housing Rehabilitation Oversight Board

The James City County Office of Housing and Community Development (OHCD) will administer the Forest Heights Neighborhood Improvement Project. The Rehab Board, consisting of the County Administrator and Assistant Administrator, the Director and Assistant Director of Community Services and the Director of Housing and Community Development, which oversees the Indoor Plumbing Rehab Program will review individual rehab applications, rehab contractors' qualifications, bid results, and award of contracts. For each applicant OHCD prepares a package consisting of a cover memo, application summary, loan/grant commitment form, rehab contract and work write-up. This package is reviewed and signed by a minimum of three of the Board members. Additionally, the package is reviewed by County Finance and Legal departments to verify the availability of budgeted funds and adherence to legal

requirements. Review and approval by a minimum of three Board members of contractor's applications is required for inclusion on the Bidders List.

Housing Rehab Program Administrator

The OHCD Director, will have the responsibility of Program Administrator and overall supervision of the Forest Heights Neighborhood Improvement Project team.

The Program Administrator will:

- Conduct an initial and final DHCD HQS inspection,;
- Oversee the work of the Rehabilitation Specialist;
- Review and approve all pay requests and change orders;
- Receive all complaints and investigate and make recommendations to solve them; and
- Oversee the application process and the rehabilitation loan process.

Rehabilitation Specialist

The Housing Project Coordinator, has been assigned the responsibility of Project Manager for the Forest Heights Neighborhood Improvement Project, as well as designation as Housing Rehabilitation Specialist.

The Rehabilitation Specialist will:

- Schedule an initial inspection with the homeowner to determine the deficiencies of the property, which do not meet the DHCD Housing Quality Standards. Using DHCD's Section 8 Field Inspection Checklist
- Conduct a thorough inspection of the property with the homeowner to determine the deficiencies of the property, which do not meet the DHCD Housing Quality Standards. Using DHCD's Section 8 Field Inspection Checklist
- Prepare a work write-up and itemized cost estimate.
The work write-up will reference equipment, materials and installation procedures, which may be found in the rehab program's Master Specifications or the Manufacturer's Instructions. The cost estimate will reflect cost calculations based on current local rates. The work write-up will be reviewed and signed by the homeowner.
- ~~Hold a pre-bid and walk-through of the home with~~ three or more pre-qualified contractors, taken consecutively from the Rehab Board's approved list, *will be invited to attend a pre-bid meeting. Bid documents will be provided and reviewed prior to a walk-through of the home.* The bids shall be opened at a prescribed time announced when the bid package is distributed. The bids shall be reviewed and the lowest responsive bidder shall be awarded the contract. Acceptable bids will normally not exceed cost estimates by 10%.
- Conduct progress and quality assurance inspections during construction.
- Conduct percentage of contract payment inspections, which are reviewed and approved by administrator.
- Conduct final inspections with homeowner.
Problems will be documented by means of digital photographs and noted in an inspection log.

Risk Assessor

For homes built prior to 1978 the owner is informed of the possibility of the presence of Lead Based Paint (LBP) and provided with the pamphlet "Protect Your Family From Lead In Your Home". A preliminary visual inspection is then conducted *by the Rehabilitation Specialist* to determine painted surface condition, as well as paint history, and a determination is made regarding the need for an Inspection, Risk Assessment, or Lead Hazard Screen *which will be conducted by a certified Lead Paint Risk Assessor either on County staff or by an approved lead paint inspection company (Marine Chemists or other qualified company)*. When an Environmental Intervention Blood Lead Level (EIBLL) child is in the home a lead inspection will be required to identify the presence of lead in the home. In homes with a child or children under age 6, X-Ray Fluorescence Analyzer (XRF) testing of all painted surfaces to be disturbed during paint stabilization will be conducted *by a certified Lead Paint Risk Assessor either on County staff or by an approved lead paint inspection company (Marine Chemists or other qualified company)*. This prevents unnecessary use of materials and time if paint is identified as, "not lead based paint", and ensures that areas are identified properly and proper precautions are used during repairs prior to cleaning and clearance. Renovation firms certified under EPA's Renovation, Repair and Painting Rule will be required to complete the paint stabilization and cleaning prior to a clearance test being conducted by an approved lead paint inspection company (Marine Chemists or other qualified company).

~~Intake Surveyor-~~

~~The Housing Specialist, has been assigned the responsibility of administering the participant application process for housing rehabilitation and relocation assistance.~~

~~Mortgage Loan Originator Loan Officer-~~

~~A Mortgage Loan Originator has been assigned the responsibility of handling the activities of the Loan Officer.~~

~~The Loan Officer~~ Mortgage Loan Originator will:

~~The Intake Surveyor will:~~

- Receive preliminary applications, which may be taken over the phone, screen applicants, and inform them of the program requirements ~~prior to signing of the applications.~~
- Interview the applicant and obtain required financial and ownership documentation.
- Prepare the rehabilitation assistance application for the applicants' signature.
- ~~Sign-Submit~~ verification of income and asset forms to be mailed to employers, and financial institutions, utilities, as well as appropriate and social service agencies ~~client information release forms and utility payment verification forms.~~
- Obtain Complete property information forms including, tax payment status, the name of the owner of record and assessed value.
- Obtain credit reports on potential loan applicants ~~from Equifax.~~

- ~~Conduct~~*Schedule* -an inspection after which the staff makes a preliminary feasibility determination based on HQS requirements.
- Schedule an appointment for the applicant to come into the office to complete the final application.

~~Loan Officer~~

~~A Mortgage Loan Originator~~ has been assigned the responsibility of handling the activities of the Loan Officer.

~~The Loan Officer will:~~

- ~~• Collect, record, and forgive payments monthly.~~
- ~~• Maintain records of loan balances, and final payment due dates~~
- ~~• Issue annual statements to beneficiaries regardless of ability to pay, and make a good faith effort to collect delinquent loans.~~
- ~~• Complete property information forms including, tax payment status, the name of the owner of record and assessed value.~~

Loan Servicer

The Loan Servicer will:

- *Collect and record monthly payments and prepare periodic reports of loan payments and delinquencies.*
- *Maintain records of loan balances, and final payment due dates*
- *Issue annual statements to beneficiaries regardless of ability to pay, and make a good faith effort to collect delinquent loans.*
- *Prepares Certificates of Satisfaction for signature by Trustee.*

Financial Manager

The County's ~~ara Woodruff~~, Accounting Director, has been assigned the responsibility of handling the activities of the Financial Manager.

The Financial Manager will:

- Ensure that all Grant expenditures are adequately budgeted and tracked in accordance with DHCD Financial Management requirements as outlined in the Grant Management Manual.

~~Neighborhood Stakeholders~~

~~Residents of the neighborhood have been actively involved in the conceptual planning of the project and have attended Public Hearings and meetings, as well as Project Management Team meetings held as part of the Planning Grant prior to submitting the CDBG application.~~
Responsibility for participation in Management Team meetings, Rehab Board oversight, and as a

~~liaison for residents of the project area will be assigned to at least one resident of the project area.~~

Project Area Boundaries

The Forest Heights Neighborhood Improvement Project Area is located in the center of the Forest Heights Road, Neighbors Drive, and Richmond Road CDBG Planning Grant Study Area. The boundaries of the 13 acre project area are indicated on the attached map.

APPLICANT ELIGIBILITY

Allowable Income and Asset Limits for the Applicant

The following limits on income and assets will be adhered to:

- CDBG housing rehabilitation funds may be used only to directly benefit LMI households;
- LMI households are defined as households whose income does not exceed 80% of the area median household income as determined by HUD
- All income and assets will be counted and verified according to DHCD requirements.

Fairness and Equitable Distribution of Benefits

- The Program will not benefit moderate-income households to the exclusion of low-income households. Low-income households are defined as those whose aggregate income by household size is below 50% of the area median household income;
- The Program will not act to deny reasonable benefit to minority, elderly or female-headed households through its guidelines and loan structuring;
- The Program will not set aside funds or specify goals that adversely affect the benefit of low-income, minority, elderly or female-headed households; and

Prioritization of Applicants

Applications shall be processed on a first-come, first-served basis. ~~A general notice will be posted in the community informing neighborhood residents of the availability of housing rehabilitation assistance and the procedures for applying for this assistance.~~ All persons whose homes were inspected and who provided financial information required for preparing the CDBG application will ~~also be informed~~ *at neighborhood meetings or by personal contact* ~~by letter~~ of the availability and procedures for applying for housing rehabilitation assistance. Applicants whose residences are located within the proposed right-of-way may take priority over others depending on the schedule for the widening of Forest Heights Road and the new connector to Neighbors Drive. If it is determined that an applicant does not meet eligibility criteria, the applicant shall be informed in writing prior to suspending or terminating processing of their application.

~~Application Procedures~~

~~Applications may be taken over the phone as part of the screening and information process to inform applicants of the program requirements prior to signing an application.~~

~~If preliminary qualification is determined, an appointment is made for the applicant to come into scheduled for the applicant at the Office of Housing and Community Development located at 5320 Palmer Lane Suite 1A, or in their home if necessary, to meet with the Intake Surveyor/Loan Officer and complete the final application.~~

PROPERTIES ELIGIBLE FOR REHABILITATION

Suitable for Rehabilitation

An LMI-occupied unit that can be rehabilitated to DHCD Housing Quality Standards (HQS) with a base CDBG investment of \$25,000 or less is considered suitable for rehabilitation. In the event that extra bedrooms, a bathroom, well, septic, or handicap accessible structures are required, these “exceptions” may exceed the base \$25,000 limit. Exceptions allow up to and additional \$20,000 to be committed beyond the base construction cost.

Unsuitable for Rehabilitation

An LMI occupied unit that has major structural deficiencies where rehabilitation costs would exceed the base \$25,000, not including the cost of “exceptions,” is considered unsuitable for rehabilitation.

Properties deemed Unsuitable for Rehabilitation may be addressed as: Permanent Relocation or Substantial Reconstruction.

Eligible Property Types

Housing Rehabilitation Assistance funded through the CDBG will be available to owner-occupied homes located in the project area. Program beneficiaries will be limited to low and moderate income households as defined by HUD.

The following types of eligible properties will be assisted during the project in compliance with DHCD policies as stated here:

1. Heir Properties. The Program Design requires that the applicant reside on the property at the time of application, prove he/she is one of the heirs, and has control over the property. DHCD does not require that the occupant own the property in fee simple, but the Grantee must verify ownership status and must determine the likelihood of continued occupancy by the applicant.

In cases where ownership is clouded by questions of inheritance (heir properties), the following requirements are in effect:

- A reasonable effort must be made to identify all heirs and the Program must document the effort to contact each heir in writing to request transfer of their interest to the beneficiary. The Title must be recorded in the Clerk's Office of the appropriate Circuit Court in the intended beneficiary's name;
 - Where heirs are unknown or unable to be contacted, proof of control of the property for the previous three (3) years by the resident must be documented. Proof must include continued residence, payment of property taxes, payment of homeowners insurance or other house payments by the resident;
 - Where heirs or co-owners are known but unwilling to convey their interest in the property to the intended beneficiary, or where it is undesirable to convey fees simple interest in the property to the intended beneficiary, a Life Estate for the intended beneficiary must be recorded and the co-owners must sign the deed of trust requiring the remaindermen to (a) repay the outstanding balance upon death or removal of the original beneficiary or (b) if one or more of the remaindermen meets the program qualifications they may agree to reside in the property and take over the obligations of the loan and deed of trust.
2. Life Rights. Properties held by occupants who have a Life Estate in the property are eligible beneficiaries if the property is otherwise eligible for rehabilitation pursuant to the Program Design and if both the Remaindermen and the Life Tenant signs the Deed-of-Trust, construction contract, and demolition contract. Should the Life Tenant cease to live in the property during the term of the loan, the Remaindermen must either payoff the balance of the loan or if one or more of the remaindermen meets the program qualifications they may agree to reside in the property and take over the obligations of the loan and deed of trust
3. Vacant Property. No **vacant unit** will be rehabilitated with VCDBG funding unless the house has a history of being consistently occupied over the last five years and was rented for at least six months of the preceding year, the unit was purchased by an LMI household, or the unit is owned by a locality, housing authority, or non-profit and will be sold to or lease-purchased by an LMI household. **Prior written approval will be requested from DHCD.**
4. Manufactured (Mobile) Homes. Mobile homes *in the project area are limited to the one existing doublewide* ~~owners will not be excluded from the benefits of the program. Owner-occupied mobile homes are eligible for rehabilitation provided they do not meet DHCD HQS and the cost of rehabilitation will not exceed \$10,000 plus \$10,000 for water and wastewater installation. No other exceptions apply. These cost limits are not applicable to a double-wide or equivalent with a continuous foundation on footers, which for these purposes only, are is considered a permanent home. If the rehabilitation costs exceed these limits, the mobile homehome is determined to be unsuitable for rehabilitation it will be substantially reconstructed with a stick-built unit. The use of mobile homes to replace a mobile home or a stick-built home may occur only with prior DHCD approval. A copy of the DMV title and certificate of occupancy will be placed in the client rehabilitation file.~~

Property Ownership

- All improvements will be secured by a recorded lien which extends for at least ten (10) years;
- Ownership for all properties will be verified and documented; and
- Properties with unclear titles due to questions regarding inheritance and/or liens and judgments, will be dealt with by the Program to ensure that applicants are given the opportunity to prove their ability to participate in the program. Please see “Heir Properties” above for more details.

Liens, Debt and Clear Title

Applicants must occupy the dwelling as their principle residence and own or have a substantial ownership interest in the dwelling. Applicants who do not have clear title to the dwelling may only be assisted if all DHCD requirements for assistance for heir properties are met.

Furthermore, the applicant must have lived in the dwelling for a minimum of 180 days prior to the date of application approval.

The projected cost of rehab required to meet HQS plus the current balance on existing liens on the property may not exceed the greater of the current real estate tax assessment or projected after rehab value of the property. This loan-to-value limit may be waived if the applicant has been current with all loan payments on the secured debt for the preceding six months.

Where title to the property is not clear and marketable OHCD will assist applicants in attempting to obtain clear title. If the cloud on the title cannot be removed at an insignificant cost, or signatures cannot be obtained from all heirs to the property then OHCD will not rehab the property.

Rehabilitation Standards

All homes financed through the Forest Heights Neighborhood Improvement Project CDBG will meet Section 8 Housing Quality Standards and VDHCD's Supplemental Rehabilitation Standards after rehabilitation is completed.

DHCD HQS include:

- All properties must be inspected for termite and other structural infestation by a licensed exterminator (if infestation is discovered, treatment must be provided);
- All chimneys must be inspected thoroughly for structural damage, including loose masonry units and open mortar joints, and for blockage of flue. All damaged chimneys must be repaired. Chimneys with substantial blockage must be cleaned;
- All debris, abandoned vehicles, and derelict buildings must be removed from property. The owner should remove whatever he or she is physically able to remove;
- All electrical components including service, meter, wiring, and fixtures must be inspected

by a qualified electrical inspector. Unsafe components must be replaced. All exposed wiring, switches, and light bulbs in living areas must be encased;

- All homes must be equipped with a smoke detector installed in conformance with the one and two family dwelling code;
- All homes must be weatherized with at least R-30 ceiling insulation and all windows and doors be caulked and weather stripped;
- All homes to be rehabilitated must be tested before and after rehabilitation for air infiltration by means of a Blower Door. Air infiltration through sidewalls must be mitigated where found. Weatherization measures should be designed to meet the minimum air flow of 1,500 CFM and weatherization targets established by the Weatherization Guidelines;
- Homes inhabited by handicapped or elderly persons must be analyzed as to the special physical needs of such persons. Improvements such as widened doorways, ramps, level entry and doorways, and grab bars in bath areas must be installed if appropriate;
- Houses built prior to 1978 will be presumed to contain lead-based paint (LBP). All repairs will be designed to eliminate these hazards using interim controls to any defective paint surface, and any breached friction, impact or chewable surface showing excessive dust and/or deterioration e. g., window sill, window trough, flooring or stair treads. All rehabilitation involving the elimination of LBP hazards shall receive a passing Clearance Examination documented by a licensed Risk Assessor; and
- Section 8 HQS requirements.

Any improvements which are necessary in order for a property to meet these standards, are eligible property improvements. Additionally, the following types of improvements and repairs will be included:

1. Improvements required to meet Virginia Weatherization Assistance Program Installation Standards including insulation, window and door caulking and/or weather stripping, and storm windows or insulated replacement windows as needed.
2. Window Screens
3. Repair, replacement or provision of one storage shed ~~with prior VDHCD approval~~. The new shed not to exceed 64 square feet.
4. Hall and bedroom closets where adequate space exists
5. Air conditioning may be added when needed for health reasons as confirmed by a health physician or if replacement heating system includes air conditioning as a standard feature.
6. Acquisition of property for a replacement dwelling or to meet setback and minimum lot size requirements of the County's zoning ordinance for rehab beneficiaries.

Ineligible Rehabilitation Expenses include cosmetic repairs/improvements.

Permanent Relocation

The road and drainage improvements were designed to minimize displacement of households. The plan avoids relocation of a number of households by exchanging right-of-way on the front of

the lots for additional property on the rear. This boundary line adjustment allows the lots, which are small and non-conforming under current zoning standards, to meet the standards which will apply under the proposed zoning designation. These boundary line adjustments allow most property owners to remain in their homes. However, the road construction will require permanent relocation of 4 households. Two of those households are owner/occupied and two are occupied by non-owners.

The two owner-occupied households, will be offered the option of new homes or lots within the project area.

Temporary Relocation

In addition to the 4 households projected to be permanently relocated, two households will be temporarily relocated while their homes are moved towards the rear of their lot. Property at the rear of their lot will be exchanged for the right-of-way needed along the front property line. These families will be provided with temporary relocation assistance, including moving costs, if necessary, to pay for rent in a temporary home while their home is being moved and repaired. Temporary housing, for up to three months, is available within one to seven miles of the neighborhood in furnished apartments and extended stay hotels.

FINANCIAL ASSISTANCE AVAILABLE

Ability-to-Pay Calculation

Ability- to-Pay calculations will be completed for all applicants in accordance with the guidance outlined in the CDBG Grant Management Manual.

Every owner-occupied household with an ability to pay above \$20 *per month* will pay at least the amount calculated as its ability-to-pay.

Types of Financial Assistance

Applicants must occupy the dwelling as their principle residence and own or have a substantial ownership interest in the dwelling. Applicants who do not have fee simple title to the dwelling may only be assisted if all DHCD and County requirements for assistance for non-fee simple ownership properties are met. Furthermore, the applicant must have lived in the dwelling for a minimum of 180 days prior to the date of application approval.

The dwelling must be determined to be suitable, both structurally and financially feasible to be rehabilitated to meet federal *and DHCD* housing quality standards (HQS). The cost of rehab required to meet HQS and building code requirements may not exceed \$25,000. The projected cost of rehab required to meet HQS plus the current balance on existing liens on the property may not exceed the greater of the current real estate tax assessment or projected after rehab value

of the property. This loan-to-value limit may be waived if the applicant has been current with all loan payments on the secured debt for the preceding six months.

All rehabilitations will be financed by a loan, secured by a deed of trust lien against the property. All loans shall be on or a combination of the following, as determined appropriate by OHCD:

1. Installment loans shall be provided to eligible low and moderate-income households. Total projected housing expenses, including the proposed rehab installment loan, shall not exceed 30% of the applicant's household income and total projected ~~long-term~~ debt shall generally not exceed 40% of income. Installment loans shall be secured by a note and deed of trust. There will be no pre-payment penalty on installment loans.

The rate of interest on all installment loans made to owner-occupants shall be zero percent. The maximum loan term shall be 15 years. A 15-year term will apply when total CDBG assistance exceeds \$15,000 and a 10-year term will apply when total CDBG assistance is less than or equal to \$15,000. Shorter repayment terms shall be applied if the required payment is affordable.

A late fee of 10% of the required payment, rounded to the nearest dollar, shall be assessed for any installment loan payment not made by the 15th of the month.

2. A forgivable loan, not to exceed 50% of the total CDBG assistance, shall be provided to applicants who do not have the ability to repay the principal over the applicable 10 or 15-year term, as determined by OHCD. A forgivable loan will not be made where the borrower has more than \$10,000 in financial assets. Financial assets include cash-on-hand, savings, stocks, bonds, retirement accounts, real estate excluding the principle residence, and any other investments.

The indebtedness under 10 year forgivable loans shall be reduced by 10% per year, provided the applicant continues to own and occupy the dwelling as his/her principle residence. The indebtedness under the 15-year forgivable loans shall be reduced by 5% per year for the first five years and by 7.5% per year for the remaining ten years.

3. Deferred payment of installment loans shall be available to low and moderate-income owner occupants who qualify for a forgivable loan and whose incomes are insufficient to make the required installment loan payments. The installment loan note shall state the monthly payment required to amortize the loan over the applicable 10 or 15 year period. The note shall also include a clause that allows the loan administrator to modify the monthly payment based on the borrower's then current ability to pay. Ability to pay will be determined based on 30% of the households' adjusted gross income (using Section 8 income adjustment guidelines). If the calculated monthly ability to pay is less than \$20, no monthly payment will be required. If applicant qualifies for a deferred payment loan, the household's income and expenses will be reviewed and the required monthly payment will be adjusted annually. The minimum payment may be temporarily reduced; if the household's monthly debt payments at the time of loan application exceed 40% of

household income with the required CDBG loan payment. This reduction may be approved for a period not to exceed three years, and only if the family actively participates in an approved financial counseling program. At the end of the loan term if all loan and deed of trust conditions are met any remaining approved deferred payment shall be forgiven.

Deed-of-Trust

All loans will require the owner(s) to sign a Note(s) which will be secured by a Deeds of Trust recorded as a lien against the property.. Loan documents and loan closings will be prepared and conducted by the County Attorney's office with participation by OHCD office staff.

OHCD staff maintains a database of loan maturity dates. When the loan reaches maturity, and OHCD staff verifies all loan conditions have been met, OHCD staff prepares and records a Certificate of Satisfaction and mails a copy to the client.

Loan Servicing

OHCD shall service all loans. As of ~~June 24~~ November 7, 2010, OHCD services ~~more than 1835~~ Indoor Plumbing Rehab, CDBG, *Rehab Revolving Loan*, *Dry Well*, *Rural Rehab*, and Blight Abatement installment loans, ~~as well as 78 Homeless Intervention (HIP) mortgage loans and 195 HIP security deposit loans.~~

OHCD also currently monitors several dozen forgivable and deferred payment indoor plumbing/rehab, water and sewer connection, down payment assistance loans, Dry Well and Rural Rehab Demonstration program loans.

Contracting Procedures

James City County adopted and implemented a Local Business and Employment Plan after required advertisements and notice to listed contractors. Additional advertisements, listings and referrals will be undertaken as required.

James City County will encourage contractors and sub-contractors to contact those appropriate project area minority- and female-owned firms on its solicitation list and provide such firms reasonable opportunities to compete for procurement contracts.

The following process will be used in selecting and qualifying contractors, and bidding, awarding, and managing projects:

- Advertisements will be posted in local papers to inform contractors of the opportunity to pre-qualify for participation in bid opportunities.

- A list of Williamsburg area Class A and B contractors may be obtained from the Department of Professional and Organizational Regulations or other sources and letters sent informing them of the opportunity to be placed on a pre-qualified contractors list
- Contractors will complete contractor pre-qualification form.
- References will be called and other sources (i.e. building inspectors) will be checked to verify contractor's previous performance.

A minimum of 3 contractors, taken consecutively from the Housing Rehab Board's approved list of pre-qualified contractors, will be contacted by phone to schedule a pre-bid conference and receive the bid package with instructions. A minimum of 4 contractors will be solicited for bids between \$30,000 and \$50,000. No more than 2 contracts will be awarded to a contractor at any given time.

The contractor makes the initial request for payment after at least 30% of the contracted work is complete. The contractor may then make additional requests as needed for payment as work is completed (suggested intervals are 50% and 95% and 100%). All requests are reviewed with and verified by the homeowner and balanced with the original itemized bid from the contractor. Payment requests and payment calculation worksheets are reviewed and approved by the homeowner, contractor and program administrator. Final payments are processed in the same manner but must include Code Compliance inspection approval tickets, equipment documentation; register of contractors, sub- contractors and suppliers, material mans affidavit, lien waivers and certification by the homeowner that all work has been satisfactorily completed.

All change orders will be prepared and submitted by the Rehab Specialist and will contain a detailed description of the work to be completed along with an itemized cost list. All change orders will be reviewed and approved by the homeowner, contractor, and program administrator and submitted to the assigned DHCD representative for final approval. Payment for completed change order items will be made during the next scheduled draw.

A contract/agreement is established between the contractor and the homeowner requiring completion of work within 60 days from the approved start date. Early completion is encouraged by requesting that furniture and personal belongings are removed from the house and stored in a secure storage container or in rooms not being worked in and that access to the property is made available to the contractor during approved work hours. The rehab specialist works closely with the contractor and the homeowner during the project to ensure compliance with the agreement. Extensions are discouraged by requiring documentation for justified delays and monetary fines are charged for undocumented delays. All extensions must be approved by the program administrator.

During the initial HQS inspection conducted by the rehab specialist and the homeowner, all items in need of removal are identified and documented on the HQS form. The homeowner will be responsible for disposing of these items according to his/her ability. Assistance to the homeowner will be provided as needed to ensure compliance with this requirement. All construction debris, waste and excess material may be maintained in an approved area on site but

must be disposed of weekly unless a container (e.g., dumpster, trailer, truck) is provided by the contractor. No hazardous materials or materials that pose a threat to health or safety may be left on site for any period of time. Upon completion of construction the site must be clear of construction debris and left in broom-clean condition. Damage to the yard/property due to delivery or storage of material/construction debris will be corrected by the contractor at no additional charge.

Home Maintenance Education Program

OHCD, as part of the eligibility requirements, will require that all recipients of housing rehabilitation participate in Home Maintenance Education training. Training will be conducted by the Housing Project Coordinator and includes an explanation of how the heating system, plumbing system, electrical system, and water heater function; a description of the proper use of these systems; and a description of potential common problems and solutions. An explanation and demonstration of how to properly clean and maintain these systems and the balance of the house on a routine, seasonal, and annual basis is also included, as well as a discussion on energy conservation measures. Each training session shall be “hands-on” in nature and take at least four hours, including one hour on budgeting.

Instruction on household budgeting and personal financial management will be conducted by a certified Virginia Housing Counselor. This training will explain how to establish and use checking and savings accounts, how to select and purchase insurance coverage, how to establish and follow a household budget, and how to recognize and avoid predatory lenders. This requirement will be specified in the Commitment Agreement and signed by the applicant prior to closing.

Conflict of Interest

No work will be done on the property of any person, or his/her immediate family, who has or had decision-making power in the Forest Heights Neighborhood Improvement Project CDBG from the time the application was planned, developed and submitted to DHCD to the grant’s execution and implementation without DHCD’s prior written approval regardless of any prior approval of a Program Design. This includes any elected and appointed officials, employees of the Grantee, and Rehab Board member members, in accordance with Virginia and federal conflict of interest requirements.

Complaint and Appeals Procedures

1. A person who receives assistance and who has a dispute with a contractor will be encouraged to enlist the assistance of the Housing Rehabilitation Specialist to resolve any problem. Should the dispute remain unresolved either the homeowner or the contractor shall proceed in accordance with the arbitration clause included in the Construction Contract.

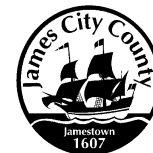
2. A person whose application is denied or suspended shall be encouraged to contact the housing specialist who handled his/her application if that person has questions regarding the denial or suspension.
 - a. If informal resolution is not possible, the complaint must be put in writing and forwarded to the Housing Rehab Program Administrator. [However, contractor complaints, disputes or appeals may involve use of local building code review committees, as outlined in the Invitation to Bid.] If the complainant requires assistance in putting his or her complaint in writing, the Housing Rehab Program Administrator must make assistance available. The same is true for any appeals.
 - b. The Housing Rehab Program Administrator is required to investigate the complaint and respond to it, in writing, in a timely manner. The response must include an explanation of the reason(s) for the decision reached, information on how the decision can be appealed, and how many days from receipt of notice the complainant has to appeal the decision.
 - c. Appeals of the Housing Rehab Program Administrator's decision should be addressed, in writing, to the Housing Rehab Oversight Board (Rehab Board). All written appeals must be addressed within 15 days of receipt and resolved within 30 days of the appeal and retained for review. All appeals are to be responded to in writing. The response must include an explanation of the reason(s) for the decision reached, information on the next step in the appeals process and how many days from receipt of notice the complainant has to appeal any decision.
 - d. Final appeals may be addressed, in writing, to DHCD. The appeal should include a copy of all correspondence that has taken place to this point. The appeal should identify the problem and the desired solution. DHCD will review the complaint and respond, in writing, in a timely manner. All involved parties will be copied.

Revising the Program Design

Notwithstanding the provisions of the Program Design, all Federal, State, and Local laws and ordinances, and regulations shall strictly apply to this project. Any portion of this Program Design found to be inconsistent or incompatible with applicable laws, ordinances, or regulations shall be deemed to be severed from the Program Design without effect to the remaining provisions.

Because the Program Design is an official contract document, all revisions must be reviewed and approved by DHCD and amended by formal action by the local governing body.

Date adopted by the Board of Supervisors: _____



MEMORANDUM COVER

Subject: Community Development Block Grant Local Business and Employment Plan

Strategic Management Plan Pathway: 2.a - Address the needs of the underserved and protect the vulnerable; 2.b - Enhance employability of citizens; 2.c - Increase the variety of safe, sanitary, and affordable housing; and 5.e - Share information with citizens

Action Requested: Shall the Board approve the resolution that adopts the Community Development Block Grants (CDBG) Local Business and Employment Plan?

Summary: As an administrator and recipient of CDBG, James City County is expected to adhere to the requirements of a variety of Federal laws and regulations. One such law is Section 3 of the Housing and Urban Development Act. This law requires that a locality which receives CDBG funds must adopt a written plan which sets forth steps the locality will take to identify and then notify minority-, female-, and locally-owned businesses of goods and services to be purchased with grant funds. This plan also describes procedures that will be followed to notify lower-income James City County residents of training and employment opportunities.

Staff recommends approval of the attached resolution to adopt the CDBG Local Business and Employment Plan.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Community Development Block Grant Local Business and Employment Plan

Agenda Item No.: K-3c

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Community Development Block Grant Local Business and Employment Plan

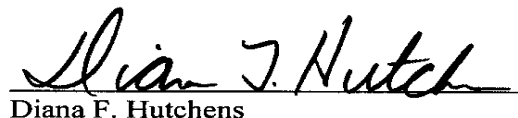
As an administrator and recipient of Community Development Block Grants (CDBG), James City County is obliged to adhere to the requirements of a variety of Federal laws and regulations in areas such as environmental protection, equal opportunity, and labor standards. One such law is Section 3 of the Housing and Urban Development Act. This law requires that a locality that receives CDBG funds must adopt a written plan which sets forth steps the locality will take to identify and then notify minority-, female-, and locally-owned businesses of goods and services to be purchased with grant funds. This plan also describes procedures that will be followed to notify lower-income James City County residents of training and employment opportunities. The County has adhered to these Section 3 requirements in its previous CDBG projects, and these requirements are consistent with the affirmative action policies within the County's purchasing and employment regulations.

The attached Local Business and Employment Plan is based on the model plan suggested by the Virginia Department of Housing and Community Development (DHCD), which administers the CDBG funds.

Staff recommends approval of the attached resolution to adopt the Community Development Block Grant Local Business and Employment Plan.


Richard B. Hanson

CONCUR:


Diana F. Hutchens

RBH/nb
LBEmployPl_mem

Attachments

RESOLUTION

COMMUNITY DEVELOPMENT BLOCK GRANT LOCAL BUSINESS

AND EMPLOYMENT PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible and further requires that recipients of the Community Development Block Grant funds must adopt and act in accordance with written Local Business and Employment Plan Funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopt the attached Local Business and Employment Plan.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

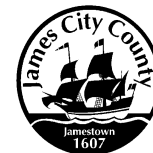
LBEmployPl_res

JAMES CITY COUNTY

COMMUNITY DEVELOPMENT BLOCK GRANT LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The County of James City designates as its Local (Section 3) Business and Employment Project Area the boundaries of James City County.
2. The County of James City, its contractors, and designated third parties shall, in utilizing Community Development Block Grant (CDBG) or HOME funds, utilize businesses and lower income residents of the County in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, non-construction, materials, and supplies the County of James City, its contractors and designated third parties shall take the following steps to utilize businesses, which are located in or owned in substantial part by persons residing in James City County:
 - (a) The County of James City shall identify the contracts required to conduct the CDBG or HOME fund activities that are likely to take place.
 - (b) The County of James City shall identify through various and appropriate sources, including The Daily Press, Newport News, Virginia, the business concerns within James City County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG or HOME funds.
 - (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes, or proposals for work or procurement contracts, which utilize CDBG or HOME funds.
 - (d) To the greatest extent feasible, the identified businesses and any other project area business concerns shall be utilized in activities, which are funded with CDBG or HOME funds.
4. The County of James City and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in James City County:
 - (a) The County of James City, in consultation with its contractors (including design professionals), shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG or HOME fund activities.
 - (b) The County of James City shall advertise the availability of such positions in The Daily Press, Newport News, Virginia, with the information on how to apply.

- (c) The County of James City, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
 - (d) To the greatest extent feasible, the County of James City, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by CDBG or HOME funds.
5. In order to document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, the County of James City shall keep and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by CDBG and HOME funds. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary



MEMORANDUM COVER

Subject: Section 504 Grievance Procedure for Disability Nondiscrimination

Strategic Management Plan Pathway: 2.a - Address the needs of the underserved and protect the vulnerable; 5.c - Implement mechanisms to track, resolve and follow up complaints; and 5.f - Ensure services recognize and respect diversity

Action Requested: Shall the Board approve the resolution that adopts the Section 504 Grievance Procedure for Disability Nondiscrimination?

Summary: As an administrator and recipient of Community Development Block Grants (CDBG), James City County is required to adhere to the requirements of a variety of Federal laws and regulations in areas such as environmental protection, equal opportunity, and labor standards.

The Section 504 Grievance Procedure for Disability Nondiscrimination provides for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794).

Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Staff recommends approval of the resolution to adopt the Section 504 Grievance Procedure for Disability Nondiscrimination.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Section 504 Grievance Procedure for Disability Nondiscrimination

Agenda Item No.: K-3d

Date: December 14, 2010

MEMORANDUM

DATE: December 14, 2010

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Section 504 Grievance Procedure for Disability Nondiscrimination

As an administrator and recipient of Community Development Block Grants (CDBG), James City County is required to adhere to the requirements of a variety of Federal laws and regulations in areas such as environmental protection, equal opportunity, and labor standards.

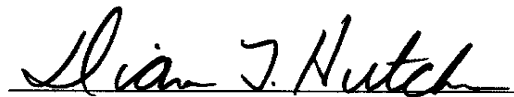
The attached Section 504 Grievance Procedure for Disability Nondiscrimination has been adapted by the Virginia Department of Housing and Community Development from a sample grievance procedure developed by the U.S. Treasury, Office of Revenue Sharing based on material prepared by the U.S. Department of Health and Human Services, Office of Civil Rights, and Regional Technical Assistance staff. This internal grievance procedure provides for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794).

Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Staff recommends approval of the attached resolution to adopt the Section 504 Grievance Procedure for Disability Nondiscrimination.


Richard B. Hanson

CONCUR:


Diana F. Hutchens

RBH/nb
Section504_mem

Attachments

RESOLUTION

SECTION 504 GRIEVANCE PROCEDURE FOR DISABILITY NONDISCRIMINATION

WHEREAS, James City County has been awarded a Community Development Block Grant of \$1,400,000 for the Forest Heights Neighborhood Improvement Project; and

WHEREAS, Section 504 provides for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794) and states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Section 504 Grievance Procedure for Disability Nondiscrimination.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of December, 2010.

Section504_res

Section 504 Grievance Procedure for Disability Nondiscrimination

The **James City County Board of Supervisors** has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to:

Doug Powell
101-C Mounts Bay Road
Williamsburg, VA 23185
(757) 253-6604

who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within (**7 days**) after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by **Doug Powell**. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the **James City County Office of Housing and Community Development** need not process complaints from applicants for employment or from applicants for admission to housing.

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by **Doug Powell** and a copy forwarded to the complainant no later than **30 days** after its filing.
5. The Section 504 coordinator shall maintain the files and records of the **James City County Office of Housing and Community Development** relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within **7 days** to **Doug Powell**.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the **James City County Office of Housing and Community Development** complies with Section 504 and the HUD regulations.