

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

May 24, 2011

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Daisy Troop 1104: Lily Colls, Isabel Kantor, Kendall Nerenberg, Grace Pitts, Midori Pitts, Madison Przybysz, Katherine Quinlan, Elizabeth Reilly, Emma Reilly, Kennedy Saumier, Jacqueline Shearer, Claire Waldron, and Eve Waldron

E. PUBLIC COMMENT

F. BOARD REQUESTS AND DIRECTIVES

G. CONSENT CALENDAR

1. Minutes – May 10, 2011, Regular Meeting
2. Grant Award – Wal-Mart – \$1,000
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
3. Grant Award – Junior Woman's Club of Williamsburg – \$250
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
4. Contract Award – Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center – \$1,385,560
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
5. Contract Award – Building F HVAC Upgrades to Damuth Trane – \$286,913
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community

H. BOARD CONSIDERATIONS

1. Reimbursing Current Spending from Future Bond Proceeds
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community
2. Watershed Management Plans for Gordon and Mill Creeks

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

-CONTINUED-

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of contractual matters pursuant to the Code of Virginia Section 2.2-3711(A)(29)
2. Consultation with legal counsel and staff members pertaining to actual or probable litigation pursuant to the Code of Virginia Section 2.2-3711(A)(7)

M. ADJOURNMENT to 7 p.m. on June 14, 2011

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF MAY 2011, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

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

C. PLEDGE OF ALLEGIANCE – Bryan Cowles, a twelfth-grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION – 2011 Citizen Leadership Academy Graduation

Ms. Tressell Carter, Civic Engagement Coordinator, introduced the graduates of the 2011 Citizen Leadership Academy and the members of the Board presented certificates to the individuals in recognition of their achievement.

E. PUBLIC COMMENT

1. Mr. Ricky Rangel, 3962 Bournemouth Bend, commented on environmental issues and construction issues at Wellington Estates.

2. Ms. Nancy Bradshaw Sheppard, Fire Tower Road, commented on County Ordinance 15-36, discharge of firearms in the County. She commented that she had been corresponding with the County on this issue for over 18 months. She noted shortcomings and unfair application of the ordinance. She commented on the threats of wild animals such as coyote and asked for attention to this matter so that landowners can protect themselves with firearms.

3. Mr. Ed Oyer, 139 Indian Circle, commented on traffic on Route 60 East; unkempt property at 110 Plantation Road; cessation of tornado cleanup in Grove; and overruled eminent domain case in California.

F. BOARD REQUESTS AND DIRECTIVES

Ms. Jones recognized Planning Commissioner Mr. Reese Peck in attendance.

Mr. Kennedy asked Mr. Rangel to contact him to discuss the matters in Wellington Estates. He responded to Ms. Bradshaw Sheppard and commented that he would work with the County Attorney's office to make progress on the ordinance in question.

Mr. Goodson commented on the Skiffe's Creek Connector project, which was designed to relieve congestion in the Grove area, that is was added to the long-range transportation plan, and funds were allocated for it to help with the backups on Route 60 East. Mr. Goodson commented on a Consent Calendar item which would add an extension to the Powhatan Creek Trail. He stated he would support this item, but he wanted to draw attention to the Country Road trail which was a significant asset to the County. He noted that the trail was in place, but it was in need of maintenance and there was interest in transferring the property to the localities for a trail. He stated that the maintenance was estimated to cost about \$40,000 for repairs and less than \$100,000 over 15 years to maintain. He stated that County citizens use this asset and he asked for support to ask the County Administrator and County Attorney to work toward acquiring the property.

Ms. Jones thanked Mr. Jeff Ryer for his assistance in a recent car trouble incident. She commented that she recently attended Vision Hampton Roads Regional Day 2011. She highlighted the Vision Hampton Roads website for more information. Ms. Jones noted that Federal Emergency Management Agency (FEMA) has denied funding to Virginia in relation to the recent tornado event and stated that Chairman Rilee of Gloucester County has reached out to surrounding localities for assistance. She noted that James City County is investigating what resources can be provided in Gloucester County's time of need.

G. CONSENT CALENDAR

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

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

1. Minutes –
 - a. April 14, 2011, Budget Work Session Meeting
 - b. April 18, 2011, Budget Work Session Meeting
 - c. April 20, 2011, Budget Work Session Meeting
 - d. April 26, 2011, Work Session Meeting
 - e. April 26, 2011, Regular Meeting
2. Contract Award - Powhatan Creek Trail - \$677,700

RESOLUTION

CONTRACT AWARD – POWHATAN CREEK TRAIL – \$677,700

WHEREAS, funds are available from the Parks and Recreation Bond Referendum accounts and a grant from the Virginia Department of Conservation and Recreation; and

WHEREAS, seven bids were considered for award and Keith Barber Construction, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$667,700 for the Powhatan Creek Trail to Keith Barber Construction, Inc.

H. PUBLIC HEARINGS

1. Case No. SUP-0001-2011. Williamsburg Crossing Car Wash

Mr. Chris Johnson, Principal Planner, stated Mr. Vernon Geddy, III has applied on behalf of Mr. Mathew Blanchard for a Special Use Permit (SUP) to construct an automated car wash on two parcels. The properties are located on John Tyler Highway (Route 5) in front of LaFontaine Condominiums, adjacent to Union First Market Bank at the entrance to the Williamsburg Crossing Shopping Center. An automated car wash is considered an automobile service station per the Zoning Ordinance, which requires an SUP in the B-1, General Business, Zoning District.

The applicant is proposing an approximately 8,000-square-foot building which would fully enclose the car wash, detailing operations, offices, and equipment areas. There are currently three undeveloped parcels between Union First Market Bank and the James City County Law Enforcement Center along John Tyler Highway. The applicant is proposing to locate on 5117 John Tyler Highway and a portion of 5109 John Tyler Highway. The property has frontage along, but no access from, John Tyler Highway. Access to the site is from Pilots Way, a private road which runs parallel to John Tyler Highway between Kings Way and Carolina Boulevard. The existing entrance to the Williamsburg Crossing Shopping Center is at the intersection of John Tyler Highway and Kings Way. Mr. Johnson reviewed the agreements and conditions that resulted from the public meetings held with the applicant.

Staff finds the proposal to be consistent with the Comprehensive Plan Land Use Map and surrounding zoning and development and recommends that the Board of Supervisors approve the application with the conditions listed in the attached resolution. The Planning Commission, following its public hearing on April 6, 2011, recommended approval of the application by a vote of 4 to 1. Mr. Johnson noted that the application in the Board's packet was consistent with the original staff recommendation.

Mr. Icenhour commented on the by-right uses for the B-1 zoning designation. He noted that hotels, motels, arcades, restaurants, and other uses that would be allowed on this parcel. He asked Mr. Johnson what by-right uses might end up requiring a legislative review.

Mr. Johnson explained that a by-right use on the property only required an administrative approval from staff without a vote by the Board of Supervisors. He commented that he provided a sample list of by-right uses: the commercial SUP requirements were triggered by convenience stores and other criteria including trip generation in excess over 100 trips and square footage of the building over 10,000 square feet.

Mr. Icenhour asked if any of these requirements were being considered for change in the zoning ordinance update.

Mr. Johnson stated that the zoning ordinance update was comprehensive and the commercial SUP requirements would come before the Board later in the summer. He stated that staff brought the case forward as a result of the B-1 requirement for legislative approval, rather than a commercial SUP trigger requirement.

Ms. Jones opened the public hearing.

1. Mr. Vernon M. Geddy III, on behalf of the applicant, gave an overview of the application. He explained that the applicant was a County resident and he and his sons would operate the business. He reviewed the parcel location and zoning of the property. He reviewed the layout and operation of the car wash. He highlighted the features of the car wash, elevations, and landscaping requirements. He noted that the facility will reclaim and recycle water, preventing water from running into the storm drain. Mr. Geddy commented on two neighborhood meetings held and noted that the applicant has agreed to limit operational hours and to provide additional landscaping at the request of the neighborhood. He requested approval of the application.

2. Ms. Dorothy Sayer, 407 Queens Crescent, stated her concerns about the location of the proposed car wash. She commented that the use may not be compatible with the area around LaFontaine Condominiums due to the noise level of cars and machinery. She stated concern about increased littering and crime and decreasing home values as a result of the car wash business. She requested denial of the application.

3. Mr. Bryan McGurk, 3832 Philip Ludwell, stated support for the application. He stated that the car wash would result in economic benefits for the County including job creation and increased retail and commercial business. He noted that there were vacancies in the retail space and he believed that the car wash would help revitalize the area. He commented on the efforts the developer has made to accommodate the community. He requested approval of the application.

4. Mr. Jacob Poldernan, 4904 Toddington Circle, stated he reviewed the plans of the car wash and he believed the developer made a significant effort to make the plan compatible with the surrounding area. He stated this property was intended for commercial use prior to the construction of the LaFontaine Condominiums. He stated that the car wash was a less impactful use than some of the possible by-right uses. He requested approval of the application.

5. Mr. Robert Winger, 3668 Bridgewater Drive, stated support for the application. He commented that the car wash was environmentally conscious and would increase job opportunities while providing a needed service for area residents. He stated that the car wash would use less water than residents washing their own cars. He stated this was a good opportunity for job applicants.

6. Ms. Jane Kovar, 903 Queens Way, President of the Owner's Association Board of Directors of LaFontaine Condominiums, stated she has attended several public meetings as a result of the car wash application. She commented on the legislative process and the absence of critical Planning Commissioner votes. She commented on the possible negative impacts of a car wash located near LaFontaine. She stated she did not feel that the car wash was an appropriate use for the proposed location. Ms. Kovar said that the applicant did not indicate that he would assist in maintaining the retention pond at LaFontaine. She requested denial of the application.

7. Mr. Doug Gebhardt, Vice Chairman of the Economic Development Authority, commented that existing and startup businesses would play an important role in the economic recovery in the County. He stated that this application was consistent with the broader Economic Development Authority (EDA) goal of diversifying the County's tax base and increased employment opportunities. He stated that the land use was consistent with the B-1 and Mixed Use zoning on the property. He stated that the applicant has offered a fully enclosed operation that comes at significant cost, along with other considerations that were intended to make the use less intrusive to the neighbors. He requested approval of the application on behalf of the EDA.

As no one else wished to speak to this matter, Ms. Jones closed the public hearing.

Ms. Jones asked Mr. Geddy to respond to the noise level of the blowers.

Mr. Geddy stated the vacuum motors which would accelerate when in use and would turn themselves down when not in use. He stated that there was a muffler system for the vacuum motors and there were other measures in place to minimize the noise.

Ms. Jones asked about the responsibility of the retention pond in LaFontaine.

Mr. Geddy stated it was the understanding of the applicant that there was an existing arrangement for Riverside and LaFontaine to maintain the retention pond.

Mr. Kennedy asked if decibel level estimates were done.

Mr. Geddy stated that they have not been done other than to test the vacuum motor system.

Mr. Kennedy asked if there was a fully contained car wash in this area.

Mr. Geddy stated he was not aware of this.

Mr. Kennedy stated that the square footage triggered the SUP requirement in this case and asked what the size of the typical fast-food restaurant was.

Mr. Johnson stated that none of the fast-food restaurants nearby or previously on the parcel would trigger the SUP requirement.

Mr. Kennedy asked about parking on the parcel.

Mr. Johnson stated that there was adequate parking for other by-right uses.

Mr. Kennedy stated he understood that this use required an SUP as a result of the automotive nature of the use.

Mr. Johnson stated that was correct.

Mr. McGlennon asked about the limitation of hours in relation to the proposed requirements in the SUP.

Mr. Johnson stated that in an effort to be consistent with similar uses, staff felt it was appropriate to recommend hours of operation similar to others that have been approved rather than single out individual applications.

Mr. McGlennon stated that the SUP should indicate specific times that would satisfy the neighbors.

Mr. Johnson stated that automotive uses had different hour requirements. He stated that staff felt that limiting the hours of operation was excessive due to the hours of operation of other shopping center uses. He stated the applicant could voluntarily restrict hours of operation, but the SUP would grant the maximum and minimum.

Mr. McGlennon stated the applicant was willing to reduce winter hours in order to reduce headlights facing the residences facing the car wash. He stated he was surprised that staff would recommend changing the hours.

Mr. Middaugh stated that the requirement for Development Review Committee (DRC) landscape review and hours of operation requirements were felt to be excessive and unfriendly for business. He stated that the owner could voluntarily restrict his operation of hours and landscaping was planted to reduce headlight intrusion.

Mr. McGlennon stated he disagreed.

Mr. Goodson stated the screening installed on LaFontaine property would shield the properties from intrusion.

Mr. McGlennon stated he did not believe that the screening would be adequate.

Mr. Kennedy asked how the use impacts the requirements, including headlight use.

Mr. Johnson stated that by-right use such as a fast-food restaurant would operate later and the hours of operation would not be able to be regulated.

Mr. Kennedy asked about the car wash located on Ironbound Road and if any negative impacts had been reported.

Mr. Johnson stated that he had not heard of any of the negative impacts.

Mr. McGlennon stated the car wash at Ironbound Road was not in the same proximity to a residential neighborhood and was amidst road construction.

Mr. Johnson stated that there were differences in the properties and he noted that the LaFontaine property was rezoned to allow residential construction and the property subject to the application was zoned for commercial development.

Mr. Icenhour asked how many similar uses had the same proximity to residential areas.

Mr. Johnson stated that none of the other properties were located within Mixed Use districts that were anticipated to be populated with residential and commercial uses. He stated that staff was tasked to come up with hours of operation that were consistent with previous applications and appropriate for the property.

Mr. Kennedy commented on offices in the Riverside area of the shopping center and the hours of operation.

Mr. Johnson stated he was not familiar with the hours of operation and noted that the ingress and egress were primarily at the stoplight at Kings Way.

Mr. Kennedy asked if the applicant has requested to extend the hours of operation.

Mr. Johnson stated they have not.

Mr. Kennedy asked Mr. Geddy if there was a plan to change the hours of operation.

Mr. Geddy stated that the applicant has agreed to maintain the hours he proposed.

Ms. Jones stated that the Planning Commissioner who commented on the conditions did not support the applicant.

Mr. Johnson stated he would need to refer to the minutes. He stated that the four members who supported the application agreed to the changes to the conditions.

Mr. Kennedy commented on the development of LaFontaine Condominiums and questioned the compatibility between residential construction in a commercial area. He stated the outparcels would be built upon and they would likely be by-right construction. He stated he believed the applicant has gone above and beyond the requirements and that the applicant would live up to the agreement with the residents on the hours of operation. He stated he was generally supportive of the application, but stated concern for a residential area located within a commercial district.

Mr. Goodson stated this was an appropriate use for the parcel based on the zoning and the SUP allowed for mitigation of some of the impacts. He stated he viewed the application with consideration of whether or not the applicant mitigated the impacts of the automotive use. He stated that in this case, he believed the view of the car wash and its operations were screened and that other nuisances would be generated by any business on the parcel. He stated he believed the SUP mitigated the impacts of the use and he stated his support for the application.

Mr. McGlennon stated he attended two community meetings arranged by the applicant. He stated that Mr. Blanchard went to great lengths to make accommodations for the neighbors and that the LaFontaine residents presented their concerns to the applicant. He stated he believed this was a case of irreconcilable differences and there was not a point where both sides could agree on the proper use of the property. He stated he believed that the business was good, but he did not believe it should be located on this parcel. He stated that the applicant seemed to be inflexible on looking at other parcels in the vicinity. He stated that most of the businesses in the area had limited hours of operation and little traffic generation. He stated that he agreed that this was a permitted use, but he did not agree that the use should be allowed in this location. He stated that the SUP has additional burdens to satisfy the concerns of adjacent property owners. He stated he was unable to support the application.

Mr. Icenhour stated there were good qualities about this application, including economic benefits. He stated the applicant has done well in attempting to mitigate the impacts of the use. He commented on the use of Mixed Use zoning and the impacts that result from this zoning. He stated he would have liked for the Planning Commission recommendations to have been presented in the staff recommendation. He stated that the efforts to mitigate the impacts were not satisfactory to the neighbors.

Ms. Jones thanked the applicant for working with the neighbors and to area residents for voicing their concerns. She noted that the area was rezoned from B-1 to allow for residential construction. She stated she received letters of concern and a petition of support in relation to the application. She stated this application would diversify the economic tax base. She noted that this use was less intensive than other by-right uses and the applicant has agreed to mitigate many impacts above and beyond the requirements. She noted the job creation as a result of the business. She stated her support for the application.

Mr. Goodson made a motion to adopt the resolution.

Mr. Kennedy commented on Mr. Icenhour's concern for the hours of operation. He asked if the modified language could be reinserted to allow Mr. Icenhour to support the application.

Mr. Icenhour stated he would offer an amendment to the motion to insert the language with the amended hours of operation.

Mr. McGlennon stated that the applicant was not being evaluated in this case. He stated that the allowance to operate in more lenient hours would be transferred to a new owner in the case that the car wash changed hands.

Mr. Goodson withdrew his motion in order to allow Mr. Icenhour to make a motion with an amendment.

Ms. Jones asked for clarification about the amendment Mr. Icenhour was proposing.

Mr. Icenhour stated that if there was a motion on the floor, he would amend the motion in order to amend Condition No. 9 to maintain the hours of operation as designated by the Planning Commission.

Ms. Jones made a motion to approve the resolution without amendment.

Mr. Icenhour made a motion to amend Condition No. 9 to change the permitted hours of operation to 7 a.m. to 8 p.m. from April through October and 7 a.m. to 6 p.m. from November through March.

Mr. Rogers stated that the vote would first address Mr. Icenhour's motion to amend Condition No. 9.

On a roll call vote, the vote was AYE: McGlennon, Icenhour (2) NAY: Jones (1) ABSTAIN: Kennedy, Goodson (2).

The motion passed.

Mr. Middaugh called the roll on the resolution with the amendment to Condition 9.

On a roll call vote, the vote was AYE: Kennedy, Jones (2) NAY: McGlennon, Icenhour (2) ABSTAIN: Goodson (1).

Mr. Rogers stated that no action was taken on the motion since there was a tie vote.

Mr. Goodson made a motion to approve the original resolution.

Mr. McGlennon amended the motion to include an amendment that would modify the hours of operation in Condition No. 9 to those approved by the Planning Commission.

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

The motion to amend the original motion failed.

Mr. Middaugh called the roll on the original motion.

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

The motion passed.

RESOLUTION

CASE NO. SUP-0001-2011. WILLIAMSBURG CROSSING CAR WASH

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

WHEREAS, Mr. Vernon M. Geddy, III has applied on behalf of Mr. Mathew Blanchard to allow the construction of an automated car wash within an approximately 8,000-square-foot building which would fully enclose the car wash, detailing operations, offices, and equipment areas; and

WHEREAS, the proposed project is shown on an exhibit prepared by AES, entitled "Williamsburg Crossing Car Wash Special Use Permit," and dated January 19, 2011; and

WHEREAS, the properties are located on land zoned B-1, General Business, and can be further identified as James City County Real Estate Tax Map Nos. 4721500007 and 4721500008; and

WHEREAS, the Planning Commission, following its public hearing on April 6, 2011, voted 4 to 1 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. SUP-0001-2011 as described herein with the following conditions:

1. Master Plan and Use: This SUP shall be valid for an automated car wash and accessory uses thereto. Development of the site shall be generally in accordance with the master plan entitled "Williamsburg Crossing Car Wash Special Use Permit" prepared by AES Consulting Engineers and dated January 19, 2011, as determined by the Planning Director. All car wash operations, excluding vacuuming, shall occur inside the building. Minor changes may be permitted, as long as they do not change the basic concept or character of the development.
2. Lighting: Any new exterior site or building lighting shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward, and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height above the finished grade beneath them. Light trespass, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.
3. Sidewalks: The owner shall provide a sidewalk along Pilots Way road frontage to allow pedestrian connection to the adjacent parcel in accordance with the above-referenced master plan.
4. Signage: On-site freestanding signs shall be limited to monument style signs no higher than eight feet above finished grade approved by the Planning Director.
5. Landscaping: A landscaping plan shall be approved by the Planning Director prior to final site plan approval. The owner shall provide enhanced landscaping along the property frontage on John Tyler Highway. Enhanced landscaping shall be defined as exceeding plant material size requirements in the Zoning Ordinance by 133 percent.
6. Architectural/Building Elevations: Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the building. Such approval shall ensure that the building materials, scale, and colors are

consistent with the architectural elevations, dated January 24, 2011, entitled "Williamsburg Crossing Auto Spa Exterior Elevations," and prepared by Balzer & Associates, Inc.

7. Noise: No exterior loud speaker system shall be used.
8. Lot Line Adjustment/Extinguishment: Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which adjusts the lot lines in accordance with the above-referenced master plan.
9. Hours of Operation: Hours of operation, including trash pickup, shall be limited to no earlier than 7 a.m. and no later than 9 p.m.
10. Water Conservation: The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Because the Guidelines refer to landscaping, irrigation and plant material, the JCSA shall approve the standards prior to final site plan approval.
11. Commencement of Construction: If construction has not commenced on this project within 24 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. Vacuums: All vacuums used in conjunction with this use shall be in the same location as shown on the Sonny's CWD Vacuum Sound Data and shall be the Hurricane Dryer Model No. 35-192 or an equivalent model as determined by the Planning Director. The Planning Director shall consider, among other factors, whether the proposed alternative model generated sound data similar to that described in the 'Sound Test With Muffler' section of the document, titled 'Sound Data on the Hurricane Dryer Model No. 35-192, date stamped April 1, 2011, and kept in the Planning Division file for this application.
13. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. FY 2012-2017 Secondary Six-Year Plan

Ms. Tammy Rosario, Principal Planner, stated each year the Virginia Department of Transportation (VDOT), in conjunction with the James City County Board of Supervisors, reviews the Budget Priority List for the Secondary Six-Year Plan (SSYP) for secondary roads (those roads with route numbers of 600 or greater). As part of the review process, a public hearing has been advertised in advance of the May 10, 2011, meeting, to provide an opportunity for public comment. The proposed priority list includes the retention of current projects, the retention of special funding projects, and the addition of the following candidate projects:

1. Croaker Road (Route 607) - Staff recommends widening all sections of Croaker Road to four lanes from Richmond Road to the James City County Library. This road is recommended for widening in the 2009 Comprehensive Plan as volumes are expected to exceed capacity by 2035.

2. Olde Towne Road (Route 658) - To address identified safety and visibility concerns, staff recommends increasing the radius of the curve adjacent to The Colonies at Williamsburg Timeshares.

3. Longhill Road (Route 612) - Staff recommends widening Longhill Road from Route 199 to Olde Towne Road from two to four lanes separated by a variable width median with curb and pedestrian accommodations. This section of road can exceed 20,000 trips per day and currently is over capacity. Longhill Road is recommended for improvement in the 2009 Comprehensive Plan.

Staff recommended approval of the resolution.

Mr. McGlennon asked the current conditions of Longhill Road versus Croaker Road in relation to capacity.

Ms. Rosario stated that Longhill is already over capacity, but Croaker Road was anticipated to be over capacity in 2035.

Mr. McGlennon asked if the approximate costs were equal.

Ms. Rosario stated that the Croaker Road construction was estimated at \$12.5 million while Longhill Road was estimated at \$11.8 million.

Ms. Jones opened the public hearing.

As no one wished to speak to this matter, Ms. Jones closed the public hearing.

Mr. Icenhour made a motion to adopt the resolution with an amendment to move Longhill Road to priority 1 and Croaker Road to priority 3.

Mr. Goodson asked Mr. Steven Hicks, Manager of Development Management, what the impacts would be of reversing the priorities.

Mr. Hicks stated that Longhill Road was a complex project that would require three phases and a significant amount of right-of-way and utility area needed to be acquired. He stated that environmental engineering had begun on Croaker Road and there was minimal acquisition required. He stated that Croaker Road was more readily available for construction and possibly allowed for additional funding from VDOT.

Mr. Goodson stated that if the priorities were reversed, Longhill Road would not be completed sooner, but funding for Croaker Road would not be available.

Mr. Hicks stated that was correct since there was a potential for the multipurpose trail near the library. He stated that when construction funds become available in six to seven years for Longhill Road, Croaker Road would be built. He stated that otherwise, a multipurpose trail would be built that would ultimately be removed. He stated that a significant project would be built on that corridor with funds available. He stated that a comprehensive study would be required for Longhill Road since that project would be a challenge.

Mr. Icenhour stated that if the County did not get \$25 million to begin all three of these projects, the No. 3 project would be deferred.

Mr. Hicks stated that by the time the corridor study and design was completed, the funds would be available. He stated that Croaker Road could move forward in the meantime.

Mr. Icenhour stated that he did not believe Croaker Road was a priority over Longhill Road. He stated that the citizens would benefit more if the Longhill Road project was moved up on the list.

Mr. Kennedy asked if the easements on Croaker Road would be available to bury utilities.

Mr. Hicks stated that there was a variable right-of-way that exists in the area as a result of the construction of I-64. He stated the Croaker Road project was design ready and right-of-way was available, as opposed to Longhill Road, which would be starting from scratch. He recommended a corridor study to assess the impacts.

Mr. Kennedy asked if inflation was factored into these project costs.

Mr. Hicks stated that VDOT has a cost estimate process, but at this point it would be difficult to determine the actual cost.

Mr. Kennedy stated that Croaker Road has been on the priority list for some time.

Mr. Hicks stated that a portion was completed and further improvements were needed.

Mr. McGlennon asked what the estimated earliest dates for the improvements would be.

Mr. Hicks stated 2017 would be the earliest for Croaker Road and 2014 for the multipurpose trail. He stated Longhill Road would not see any activity until 2019 unless substantial revenue sharing funding was available.

Mr. Middaugh asked the scope of the Longhill Road project.

Mr. Hicks stated that the scope was from Route 199 to Olde Towne Road. He stated it was a long process to acquire right-of-way and go through the design process. He stated that Croaker Road allowed for a different situation.

Mr. Kennedy commented on the straightening of the curve on Olde Towne Road. He commented that Mr. Richardson allowed for property to relocate houses if necessary.

Mr. Hicks stated that was correct. He noted that because of the safety concern, additional funds may be available.

Mr. Middaugh stated that additional funds would be identified as they are available. He stated it was more important to get a project on the priority list and less emphasis on the order.

Mr. McGlennon stated that he believed that the priority list was driven by the fact that Croaker Road was more able to begin construction but did not have the capacity issues that Longhill Road had; he stated that there was a way to accelerate the Longhill Road project.

Mr. Hicks stated that there was incentive to allow for projects that were ready for construction, such as Croaker Road.

Mr. McGlennon stated that citizens believe that there are other safety and capacity issues on roads that take priority over the construction time frame on another road.

The motion on the floor was to amend the resolution to reverse priorities 1 and 3.

Mr. Kennedy made a motion to amend to maintain the order of the original resolution.

Mr. Goodson stated he did not want to put the County at a funding disadvantage as a result of reversing the order of the priority list. He stated that the County could lose the funding to another locality. He stated that the Board and professional staff understand how Federal matching funds are distributed. He stated he agreed that Longhill Road was a major issue, but he did not want to lose the funding.

Ms. Jones stated she supported the original resolution. She stated she discussed the matter with staff and she understood and supported the recommendation in order to make the improvements immediately while a corridor study and other preparatory actions are taken on Longhill Road.

Mr. Goodson stated that the Board was working on Longhill Road. He stated there was Federal funding with requirements to conduct the study to complete the improvements on Longhill Road.

Mr. Icenhour stated he did not believe that Longhill Road has been a priority. He stated the process is driving the recommendations rather than letting the recommendations drive the process.

Mr. Kennedy stated the citizens would not be served if funding was not taken advantage of for the projects that are ready to be constructed. He stated the funding would likely be lost to another locality. He stated that Longhill Road may not receive funding since it was not ready for construction. He stated that Longhill Road needed to be improved, but the opportunity before the Board was to get a project moving forward. He stated that acquisition of easements is a significant portion of the time and cost associated with road improvements, which have not yet been addressed for the Longhill Road project. He stated he supports staff's recommendation.

Mr. Icenhour stated he did not believe that the funding would go away; if that was the case, the system did not work. He stated that he did not believe that the first priority would not receive any funding since it was not as ready as another project.

Mr. McGlennon noted that State and Federal funding has significantly reduced in recent years for transportation needs. He stated this was an opportunity to make note of true transportation priorities.

Mr. Middaugh called the roll on a motion to amend the primary motion, which would rank Croaker Road as the first priority and Longhill Road as the third priority.

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

The motion failed.

Mr. Kennedy made a motion to approve the original resolution as submitted by staff.

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

RESOLUTION

FY 2012-2017 SECONDARY SIX-YEAR PLAN

WHEREAS, Section 33.1-23.4 of the *Code of Virginia*, 1950, as amended, provides the opportunity for each

county to work with the Virginia Department of Transportation (VDOT) in developing a Secondary Six-Year Plan; and

WHEREAS, James City County has consulted with the VDOT District Project Manager to set priorities for road improvements to the County's secondary roads; and

WHEREAS, a public hearing was advertised prior to the regularly scheduled Board of Supervisors meeting on May 10, 2011, so that citizens of the County had the opportunity to participate in the hearing and to make comments and recommendations concerning the proposed Budget Priority List.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves of the Budget Priority List for the Secondary System as presented at the public hearing.

3. Restriction of Through Truck Traffic on a Portion of Penniman Road (Route 641) and on the Entire Length of Government Road (Route 677)

Mr. Steven Hicks, Development Manager, stated residents of the neighborhoods adjacent to the intersection of Penniman Road and Government Road have requested that the Board of Supervisors of York County impose restrictions on through truck traffic on portions of Penniman Road and the entire length of Government Road. Vehicles destined for Busch Industrial Park or for the industrial area northeast of Interstate 64 often enter from Route 143 via Government Road or Penniman Road and traverse the narrow segments of both roads as well as the intersection at the heart of the residential area. In accordance with procedures established by VDOT and the Commonwealth Transportation Board (CTB), localities may request the establishment of "No Through Trucks" restrictions on local roadways subsequent to a duly advertised public hearing. Because the centerlines of portions of both Penniman and Government Roads serve as the jurisdictional boundary between James City County and York County, in order for the "No Through Trucks" designation to be approved, both localities must forward requests and endorsements to VDOT. York County reviewed and approved the matter on April 19, 2011, and has asked that James City County do the same. Though James City County policy generally dictates that such designations are a "last resort" following documentation of the existence of an actual problem which could not be alleviated by other physical remedies, staff recognizes that all of the residential driveways on Penniman Road are located in York County and is willing to defer to York County in this instance.

Staff recommended approval of the resolution.

Ms. Jones opened the public hearing.

As no one wished to speak to this matter, Ms. Jones closed the public hearing.

Mr. Goodson made a motion to adopt the resolution. He stated that there was little impact on the businesses. He stated that the traffic was a result of the delivery trucks making stops at the area businesses and noted the narrow streets in that area.

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

RESOLUTION

RESTRICTION OF THROUGH TRUCK TRAFFIC ON A PORTION OF PENNIMAN ROAD

(ROUTE 641) AND ON THE ENTIRE LENGTH OF GOVERNMENT ROAD (ROUTE 677)

WHEREAS, residents of the neighborhoods adjacent to the intersection of Penniman Road and Government Road have requested that consideration be given to the establishment of “No Through Trucks” restrictions on a segment of Penniman Road and the entire length of Government Road; and

WHEREAS, the Board of Supervisors has determined that large truck traffic traversing the segment of Penniman Road between Route 143 and the eastern intersection with Alexander Lee Parkway (Route 705), and the entire length of Government Road between Route 143 and Penniman Road, represents a potential safety risk to residents of the area; and

WHEREAS, after conducting a duly advertised public hearing, the Board of Supervisors is of the opinion that the criteria established by the Virginia Department of Transportation (VDOT) pertaining to the eligibility of streets for such restrictions can be met; and

WHEREAS, the Board of Supervisors recognizes that consideration and approval of this request by the VDOT and the Commonwealth Transportation Board (CTB) is dependent on the submission of a companion request by York County which reviewed and approved the matter on April 19, 2011, for the portions of the subject routes where their centerlines coincide with the jurisdictional boundary between James City County and York County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests that VDOT and the CTB consider the establishment of a “No Through Trucks” restrictions on the following routes:

- Penniman Road (Route 641) between Route 143 and the eastern intersection with Alexander Lee Parkway (Route 705); and
- Government Road (Route 677) between Route 143 and Penniman Road (Route 641).

BE IT FURTHER RESOLVED that the following route be designated as the alternate route for through truck traffic:

- Route 143 to Route 199 to Water Country Parkway to/and over the segment of Penniman Road (Route 641) between Water Country Parkway (Route 640) and Alexander Lee Parkway (Route 705).

BE IT STILL FURTHER RESOLVED that the Board of Supervisors commits that it will request that the James City County Police Department, in conjunction with the York-Poquoson Sheriff’s Office, monitor and enforce compliance with the restrictions should they be approved and established by VDOT and the CTB.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on approval of a commercial property within his neighborhood; coyote population in the County; voting on the first public hearing, and the use of abstentions.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that on Wednesday, May 11, 2011, from 6:30 to 8:30 p.m. at the James City/Williamsburg Community Center (JCWCC), there would be a meeting to discuss the Redistricting and the Voting Rights Act as well as voter registration. He stated that Mr. Rogers, Mr. A.J. Cole, and Ms. Kim Hazelwood would be in attendance.

He recommended that when the Board complete its business it hold a closed session pursuant to Section 2.2-3711(A)(29) of the Code of Virginia for discussion of contractual matters.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy asked Mr. McDonald about the County's ability to make the payment of the Greenspace Purchase of Development Rights (PDR) bond.

Mr. McDonald stated that funding was available. He stated that based on the existing balances for the Greenspace and PDR accounts, a debt service payment was not scheduled.

Mr. Kennedy stated that if a purchase came forward, the County could make the payment.

Mr. McDonald stated it would be possible, but it would possibly impact future budgets.

Mr. Kennedy asked to schedule a work session to discuss items from the budget work session including business taxes, stormwater taxes, property taxes, and revenue enhancements.

Mr. McGlennon asked if the referendum money was spent on new Greenspace acquisitions and what the estimated cost of borrowing would be.

Mr. McDonald stated that the cost would be roughly \$1 million per year.

Mr. McGlennon stated that if the money had been spent, the obligation would be \$1 million per year.

Mr. McDonald stated that was correct.

Mr. Goodson commented on Mr. Oyer's confusion about the voting. He stated that the resolutions that were posted online were passed as presented.

L. CLOSED SESSION

Mr. Kennedy made a motion to go into Closed Session for the consideration of contractual matters pursuant to the Code of Virginia Section 2.2-3711(A)(29).

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

At 9:38 p.m. Ms. Jones recessed the Board into Closed Session.

At 10:23 p.m., Ms. Jones reconvened the Board.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(29) of the Code of Virginia, to consider contractual matters.

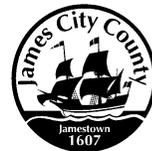
M. ADJOURNMENT to 4 p.m. on May 24, 2011

Mr. McGlennon made a motion to adjourn.

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

At 10:24 p.m., Ms. Jones adjourned the Board until 4 p.m. on May 24, 2011.

Robert C. Middaugh
Clerk to the Board



MEMORANDUM COVER

Subject: Grant Award – Wal-Mart – \$1,000

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 Wal-Mart grant award?

Summary: The James City County Police Department has been awarded a \$1,000 grant award from the local Wal-Mart Distribution Center. The grant has been awarded to fund the purchase of cameras for the Investigations Division of the Police Department.

Wal-Mart has provided funding to the Police Department annually since 2005 in support of various community programs. This year Police Department staff identified the need to request funding for the purchase of cameras for the Investigations Division. This purchase will not take the place of budgeted expenses.

The grant requires no match.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-2

Date: May 24, 2011

MEMORANDUM

DATE: May 24, 2011
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Chief of Police
SUBJECT: Grant Award – Wal-Mart – \$1,000

The James City County Police Department has been awarded a \$1,000 grant award from the local Wal-Mart Distribution Center. The grant has been awarded to fund the purchase of cameras for the Investigations Division of the Police Department. The grant will be used to purchase two cameras that are better suited for up-close pictures and pictures to scale with a high resolution to better show injuries to victims of certain crimes.

Wal-Mart has provided funding to the Police Department annually since 2005 in support of various community programs. This year, Police Department staff identified the need to request funding for the purchase of cameras for the Investigations Division. This purchase will not take the place of budgeted expenses.

The grant requires no match.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

CONCUR:

Robert C. Middaugh

EHH/nb
GA_WMart_mem

Attachment

RESOLUTION

GRANT AWARD – WAL-MART – \$1,000

WHEREAS, the James City County Police Department has been awarded a \$1,000 grant from the local Wal-Mart Distribution Center; and

WHEREAS, the grant has been awarded to fund the purchase of cameras for the Investigations Division of the Police Department; and

WHEREAS, there is no match required of this grant.

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

Revenue:

FY 11 – Wal-Mart Distribution Center Grant	<u>\$1,000</u>
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Expenditure:

FY 11 – Wal-Mart Distribution Center Grant	<u>\$1,000</u>
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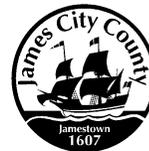
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May,
2011.

GA_WMart_res



MEMORANDUM COVER

Subject: Grant Award – Junior Woman’s Club of Williamsburg – \$250

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 Junior Woman's Club of Williamsburg grant award?

Summary: The James City County Police Department has been awarded a \$250 grant from the Junior Woman’s Club of Williamsburg. The grant has been awarded to fund a program that the Police Department is initiating to allow citizens to text crime tips to the Department, while maintaining anonymity.

The Junior Woman’s Club of Williamsburg has provided funding to the Police Department annually since 2005, in support of various community programs. This year, Police Department staff identified the need to request funding for the printing of fliers to promote the new texting program. This purchase will not take the place of budgeted expenses.

The grant requires no match.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-3

Date: May 24, 2011

MEMORANDUM

DATE: May 24, 2011
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Chief of Police
SUBJECT: Grant Award – Junior Woman’s Club of Williamsburg – \$250

The James City County Police Department has been awarded a \$250 grant from the Junior Woman’s Club of Williamsburg. The grant has been awarded to fund a program that the Police Department is initiating to allow citizens to text crime tips to the Department, while maintaining anonymity.

The Junior Woman’s Club of Williamsburg has provided funding to the Police Department annually since 2005 in support of various community programs. This year, Police Department staff identified the need to request funding for the printing of fliers to promote the new texting program. This purchase will not take the place of budgeted expenses.

The grant requires no match.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

CONCUR:

Robert C. Middaugh

EHH/nb
GA_JWCofWmbg_mem

Attachment

RESOLUTION

GRANT AWARD – JUNIOR WOMAN’S CLUB OF WILLIAMSBURG – \$250

WHEREAS, the James City County Police Department has been awarded a \$250 grant from the Junior Woman’s Club of Williamsburg; and

WHEREAS, the grant has been awarded to fund a program that the Police Department is initiating to allow citizens to text crime tips to the Department, while maintaining anonymity; and

WHEREAS, there is no match required of this grant.

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

Revenue:

FY 11 – Junior Woman’s Club Grant \$250

Expenditure:

FY 11 – Junior Woman’s Club Grant \$250

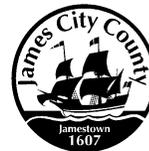
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May,
2011.

GA_JWCofWmbg_res



MEMORANDUM COVER

Subject: Contract Award – Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center – \$1,385,560

Strategic Management Plan Pathway: 3.d - Invest in the capital project needs of the community and 5.b - Maintain a well-trained and high performing workforce for normal and emergency operations

Action Requested: Shall the Board approve the contract to David A. Nice Builders, Inc. in the amount of \$1,385,560 for the Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center?

Summary: The Law Enforcement Center will be renovated for use as the County’s Fire Administration Headquarters and Training Center. Divisions to be housed at the Headquarters include Command Staff, Administrative Services, Support Services, and the Fire Marshal.

In keeping with the Sustainable Building Policy adopted by the Board of Supervisors on March 23, 2010, this project has been designed to achieve the Leadership in Energy and Environmental Design (LEED) Silver Green Building Rating System for New Construction and Major Renovations, 2009 Edition.

Potential bidders were pre-qualified to submit a bid for the renovation work to ensure the successful contractor had LEED project experience. A Request for Qualifications was publicly advertised and 11 firms submitted their qualifications. Six firms were determined to be qualified to submit bids for the renovation work. Five pre-qualified firms submitted bids and David A. Nice Builders, Inc. submitted the lowest responsive and responsible bid.

The bid price of \$1,385,560 exceeded the project budget. The budget was prepared before the Board of Supervisors adopted the Sustainable Building policy and it does not contain funds to cover the costs associated with achieving LEED silver certification. The attached resolution would authorize both the transfer of \$100,000 from capital contingency to the project budget and the contract award to David A. Nice Builders, Inc. for the Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center.

Staff recommends approval of the attached resolution.

Fiscal Impact: Funded through the Capital Improvements budget

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-4
Date: May 24, 2011

MEMORANDUM

DATE: May 24, 2011
TO: The Board of Supervisors
FROM: Stephanie Luton, Purchasing/Management Services Director
SUBJECT: Contract Award – Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center – \$1,385,560

The Law Enforcement Center (LEC) will be renovated for use as the County’s Fire Administration Headquarters and Training Center. Divisions to be housed at the Headquarters include Command Staff, Administrative Services, Support Services, and the Fire Marshal. The building dates from 1981 and an addition was added in 1990. The existing building is approximately 9,000 square feet.

The work for this project consists of the alteration of the existing building and the addition of roughly 1,000 square feet of office space/rest rooms. Demolition work will include removal of existing roofing, windows, doors, interior stud, and concrete block partitions, ceilings, HVAC systems, plumbing and electrical systems. New work will include roofing, foundations, interior and exterior walls, doors, windows, ceilings, finishes, HVAC systems, plumbing and electrical/security/fire notification, and telecommunication systems.

In keeping with the Sustainable Building Policy adopted by the Board of Supervisors on March 23, 2010, this project has been designed to achieve the Leadership in Energy and Environmental Design (LEED) Silver Green Building Rating System for New Construction and Major Renovations, 2009 Edition.

Potential bidders were pre-qualified to submit a bid for the renovation work to ensure the successful contractor had LEED project experience. A Request for Qualifications was publicly advertised and 11 firms submitted their qualifications. Six firms were determined to be qualified to submit bids for the renovation work. Five pre-qualified firms submitted bids in response to the Invitation for Bids for the renovation work as listed below.

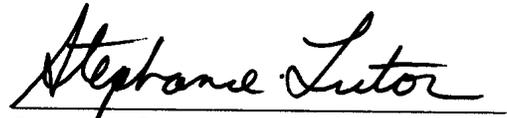
<u>Firm</u>	<u>Amount</u>
David A. Nice Builders, Inc.	\$1,385,560
Kenbridge Construction	1,432,700
Henderson, Inc.	1,504,221
Virtexco	1,515,540
KBS Building	1,605,810

David A. Nice Builders, Inc. has completed satisfactory work for the County and has been determined to be the lowest responsive and responsible bidder. The bid price exceeded the project budget. The budget was prepared before the Board of Supervisors adopted the Sustainable Building policy and it does not contain funds to cover the costs associated with achieving LEED silver certification. Per the project Architect, approximately 5 percent of the total construction cost can be attributed to achieving LEED certification. In addition to these direct construction costs, approximately \$33,650 from the overall project budget can be directly attributed to achieving LEED certification for items such as energy modeling, enhanced commissioning, specialized design, project documentation, and registration/certification fees. The attached resolution would authorize both the transfer of \$100,000 from capital contingency to the project budget and the contract award to David A. Nice Builders, Inc. for the Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center. Staff recommends approval of the attached resolution.

Contract Award – Law Enforcement Center Renovation to Fire Administration Headquarters and Training
Center – \$1,385,560

May 24, 2011

Page 2



Stephanie Luton

CONCUR:

John E. McDonald

SL/nb

CA_LECRenovtn_mem

Attachment

RESOLUTION

CONTRACT AWARD – LAW ENFORCEMENT CENTER RENOVATION TO FIRE

ADMINISTRATION HEADQUARTERS AND TRAINING CENTER – \$1,385,560

WHEREAS, a Request for Qualifications to pre-qualify contractors for the Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center was publicly advertised and 11 firms submitted their qualifications. Six firms were determined to be qualified to submit bids for the renovation work. Five bids were submitted and David A. Nice Builders, Inc. was the lowest responsive and responsible bidder with a bid of \$1,385,560; and

WHEREAS, the bid exceeded the project budget prepared before the Board of Supervisors adopted the Sustainable Building policy. The budget does not contain funds to cover the costs associated with achieving LEED silver certification.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer within the FY 2011 Capital Projects Budget to allow the acceptance of the low bid and authorizes the contract award for the Law Enforcement Center Renovation to Fire Administration Headquarters and Training Center to David A. Nice Builders, Inc. in the amount of \$1,385,560.

BE IT FURTHER RESOLVED, that the following transfer be made within the County’s Capital Budget.

Expenditures:

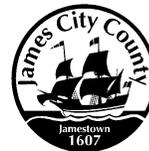
Fire Administration Headquarters	<u>\$100,000</u>
Capital Contingency	<u>(\$100,000)</u>

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2011.



MEMORANDUM COVER

Subject: Contract Award – Building F HVAC Upgrades to Damuth Trane – \$286,913

Strategic Management Plan Pathway: 3.d – invest in capital project needs of the community

Action Requested: Shall the Board of Supervisors approve the resolution to award the contract for the Building F HVAC upgrade?

Summary: Over the past decade, the Department of General Services has been incorporating Trane HVAC controls and equipment into County facilities. Standardization reduces equipment downtime and improves response time and customer service because parts will be on hand and interchangeable from facility to facility. In addition, troubleshooting and diagnosis of service issues requires less time. Standardization promotes safety because staff members can rely on their previous experience and training when servicing the equipment.

The Building F HVAC replacement includes the engineering and installation of Trane products to include an air handling unit, condensing units, and installation of a controls system. The equipment replacement will serve the boardroom and the controls will serve the entire building.

General Services, in consultation with the Purchasing Office, determined that Damuth Trane is the only source practicably available to engineer and install the Trane HVAC controls and equipment. Damuth Trane submitted a proposal to engineer and install the new systems at a proposed cost of \$286,913. The proposed rates have been determined to be reasonable through comparison to other current County HVAC replacements and current construction cost indices.

Staff recommends approval of the attached resolution authorizing the sole source purchase of engineering and installation services from Damuth Trane in the amount of \$286,913 for Building F HVAC upgrades.

Fiscal Impact: Funding already available in the FY 11 Capital Improvements Program budget

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: G-5

Date: May 24, 2011

MEMORANDUM

DATE: May 24, 2011
TO: The Board of Supervisors
FROM: John T. P. Horne, Manager of General Services
SUBJECT: Contract Award – Building F HVAC Upgrades to Damuth Trane – \$286,913

Over the past decade, the Department of General Services has been incorporating Trane HVAC controls and equipment into County facilities. Currently, the County has 11 facilities being serviced and/or controlled by Trane products with five future facilities incorporating Trane controls and equipment. This investment not only includes controls and equipment, but also training for our Service Technicians.

General Services is standardizing HVAC controls and equipment to Trane products to promote operational efficiency and safety. Standardization reduces equipment downtime and improves response time and customer service because parts will be on hand and interchangeable from facility to facility. In addition, troubleshooting and diagnosis of service issues requires less time. Standardization promotes safety because staff members can rely on their previous experience and training when servicing the equipment.

The Building F HVAC replacement includes the engineering and installation of Trane products to include an air handling unit, condensing units, and installation of a controls system. The equipment replacement will serve the boardroom and the controls will serve the entire building. The current boardroom equipment is not reliable and has very limited flexibility. The entire building control system lacks flexibility and has outdated components that are very difficult to service.

General Services, in consultation with the Purchasing Office, determined that Damuth Trane is the only source practicably available to engineer and install the Trane HVAC controls and equipment. Damuth Trane submitted a proposal to engineer and install the new systems at a proposed cost of \$286,913. The proposed rates have been determined to be reasonable through comparison to other current County HVAC replacements and current construction cost indices. Funds are available in the FY 11 Capital Improvements Program budget.

Because this would be a sole source purchase over \$100,000, Board of Supervisor's approval is necessary. Staff recommends approval of the attached resolution authorizing the sole source purchase of engineering and installation services from Damuth Trane in the amount of \$286,913 for the Building F HVAC upgrades.


John T.P. Horne

JTPH/nb
CA_BldgFHVAC_mem

Attachment

RESOLUTION

CONTRACT AWARD – BUILDING F HVAC UPGRADES TO DAMUTH TRANE – \$286,913

WHEREAS, the James City County Department of General Services is standardizing HVAC building controls and equipment in County facilities to promote operational efficiency and safety; and

WHEREAS, the current Building F HVAC controls and equipment will become more reliable with these system replacements; and

WHEREAS, it has been determined by General Services, in consultation with the Purchasing Office, that Damuth Trane is the only source practicably available to engineer and install the HVAC controls and equipment required; and

WHEREAS, Damuth Trane submitted a proposal to perform the required services, the proposed rates have been determined to be reasonable, and adequate funds are available in the FY 11 Capital Improvements Program budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$286,913 to Damuth Trane and Trane Corporate for the Building F HVAC controls and equipment.

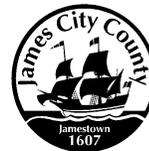
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2011.

CA_BldgFHVAC_res



MEMORANDUM COVER

Subject: Reimbursing Current Spending from Future Bond Proceeds

Strategic Management Plan Pathway: 3.d - invest in the capital project needs of the community

Action Requested: Shall the Board authorize a date after which spending may be reimbursed by future bond proceeds?

Summary: Indebtedness is currently planned for three projects - renovations and improvements to Building D, Fire Station 4 and Mid County Park. Should the Board approve this resolution, spending from this date forward can be reimbursed from the proceeds of future indebtedness.

Fiscal Impact: None

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:
1. Memorandum
2. Resolution

Agenda Item No.: H-1

Date: May 24, 2011

MEMORANDUM

DATE: May 24, 2011
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Reimbursing Current Spending from Future Bond Proceeds

The attached resolution was prepared by the County's bond counsel, Stephen Johnson of the law firm Troutman Sanders LLP, and establishes a reimbursement date for the Building D, Mid County Park, and Fire Station 4 projects in the Board's adopted Capital Budget.

This resolution does not commit the Board to any course of action but would allow the Board, should it wish to borrow funds for one or more of these projects, to reimburse itself for expenditures incurred before the bond issues are sold.

The dollar amounts included as maximums in the attached resolution are those adopted in the Capital Budget plus ten percent. The higher dollar totals are recommended by bond counsel to cover possible contingencies.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/gb
CostReimb_mem

Attachment

RESOLUTION

RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA,

DECLARING ITS INTENTION TO REIMBURSE THE COST OF CERTAIN EXPENDITURES

WHEREAS, James City County, Virginia (the "County") has made or will make, directly or indirectly, expenditures (the "Expenditures") in connection with (i) the renovation of Building D at the County Government Center; (ii) renovations to Building E; and (iii) renovations and/or the demolition of Building C (clauses (i) - (iii) being collectively referred to as "the Building D Project"); and

WHEREAS, the County has made or will make, directly or indirectly, Expenditures in connection with the design, construction, renovation, and/or replacement of improvements at Mid County Park, referred to as "the Mid County Park Project"; and

WHEREAS, the County has made or will make, directly or indirectly, Expenditures in connection with the design and construction of an enlarged and renovated Fire Station 4, referred to as "the Fire Station 4 Project"; and

WHEREAS, such Expenditures may be made directly by the County or indirectly through the Economic Development Authority of James City County, Virginia (the "Authority"); and

WHEREAS, the County or the Authority may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County or the Authority from the proceeds of one or more tax-exempt obligations to be issued by the County or by the Authority, on behalf of the County (the "Indebtedness").

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, (the "Board") that:

1. The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself or the Authority with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Building D Project, the Mid County Park Project, and/or the Fire Station 4 Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.
2. The maximum principal amounts of Indebtedness expected to be issued for the Building D Project is \$1,900,000, for the Mid County Park Project is \$1,800,000, and for the Fire Station 4 Project is \$3,800,000.
3. This resolution shall take effect immediately upon its adoption.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May,
2011.

CostReimb_res

CERTIFICATION

The undersigned Clerk of the Board of Supervisors of James City County, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of James City County, Virginia at a meeting duly called and held on the 24th day of May, 2011 and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded, or amended:

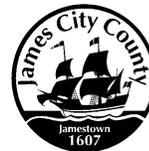
<u>Board Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Mary K. Jones, Chair		
Bruce C. Goodson, Vice Chair		
James O. Icenhour, Jr.		
James G. Kennedy		
John J. McGlennon		

WITNESS, my hand and the seal of the Board of Supervisors of James City County, Virginia, this 24th day of May, 2011.

Clerk of the Board of Supervisors of
James City County, Virginia

(SEAL)

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215964.tba



MEMORANDUM COVER

Subject: Watershed Management Plans for Gordon and Mill Creeks

Strategic Management Plan Pathway: N/A

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

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

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

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

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

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

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

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

Agenda Item No.: H-2

Date: May 24, 2011

MEMORANDUM

DATE: May 24, 2011

TO: The Board of Supervisors

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

SUBJECT: Watershed Management Plans for Gordon and Mill Creeks

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

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

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

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

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

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

Michael D. Woolson



Frances C. Geissler

MDW/FCG/gb
Gord-MilCrks_mem

Attachments

RESOLUTION

WATERSHED MANAGEMENT PLANS FOR GORDON AND MILL CREEKS

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

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

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

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

Mary K. Jones
Chairman, Board of Supervisors

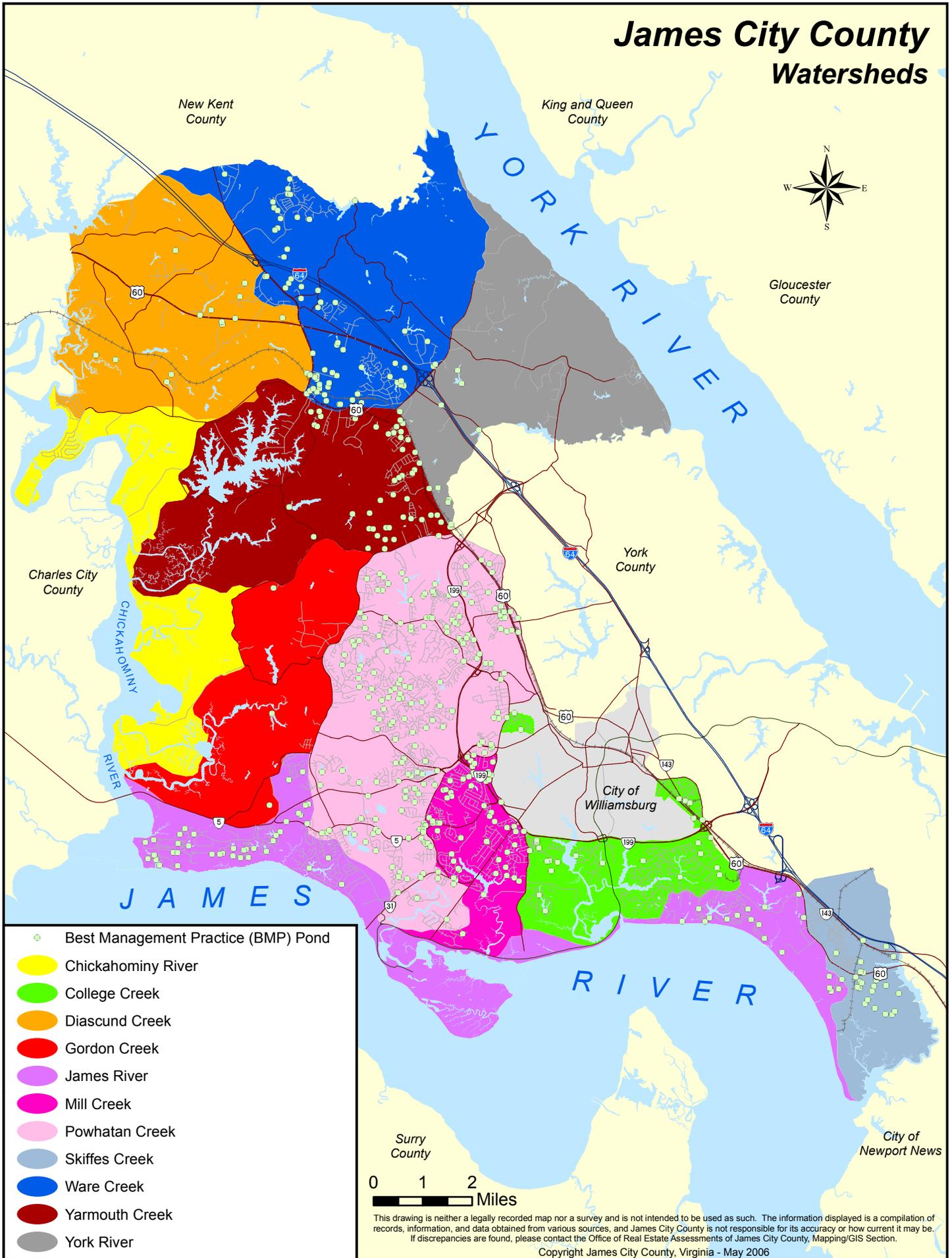
ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of May, 2011.

Gord-MilCrks_res

James City County Watersheds

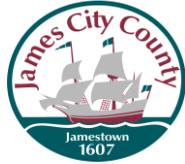


This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies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

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



WATERSHED PROTECTION AND RESTORATION GOALS AND STRATEGIC ACTIONS

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



WATERSHED PROTECTION AND RESTORATION GOALS AND STRATEGIC ACTIONS

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



Executive Summary

Watershed Overview

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

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



Watershed Assessment

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

Stream, Floodplain, and Conservation Area Assessment

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

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

Existing Stormwater Infrastructure and Pollutant Loading.

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



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

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

Realizing Watershed Goals through Strategic Actions

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

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

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

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



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

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

Watershed Restoration Opportunities

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

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

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



Components of the Gordon Creek Watershed Management Plan

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

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

Chapter 2 describes the development of Watershed Goals.

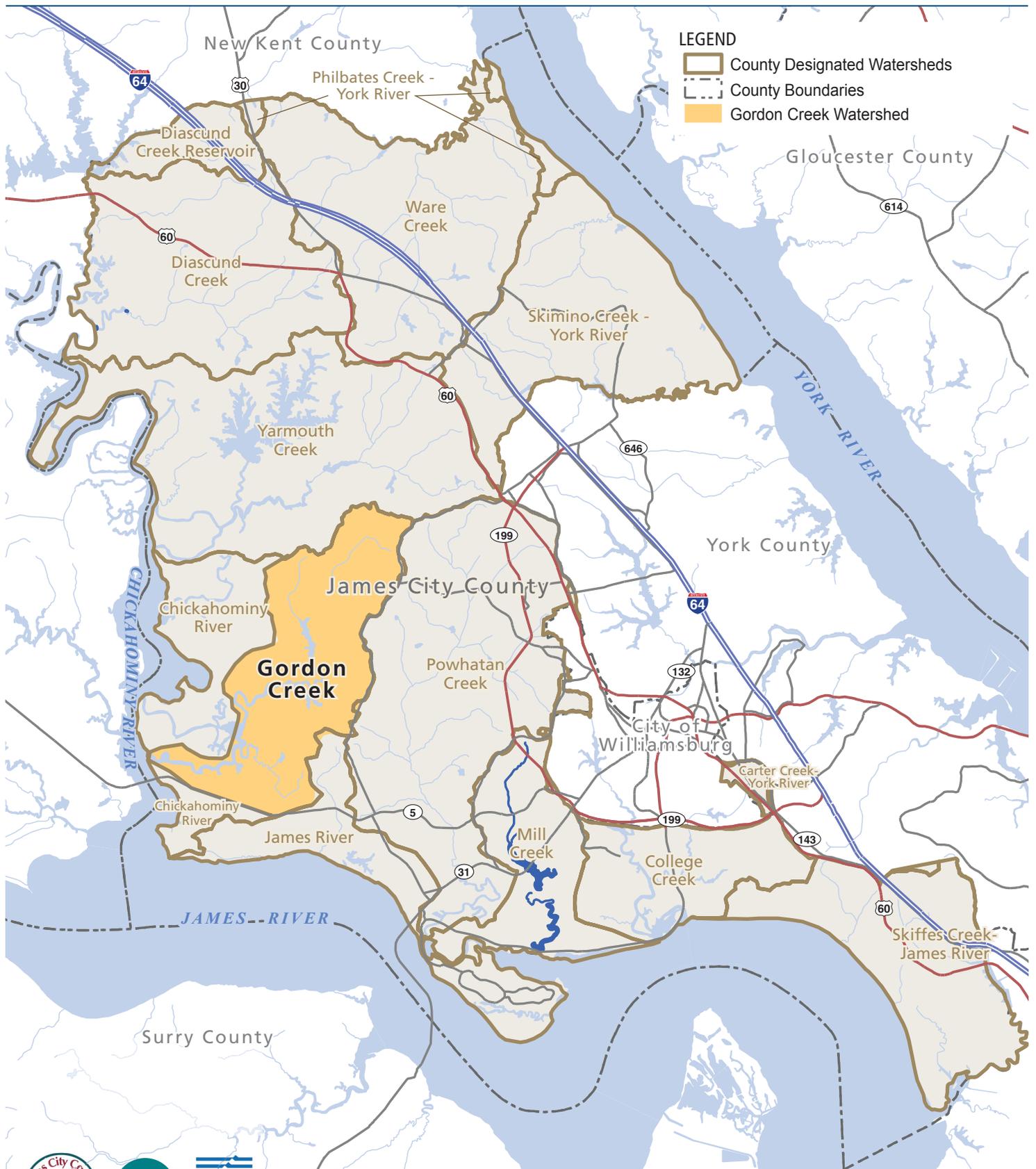
Chapter 3 describes the development of Strategic Actions for the realization of Watershed Goals.

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

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

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

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



GORDON CREEK

Watershed Management Plan

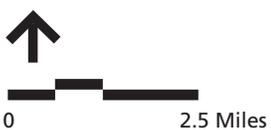
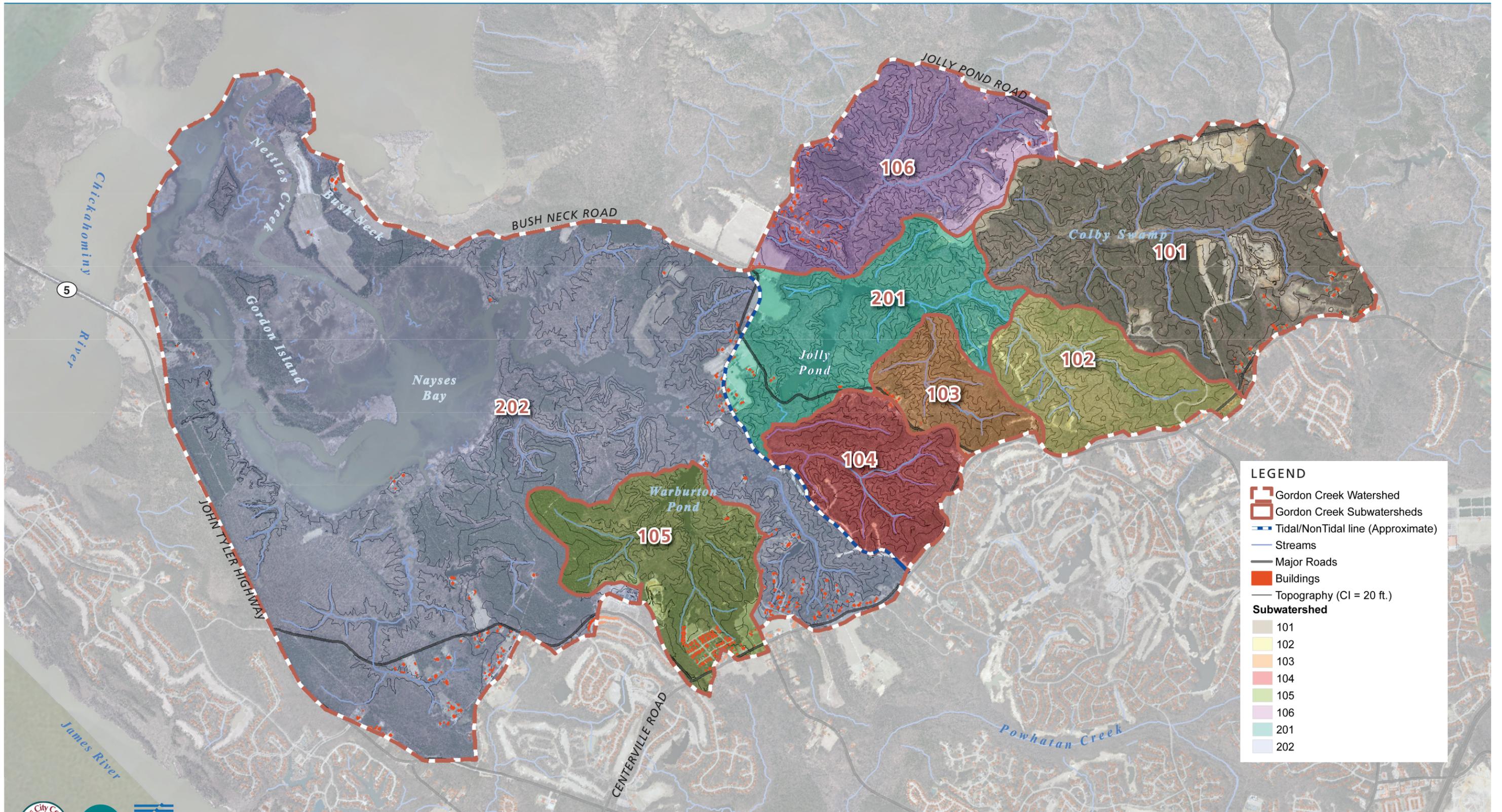


Figure E-1
James City County Watersheds



LEGEND

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

Subwatershed

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



GORDON CREEK

Watershed Management Plan

Figure E-2

Gordon Creek Watershed and Subwatershed Map

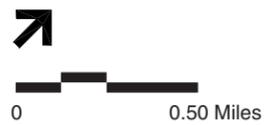




TABLE E-1. GORDON CREEK WATERSHED PROTECTION AND RESTORATION GOALS AND RECOMMENDATIONS FOR GOAL REALIZATION

a. Watershed-Wide Protection and Restoration Goals

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

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

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

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



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

a. Watershed-Wide Protection and Restoration Goals

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

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

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

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



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

a. Watershed-Wide Protection and Restoration Goals

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

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

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

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



Executive Summary

Watershed Overview

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

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

Watershed Assessment

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



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

Stream, Floodplain, and Conservation Area Assessment

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

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

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

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



Existing Stormwater Infrastructure and Pollutant Loading.

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

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

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

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



Realizing Watershed Goals through Strategic Actions

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

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

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

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

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

Watershed Restoration Opportunities

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



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

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

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

Table ES-2: DSS Prioritization Factors and Possible Conflicts

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

Components of the Mill Creek Watershed Management Plan

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

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

Chapter 2: summarizes the Baseline Assessment.



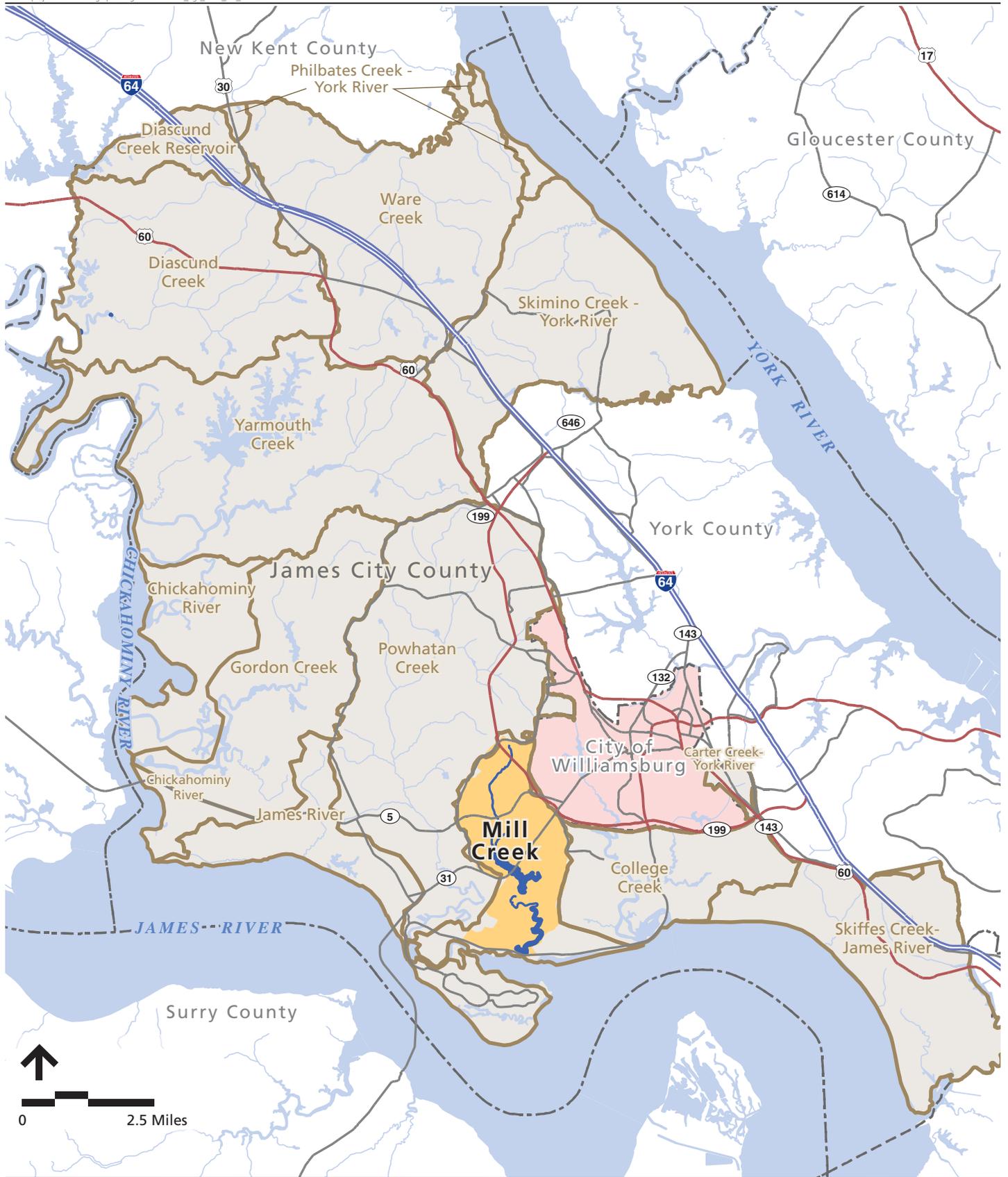
Chapter 3 describes the development of Watershed Goals and Strategic Actions for their realization.

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

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

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

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

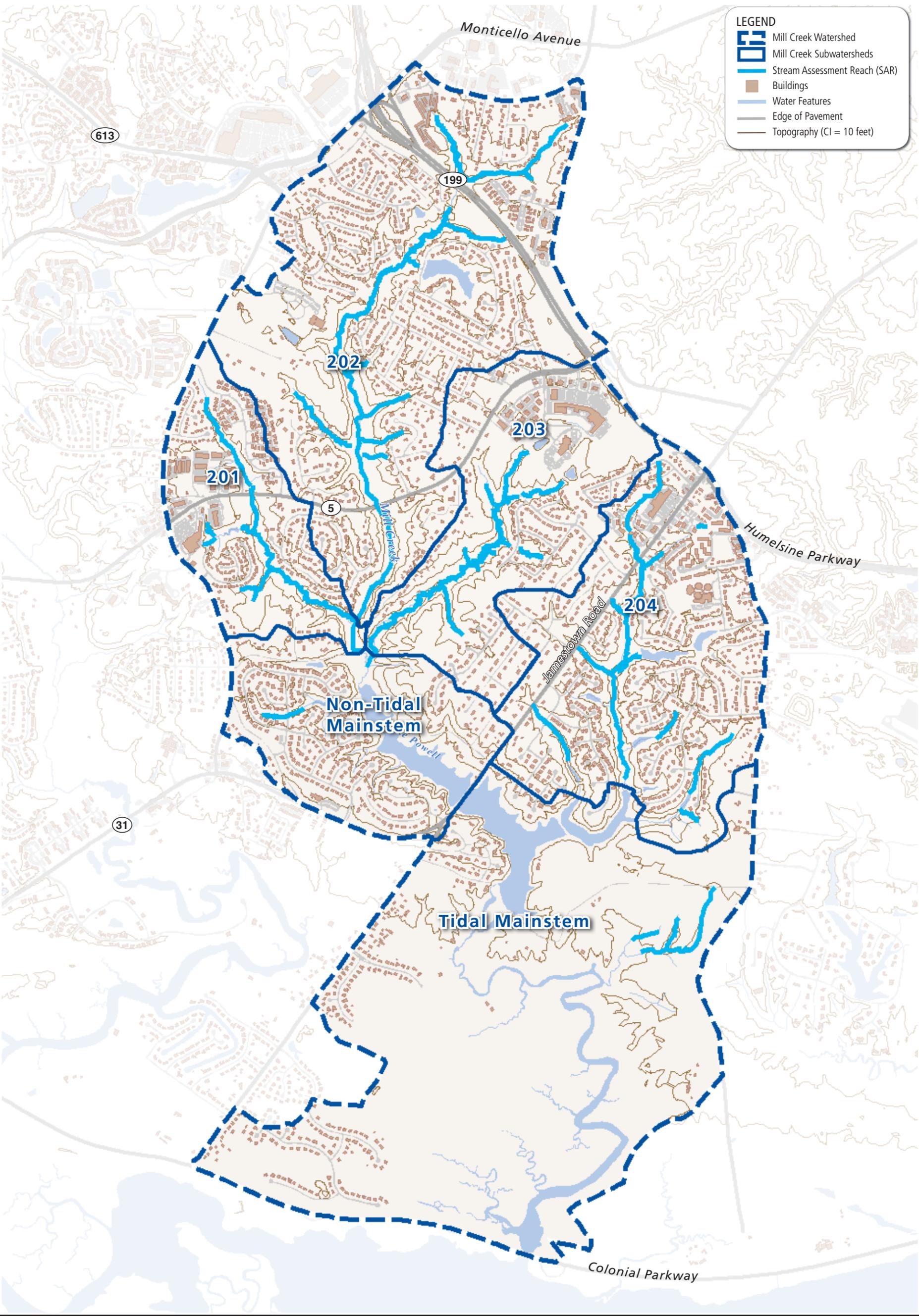


LEGEND

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

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

Figure ES-1
James City County Watersheds



LEGEND

- Mill Creek Watershed
- Mill Creek Subwatersheds
- Stream Assessment Reach (SAR)
- Buildings
- Water Features
- Edge of Pavement
- Topography (CI = 10 feet)

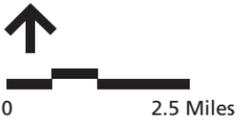


Figure ES-2
Mill Creek Watershed and
Subwatershed Map



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

a. Watershed-Wide Protection and Restoration Goals

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

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

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

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



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

a. Watershed-Wide Protection and Restoration Goals

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

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

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

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