

# **A G E N D A**

## **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**March 27, 2012**

**7:00 P.M.**

- 
- A. CALL TO ORDER**
  - B. ROLL CALL**
  - C. MOMENT OF SILENCE**
  - D. PLEDGE OF ALLEGIANCE** – Nicholas Rubino – 6<sup>th</sup> grade student at Toano Middle School
  - E. PRESENTATION** - none
  - F. PUBLIC COMMENT**
  - G. BOARD REQUESTS AND DIRECTIVES**
  - H. CONSENT CALENDAR**
    - 1. Minutes –
      - a. March 7, 2012, Joint Meeting
      - b. March 13, 2012, Regular Meeting
    - 2. Grant Application – Land and Water Use Conservation Fund - \$150,000
    - 3. Resolution for the Establishment of a Part-Time Regular Animal Control Officer Position
  - I. PUBLIC HEARINGS**
    - 1. Resolution Granting the City of Williamsburg an Easement on Property Located at 5301 Longhill Road in Exchange for Quit Claim Deed Conveying all City Interests to the County
    - 2. Conveyance of a Utility Easement to Verizon Virginia, Inc.
    - 3. Ordinance to Amend Chapter 2, Administration, Section 2-8, Meetings.
  - J. BOARD CONSIDERATION**
    - 1. Grant Award – Port Security Grant Program (PSGP) - \$350,000
  - K. PUBLIC COMMENT**
  - L. REPORTS OF THE COUNTY ADMINISTRATOR**
  - M. BOARD REQUESTS AND DIRECTIVES**
  - N. CLOSED SESSION** - none
  - O. ADJOURNMENT** - to 7:00 p.m. on April 10, 2012

**RESOLUTION OF APPRECIATION**

**MR. JACK FRALEY**

WHEREAS, Mr. Jack Fraley has served the citizens of James City County as a member of its Planning Commission from January 2004 to January 2012; and

WHEREAS, Mr. Fraley has served on the Development Review and Policy Committees; and

WHEREAS, Mr. Fraley has also served as the Chairman of the 2007 and 2010 Policy Committee; and

WHEREAS, Mr. Fraley has also served as the Vice-Chairman of the 2005 Planning Commission; and

WHEREAS, Mr. Fraley has also served as the Chairman of the 2006, 2008, and 2011 Planning Commission; and

WHEREAS, Mr. Fraley also served on James City County's Steering Committee for the 2009 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its appreciation for dedicated service to the citizens of the County to

**MR. JACK FRALEY**

BE IT FURTHER RESOLVED that the Board of Supervisors wishes to express its best wishes to Mr. Fraley in his future endeavors.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2012.

ROAFraley\_res

**RESOLUTION OF APPRECIATION**

**MR. A. JOE POOLE, III**

WHEREAS, Mr. A. Joe Poole, III, has served the citizens of James City County as a member of its Planning Commission from January 1996 to January 2005 and from January 2008 to January 2012; and

WHEREAS, during his second term, Mr. Poole has served on the Development Review Committee; and

WHEREAS, Mr. Poole has also served as the Chairman of the 2009 and 2011 Development Review Committee; and

WHEREAS, Mr. Poole also served on James City County's Steering Committee for the 2009 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its appreciation for dedicated service to the citizens of the County to

**MR. A. JOE POOLE, III**

BE IT FURTHER RESOLVED that the Board of Supervisors wishes to express its best wishes to Mr. Poole in his future endeavors.

\_\_\_\_\_  
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 27th day of March, 2012.

ROAPoole\_res

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF MARCH 2012, 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  
John J. McGlennon, Vice Chairman, Roberts District  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Powhatan District

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Tiger Cub Scouts of Cub Scout Pack 1932 led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS**

**1. Thomas Nelson Community College (TNCC)**

Ms. Carol Scheid, James City County Advisory Board Representative to TNCC, introduced Dr. John Dever, President of TNCC. Ms. Scheid provided the Board with a background of Dr. Dever's educational and academic achievements.

Dr. Dever, thanked the Board for the opportunity to speak about the college. He spoke of the College's mission to assist those seeking to benefit from higher education and commitment to keeping the cost affordable. He stated that presently the college has over 16,000 students in credit instruction and over 13,000 students in non-credit work force development. Dr. Dever expressed gratitude to the Board of Supervisors for providing visionary leadership and contributions for the state-of-the-art campus on Opportunity Way. He stated that in addition to the campus, the college operates the Discovery Center in New Town. Dr. Dever stated that localities provide assistance in developing, maintaining, and improving the campus site. Dr. Dever noted that the County's investment and support of the college is making a difference in the lives of the individuals and community for the better. Dr. Dever introduced Mr. Bruce Goodson to address the Board.

Mr. Goodson, James City County Advisory Board Representative to TNCC, addressed the Board about the college being a community investment and spoke about the importance of local dollars to support the college. Mr. Goodson thanked the Board for its support.

2. Planning Commission Annual Report for 2011

Mr. Jack Fraley, Chairman of the Planning Commission in 2011, recognized Ms. Jennifer Van Dyke and Ms. Tammy Rosario, Planning Division personnel, for their participation in preparing the 2011 Planning Commission Annual Report. Mr. Fraley spoke about the County's population and advised the Board on a three-year downward trend growth rate. He stated that residential growth activity reflected the slowdown, as virtually no residential units were approved through the legislative process for the second consecutive year. He advised the Board that in 2011 a major effort was made to update the zoning and subdivision ordinances. He expressed the importance of preserving the rural character of the County. He stated that the current policies do not preserve rural characteristics and discussed open space zoning as an alternative. He urged the Board to consider open space zoning as part of the County's Zoning Ordinance revision and to give it strong consideration at the work session with the Planning Commission.

Mr. McGlennon thanked Mr. Fraley for his service to the Planning Commission and for his thought-provoking comments expressed to the Board.

Ms. Jones expressed appreciation to Mr. Fraley for his time and energy serving on the Planning Commission.

3. Community Emergency Response Team (CERT) Graduation

Ms. Kate Hale, Emergency Service Director, addressed the Board about the training and functions of the CERT team. She stated that the CERT program began in 2003 and since that date 350 volunteers have been trained in the program.

For their participation and rigorous training in the program, Ms. Jones presented certificates to:

Mr. Raymond Hoyle	Toano Trace	Stonehouse
Ms. Barbara Miller	Villas Five Forks	Berkeley
Mr. Tom Miller	Villas Five Forks	Berkeley
Ms. Patricia McSherry	Colonial Heritage	Stonehouse

**F. PUBLIC COMMENTS**

1. Mr. Robert Venable, 9212 Diascund Road, Lanexa, gave an invocation to the Board.

2. Mr. Keith Sadler, 9929 Mountain Berry Road, Toano, addressed the Board concerning his opposition to the Neighbors Drive Improvement Project. He spoke about the project being redistribution of wealth. Mr. Sadler also expressed opposition to common pages in the Comprehensive Plan with the other Historic Triangle localities.

3. Mr. John Bookless, 3 Clarendon Court, Williamsburg, addressed the Board about his concerns regarding the upcoming joint planning meeting. He stated that it was difficult to determine who was funding the Vision Project. Mr. Bookless also spoke on transportation and ride sharing issues.

4. Mr. Jeffrey Smith, 116 Neighbors Drive, expressed his support of the Neighbors Drive Improvement Project.

5. Mr. Ed Oyer, 139 Indian Circle, discussed the Jamestown seat vacancy and questioned how the Board is representing all of James City County.

6. Mr. Kevin O'Shea, 119 Neighbors Drive, voiced support of the Neighbors Drive Improvement Project to rehabilitate the road.

## **G. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon made a motion to appoint Mr. George Drummond, Roberts District, to the Planning Commission. Mr. McGlennon requested that the Board act expeditiously as there were two matters that went before the last Planning Commission meeting and the Roberts District was not represented.

Mr. Kennedy advised the Board that he would be abstaining on Mr. Drummond's application.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Jones (3). NAY: (0). ABSTAINED: Kennedy (1).

Mr. McGlennon mentioned that the Planning staff will host an upcoming meeting on March 14, 2012, from 6:30 to 7:30 p.m., dealing with Section 6 of Peleg's Point. Mr. McGlennon also advised the Board that Dominion Power will be holding a meeting on March 26, 2012, about an alternative route for its transmission line that would come across the James River to the southern end of the County.

Ms. Jones stated that she participated in the Arbor Day Celebration at Legacy Hall on March 9, 2012. She also stated that she, Mr. Icenhour, Mr. Middaugh, and Mr. Allen Murphy, Director of Planning, would be spending the day in Richmond on March 14, 2012, to attend the Commonwealth Transportation Board meeting where the Jolly Pond Road discontinuance will be discussed.

## **H. CONSENT CALENDAR**

1. Minutes –
  - a. February 28, 2012, Work Session
  - b. February 28, 2012, Regular Meeting

Mr. McGlennon made a motion to approve the Consent Calendar.

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

## **I. PUBLIC HEARING - None**

## **J. BOARD CONSIDERATIONS**

1. Neighbors Drive/Richmond Road Neighborhood Improvement Project – Community Development Block Grant Application – \$1,070,000

Mr. Vaughn Poller, Housing and Community Development Administrator, addressed the Board regarding the Neighbors Drive/Richmond Road Neighborhood Improvement Project – Community Development Block Grant (CDBG). Mr. Poller provided a developmental and funding history of the project. Mr. Poller provided statistics about the neighborhood's eligibility for qualifying for the block grant. He

indicated that Neighbors Drive will be built to State standards indicating that the roads will be maintained by the Virginia Department of Transportation (VDOT). Mr. Poller provided project cost and funding source detail summaries to the Board. Mr. Poller welcomed questions from the Board members.

Mr. Kennedy questioned the total amount of grants received to date.

Mr. Poller responded \$1.4 million.

Mr. Kennedy questioned if all the property owners have signed off on the project.

Mr. Poller responded that 14 out of the 17 property owners have signed-off.

Mr. Kennedy stated that he prefers 100 percent participation before he votes for any grant applications that could affect property ownership.

Mr. Poller stated that he is pursuing conversations with the property owners on a weekly basis.

Mr. McGlennon stated that Mr. Poller is requesting permission to submit a grant application.

Mr. Poller responded that this is a competitive grant and if the County is successful in receiving funds, he would then come back before the Board requesting contract acceptance.

Mr. McGlennon stated that if the Board does not act on the application tonight, the County cannot apply for the grant.

Ms. Jones stated that this project began ten years ago because of the condition of the road. She questioned the results if the County does not apply for the grant or applies and does not get the funding. She stated that she was under the impression that this project was under one umbrella.

Mr. Poller stated that the County would not be able to do the Neighbors Drive portion. He stated that when this was first brought forward it was the intention to do Forest Heights and Neighbors Drive under one grant. He stated that the costs were too high. Therefore, the Virginia Department of Housing and Community Development requested that the County not submit an application for the total amount, but to separate the project into two projects and the County could come back to apply for the Neighbors Drive funding.

Mr. Icenhour questioned the total amount of the project if the project was not split.

Mr. Poller replied that the total cost would have been approximately \$4 million.

Mr. Kennedy questioned the size of the road that is going to get paved.

Mr. Poller responded that the road is approximately 1,400 feet long by 25 feet wide with a sidewalk, curb, and gutter on one side.

Mr. Kennedy expressed concerns about the high cost of the project.

Mr. Icenhour questioned how big the community was going to be.

Mr. Poller replied that there will be 46 houses with an additional eight lots in Forest Heights and an additional five lots on Neighbors Drive. He stated that Housing Partnerships and Habitat for Humanity have committed to participate in building affordable housing in Forest Heights. His staff will be seeking their participation in the Neighbors Drive development.

Ms. Jones questioned if there are any long-term requirements attached to the grant money.

Mr. Poller responded that depending on the funding source, there could be long-term requirements. He stated that for the housing rehabilitation monies, persons have to be at 80 percent of the area median income to qualify. He stated that those who have the ability to pay may have to repay part of it. For those who do not have the ability to pay, a lien is attached to the property for 10 to 15 years. He stated that it is forgiven year over year as long as the occupant stays there.

Ms. Jones questioned if the homeowners chose to sell, do they have the ability to participate in the free market.

Mr. Poller responded that homeowners can participate in the free market by selling to whomever they please. However, the County recovers the money that it has invested.

Mr. Kennedy inquired about past rehabilitation projects: if the properties are maintaining their values, if the properties are increasing in value, and if the property owners are able to keep up with repairs. He questioned the homeowner's responsibility on the County's investment of property repairs.

Mr. Poller responded that as a part of the program requirements, participants go through some training. He stated that the Extension Office provides classes on basic upkeep.

Ms. Jones stated that she is in support of putting in the basic infrastructure. She questioned the itemized list category, Streets, and asked if the figure of \$388,000 was just the cost of putting in the road.

Mr. Poller responded that yes it was an estimate.

Mr. McGlennon stated that the costs were over \$1 million for stormwater management, water/sewer upgrades, and putting in the road.

Ms. Jones expressed concern about competing with the private market, especially in this economy. She expressed concern that not all property owners are on board. She stated that she had significant concerns about continuing on with grant money.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kennedy (3). NAY: Jones (1).



## **RESOLUTION**

### **NEIGHBORS DRIVE/RICHMOND ROAD NEIGHBORHOOD IMPROVEMENT PROJECT -**

#### **COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION - \$1,070,000**

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant (VCDBG); and

WHEREAS, in compliance with VCDBG requirements, two public hearings were advertised in a newspaper with general circulation in the County, notices of the public hearings were mailed to the project area residents, and the hearings were held on December 7, 2011, and February 7, 2012, regarding this application; and

WHEREAS, James City County wishes to apply for \$1,070,000 in VCDBG funds to be used in undertaking a multiyear Comprehensive Community Development Project in the designated Neighbors Drive/Richmond Road Neighborhood Improvement Project Area; and

WHEREAS, \$818,330 in local funds are allocated to the project and \$38,400 in Federal funds will be expended on this project; and

WHEREAS, the project is anticipated to benefit 64 persons, of whom 48 are low- and moderate-income, by providing public roads, stormwater management, property clearance, and development of a multi-use path, and by providing new homeownership opportunities and housing rehabilitation and replacement, which will meet the National Objective of providing benefits to persons of low and moderate incomes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, pursuant to two public hearings, the County of James City, Virginia, hereby wishes to apply for \$1,070,000 of VCDBG Funds for the Neighbors Drive/Richmond Road Neighborhood Improvement Project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign and submit appropriate documents, including an application with all the understandings and assurances contained therein, and to provide such additional information as may be required for the submittal of the VCDBG proposal.

#### **2. Dominion Virginia Power Proposed Transmission Line**

Mr. Middaugh advised the Board that the resolution expressed the Board's opposition to the original of two routes to bring in a new transmission line from a Chickahominy substation in Charles City County down to the southern part of James City County.

Mr. Middaugh stated that last week Dominion Virginia Power informed the County that there is a second route under consideration that will go directly from the Surry Nuclear Plant across the James River and come into the southern part of the County at BASF and cross over to a switch station. He indicated this line is less expensive than the original and the impacts associated with this route seem to be significantly less than the originally planned route, which cut through significant forested properties in Charles City and James City Counties. The route passed adjacent to one the County's parks, through several historic and cultural resources, through a residential area, and across the Chickahominy River, which is in various stages of approval for scenic and/or historic designation.

Mr. Middaugh stated the importance of going on record stating that the original route that Dominion Virginia Power planned is not the one that the County has favored. Mr. Middaugh further stated that if the original route becomes an active route by approving the resolution, it authorizes the County Administrator and County Attorney to intervene on behalf of the County to take any appropriate action.

Mr. McGlennon stated that per a telephone conversation with a Dominion Virginian Power representative, it was indicated that even if they voluntarily chose the alternative route, it is expected within the next several years to come back to this proposed route. He believed that it is important to indicate now this is an inappropriate route for the transmission lines.

Mr. McGlennon made a motion to approve the resolution.

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

## **RESOLUTION**

### **OPPOSITION TO A PROPOSED CORRIDOR FOR THE CONSTRUCTION OF**

#### **A 500-KV UTILITY TRANSMISSION LINE**

WHEREAS, Virginia Electric and Power Company (VEPC) Dominion Virginia Power (DVP) has proposed to construct a 500-kV electric transmission line from the Chickahominy Substation to the Skiffe's Creek Switching Station in order to provide additional electric utility capacity for the Peninsula area, which incorporates James City County; and

WHEREAS, DVP has proposed a corridor for the 500-kV electric transmission line which runs from the Chickahominy Substation in Charles City County through Charles City County, crossing the Chickahominy River, and crossing portions of James city County to a point in James City County where the new 500-kV electric transmission line would connect to an existing DVP corridor near the Lightfoot Substation; and

WHEREAS, the proposed 500-kV electric transmission line corridor crossing through Charles City County and James City County would traverse areas of both counties that are unspoiled heavily wooded areas, as well as near or through significant cultural and historical resource areas and a crossing of the scenic and historic Chickahominy River; and

WHEREAS, in light of significant concern in James City County, the Board of Supervisors feels that it is imperative that James City County make known those concerns early in the process, with the expectation that DVP and/or the permitting authority for the transmission line, the State Corporation Commission, may take appropriate alternative action.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in light of significant adverse environmental, natural resource, historic and cultural resource adverse impacts, which cannot be mitigated, as a result of the construction of a new 500-kV electric transmission line in the proposed corridor which crosses Charles City County and James City County, the James City County Board of Supervisors hereby expresses its opposition to the proposed corridor and further directs that the County Administrator and County Attorney intervene on behalf of James City County in the State Corporation Commission permitting process and take all appropriate actions to see that the DVP 500-kV electric transmission line is built in a corridor other than the proposed crossing through Charles City County and James City County.

**K. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, read a 1998 newspaper article to the Board on promoting and defining affordable houses in the County.

**L. REPORT OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh reported that on March 14, 2012, he will be attending the Commonwealth Transportation Board to seek approval of the discontinuance of a small section of Jolly Pond Road so that it can be taken out of the State system and put in the County system and can be opened for vehicular traffic.

Mr. Middaugh stated that the Board will be going into Closed Session to discuss the School Board contract and an appointment to the Planning Commission.

**M. BOARD REQUESTS AND DIRECTIVES - None**

**N. CLOSED SESSION**

Mr. Kennedy made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(A)(6) and Section 2.2-3711(A)(11) of the Code of Virginia to discuss:

- a. School Contract Negotiation
- b. Planning Commission Vacancy

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(6) of the Code of Virginia, discussion of contract negotiations where financial interests of the County are involved.

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, consideration of a personnel matter, the appointment of individuals to County boards and/or commissions.

**O. ADJOURNMENT**

At 8:54 p.m., Ms. Jones adjourned the Board until March 27, 2012, at 4 p.m.

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Robert C. Middaugh  
Clerk to the Board

031312bos\_min

## MEMORANDUM COVER

**Subject:** Land and Water Conservation Fund Grant - \$150,000

**Action Requested:** Shall the Board approve the resolution that authorizes staff to submit a Land and Water Conservation Fund Grant for improvements to Jamestown Beach?

**Summary:** James City County Department of Parks and Recreation proposes to apply for a 50/50 matching grant to the State for identified improvements to Jamestown Beach. The improvements include upgrading the second beach area, installing a restroom, and improvements to the parking and entrance road, which are consistent with the approved Shaping Our Shores Master Plan. Per the grant requirements, if funds are used, the improved park area must be held in perpetuity for recreational use. This restriction is consistent with past park development and currently Mid County Park, Little Creek Reservoir Park, and the Warhill Sports Complex are similarly protected.

If the grant is awarded it will reduce the County's portion of the cost for the improvements as requested in the FY 13 Capital Improvements Program (CIP) budget.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** If the grant is awarded, it will replace a portion of the FY 13 CIP request for Jamestown Beach.

**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-2

**Date:** March 27, 2012

**MEMORANDUM**

DATE: March 27, 2012

TO: The Board of Supervisors

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

SUBJECT: Land and Water Conservation Fund Grant - \$150,000

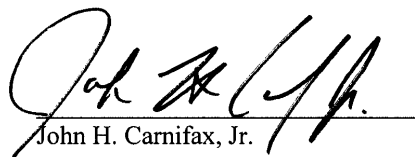
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The James City County Department of Parks and Recreation is seeking a \$150,000 matching grant from the Virginia Department of Conservation and Recreation's Land and Water Conservation Fund grant program.

The purpose of the matching grant is to assist with the development costs for Phase II improvements at Jamestown Beach. Phase I beach improvements, which included removing rubble and restoring one beach area with sand, breakwaters, and beach grasses, were completed last spring. This funding would be used to make similar improvements to the second beach area, correct drainage issues, upgrade an existing road to serve as the new entrance, and install bathroom facilities. Any funds awarded will be combined with the FY 13 Capital Improvements Project (CIP) requested funds to complete the projects that have an estimated cost of \$304,097.

Per the grant requirements, acceptance of funds requires the County to hold the improved park area in perpetuity for recreational use. This requirement will not impose additional restrictions on the land that do not currently exist as a result of the Virginia Land Conservation Foundation grant and the Coastal and Estuarine Land Conservation Program grant that were used to purchase the property. The County has successfully used this grant for past park development to include the boat ramp and playground at Little Creek Reservoir Park, the baseball and basketball areas at the Warhill Sports Complex, and various elements at Mid County Park and Upper County Park.

Staff recommends approval of the attached resolution to support the application for the Land and Water Conservation Fund grant.

  
John H. Carnifax, Jr.

JHC/nb  
LndWtrCFnd\_mem

Attachment

## **RESOLUTION**

### **LAND AND WATER CONSERVATION FUND GRANT - \$150,000**

WHEREAS, funds are needed for several projects at Jamestown Beach to include restoration of a beach area, upgrades to parking and the entrance road, and installation of restrooms; and

WHEREAS, the Department of Conservation and Recreation may fund a park development project in James City County through the Land and Water Conservation Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby authorizes:

1. Any assistance received will be used for the specified projects at Jamestown Beach;
2. Match funding for the project will be available if the grant is approved;
3. Requests for payment will be made on a reimbursement basis in the format required;
4. The developed property will be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land and Water Conservation Fund Act of 1965, as amended;
5. No non-recreational uses will occur on the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of the Interior/National Park Service;
6. Development will be in compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, and all other applicable State and Federal laws; and
7. Appropriate public comment opportunities were provided on this project through the Shaping Our Shores Master Plan process as required for approval.

BE IT FURTHER RESOLVED that the Board hereby supports and authorizes application for the Land and Water Conservation Fund Grant for Jamestown Beach.

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Mary K. Jones  
Chairman, Board of Supervisors

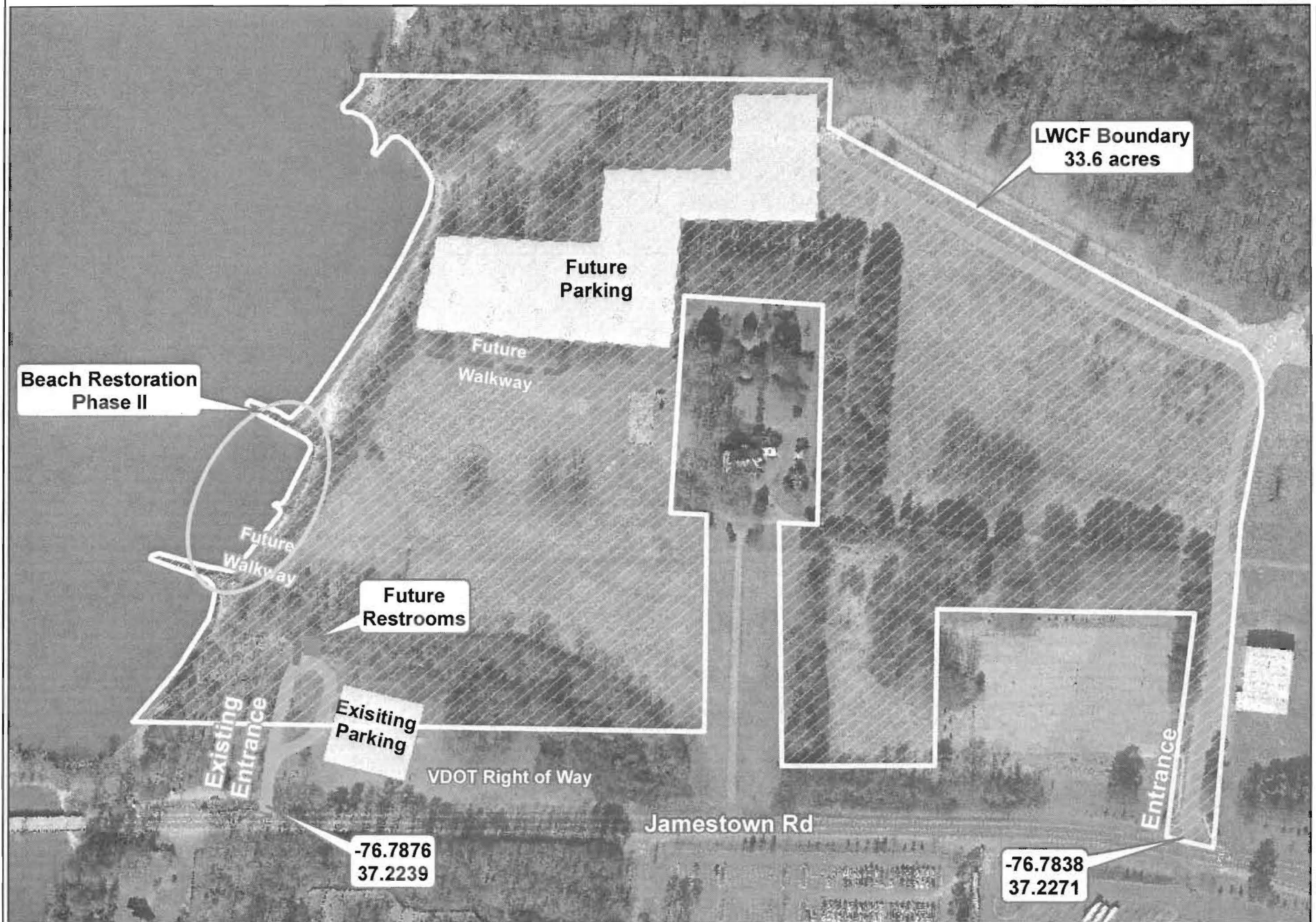
ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2012.

LndWtrCFnd\_res



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

1 inch = 220 feet

0 0.025 0.05 Miles





## MEMORANDUM COVER

**Subject:** Establishment of a Part-Time Regular Animal Control Officer Position

**Action Requested:** Shall the Board approve the resolution that establishes a part-time regular Animal Control Officer position?

**Summary:** The Police Department requests the establishment of a part-time regular (1,040 hours/year) Animal Control Officer position to provide sufficient staffing to better meet the animal control needs of the community. An existing on-call position has been vacant since January 2011 and has proven difficult to fill. The Animal Control Unit has handled an average of more than 2,800 calls for service over the last five fiscal years: FY 07 = 2,697; FY 08 = 2,837; FY 09 = 3,147; FY 10 = 2,952; and FY 11 = 2,677. Animal Control officers have responded to 1,863 calls so far in FY 12 (through February).

Due to difficult economic times, in FY 10 one of the three full-time regular positions comprising the Animal Control Unit was reduced to a part-time regular position. Then, in FY 11 that part-time regular position was reduced to an on-call (376 hours/year) position.

Unfortunately, it has been difficult to attract and retain qualified candidates for the on-call position. The extended vacancy of the position has placed extra workload on the two regular full-time employees, increasing overtime and because it is a 24/7 operation, necessitating each one to be on standby for emergency calls after hours, weekends, and holidays half the days of the year.

A part-time regular position would offer stable working hours and part-time benefits that would better help us attract and retain a qualified candidate.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** For FY 12, funds are available within Animal Control's budget due to the on-call position that has been vacant since January 2011. Future years would require funding from the General Fund to cover salary and benefit costs estimated at \$15,138.

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.:** H-3

**Date:** March 27, 2012

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

DATE: March 27, 2012

TO: The Board of Supervisors

FROM: Emmett H. Harmon, Chief of Police

SUBJECT: Establishment of a Part-Time Regular Animal Control Officer Position

---

The Police Department requests the establishment of a part-time regular (1,040 hours/year) Animal Control Officer position to provide sufficient staffing to better meet the animal control needs of the community. An existing on-call position has been vacant since January 2011 and has proven difficult to fill. The Animal Control Unit has handled an average of more than 2,800 calls for service over the last five fiscal years: FY 07 = 2,697; FY 08 = 2,837; FY 09 = 3,147; FY 10 = 2,952; and FY 11 = 2,677. Animal Control officers have responded to 1,863 calls so far in FY 12 (through February).

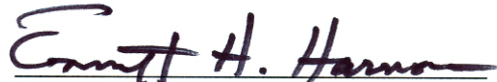
Due to difficult economic times, in FY 10 one of the three full-time regular positions comprising the Animal Control Unit was reduced to a part-time regular position. Then, in FY 11 that part-time regular position was reduced to an on-call (376 hours/year) position. On-call positions are paid to be on "standby" when needed at a rate of \$1.50/hour and are paid the full hourly rate when actually called out to work.

Unfortunately, it has been difficult to attract and retain qualified candidates for the on-call position. The extended vacancy of the on-call position has placed extra workload on the two regular full-time employees, increasing overtime, limiting time off. Each employee is currently required to be on standby for emergency calls after hours and on weekends half the days of the year. To continue with only two full time officers will affect the quality of service, as well as continue to affect the morale, health and welfare of those two officers.

A part-time regular position would offer stable working hours and part-time benefits that would help attract and retain a qualified candidate.

The on-call Animal Control Officer position has been vacant since January 2011, leaving the necessary funds available to cover the part-time regular position in FY 12. Future years would require funding from the General Fund to cover salary and benefits costs estimated at \$15,138.

Staff recommends adoption of the attached resolution.

  
Emmett H. Harmon

CONCUR:

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Robert C. Middaugh

## **RESOLUTION**

### **ESTABLISHMENT OF A PART-TIME REGULAR ANIMAL CONTROL OFFICER POSITION**

WHEREAS, the Police Department's Animal Control Unit serves and protects the community by enforcing animal control laws within James City County and the City of Williamsburg; and

WHEREAS, it has been difficult to attract and retain qualified applicants for an existing on-call Animal Control Officer position that has been vacant since January 2011; and

WHEREAS, a part-time regular position would better assist the two full-time officers with regular and on-call workload; and

WHEREAS, funds are currently available in the Animal Control Unit's FY 12 budget to fund a part-time regular position for the remainder of this fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one part-time regular (1,040 hours/year) Animal Control Officer position effective April 1, 2012.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2012.

PT-AniCtrlOfr\_res

## MEMORANDUM COVER

**Subject:** Appointment to Fill a Vacancy on the James City Service Authority Board of Directors

**Action Requested:** Shall the Board of Supervisors approve a resolution to fill the vacancy on the James City Service Authority Board of Directors?

**Summary:** On March 20, 2012, the Judges of the Ninth Judicial Circuit Court appointed Mr. W. Wilford Kale, Jr., to serve on the Board of Supervisors as the Jamestown District representative, pursuant to Section 3.2 of the James City County Charter and Section 24.2-228 of the *Code of Va.*

Section 15.2-5113 of the *Code of Va.*, designates the members of the Board of Supervisors to appoint successors to any vacancy on the James City Service Authority Board of Directors.

I recommend approval 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.:** H-4

**Date:** March 27, 2012

**MEMORANDUM**

DATE: March 27, 2012

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney

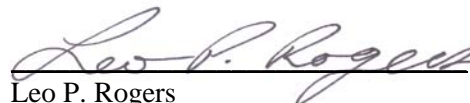
SUBJECT: Appointment to Fill a Vacancy on the James City Service Authority Board of Directors

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On March 20, 2012, Mr. W. Wilford Kale, Jr., was appointed to serve on the Board of Supervisors as the Jamestown District representative by the Ninth Judicial Circuit Court, pursuant to Section 3.2 of the James City County Charter and Section 24.2-228 of the *Code of Va.*.

Members of the Board of Supervisors are designated by Section 15.2-5113 of the *Code of Va.* to appoint successors to any vacancy on the James City Service Authority Board of Directors. I have attached for the Board's consideration a resolution which appoints Mr. Kale to fill the vacancy on the James City Service Authority Board of Directors.

I recommend adoption of the attached resolution.

  
Leo P. Rogers

LPR/gb  
ApptJCSAvac\_mem

Attachment

## RESOLUTION

### APPOINTMENT TO FILL A VACANCY ON THE JAMES CITY SERVICE AUTHORITY

#### BOARD OF DIRECTORS

WHEREAS, there exists a vacancy on the James City Service Authority (JCSA) Board of Directors; and

WHEREAS, pursuant to §3.2 of the Charter of James City County and §24.2-228 of the *Code of Virginia*, on March 20, 2012, the Judges of the Ninth Judicial Circuit appointed Mr. W. Wilford Kale, Jr., to serve as the representative for the Jamestown District on the Board of Supervisors; and

WHEREAS, pursuant to §15.2-5113 of the *Code of Virginia*, the Board of Supervisors shall appoint a successor to fill a vacancy on the James City Service Authority Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. W. Wilford Kale, Jr., as a member of the James City Service Authority Board of Directors and to serve in such capacity as long as he is a member of the James City County Board of Supervisors.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Secretary to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2012.

ApptJCSAvac\_res

## MEMORANDUM COVER

**Subject:** Resolution Granting the City of Williamsburg an Easement on Property Located at 5301 Longhill Road in Exchange for Quit Claim Deed Conveying all City Interests to the County

**Action Requested:** Shall the Board approve the attached resolution?

### Summary:

The James City/Williamsburg Community Center located at 5301 Longhill Road is currently jointly owned by James City County and the City of Williamsburg. Each locality has one – half interest on the property and varying levels in the facility located there.

The Community Center has effectively operated solely as a County facility for many years with the full understanding and acknowledgment of the City.

At present, the City by virtue of its part ownership of the land and its investment in the first building, has a legitimate right and concern to sign off on any changes to the Building and/or Property. Any additional cell sites in the future, any changes to the building or changes to the property use would require a City sign off. In order to finally resolve the City interest in the building and Property we sought to negotiate an agreement which would convey the City interest in exchange for some protections adjacent to the Property. This agreement would resolve the need for any future City sign off in the event the County wishes to change the Building and or Community Center Property.

The agreement attempted to create an equitable exchange between the City and County without the necessity to exchange cash. Over the last several years, the County has acquired a number of school properties (Hornsby Middle and Blayton Elementary Schools for example) for which the City owed a small amount as a share of the purchase price. These funds have long been expended by the County and we have no expectation in this budget to receive those funds. The amount technically owned by the City is \$216,674. The agreement as proposed would cancel the \$216,674 debt in exchange for the City signing off its full interest in the Community Center Building and Property.

The attached resolution authorizes the County Administrator to accept the City interest in the Property by a quit claim deed in exchange for forgiveness of the \$216,674 contribution toward school construction and the establishment of a 50- and 100-foot easement on the Property.

### Assistant County Administrator

Doug Powell \_\_\_\_\_

### County Administrator

Robert C. Middaugh \_\_\_\_\_

### Attachments:

1. Memorandum
2. Resolution
3. Quit Claim Deed

**Agenda Item No.:** I-1

**Date:** 03/27/12

**MEMORANDUM**

DATE: March 27, 2012

TO: The Board of Supervisors

FROM: Robert C. Middaugh, County Administrator

SUBJECT: Acquisition of Sole Ownership by James City County and Conveyance of an Easement to the City of Williamsburg over the Real Property Commonly Known as 5301 Long Road

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The James City/Williamsburg Community Center located at 5301 Longhill Road (the property) is currently jointly owned by James City County (the County) and the City of Williamsburg (the City). Each locality has one-half interest in the property and varying levels in the facility located there. The City and the County were the beneficiaries of half interest in the property when it was conveyed by the State for the purpose of building a Community Center. The City invested in the initial structure, which was subsequently expanded by the County at the County's expense.

The Community Center has effectively operated solely as a County facility for many years with the full understanding and acknowledgment of the City.

Several years ago the County allowed the installation of a cell tower, which was added to a lighting structure. Since that time all revenues from the cell tower have flowed directly to the County, however, the City did object as a part owner of the property to not receiving a share of the revenue. The City objection was appropriate, but is an issue that we sought to permanently resolve as it is likely to surface again.

At present, the City by virtue of its part ownership of the land and its investment in the first building, has a legitimate right and concern to sign off on any changes to the Building and/or Property. Any additional cell sites in the future, any changes to the building or changes to the property use would require a City sign off. In order to finally resolve the City interest in the building and Property we sought to negotiate an agreement which would convey the City interest in exchange for some protections adjacent to the Property. This agreement would resolve the need for any future City sign off in the event the County wishes to change the Building and or Community Center Property.

The agreement attempted to create an equitable exchange between the City and County without the necessity to exchange cash. Over the last several years, the County has acquired a number of school properties (Hornsby Middle and Blayton Elementary Schools for example) for which the City owed a small amount as a share of the purchase price. These funds have long been expended by the County and we have no expectation in this budget to receive those funds. The amount technically owned by the City is \$216,674. The agreement as proposed would cancel the \$216,674 debt in exchange for the City signing off its full interest in the Community Center Building and Property.

The City asked for some protection for City residents that are adjacent to the Community Center, specifically related to any future changes or construction. We have negotiated two levels of easement that are both appropriate for the protection of the City residents and for the operation of the Community Center by the County. There is a 50-foot easement in which construction activity is restricted and an expectation created that existing landscape will remain untouched. After the 50-foot easement is another 100-foot buffer in which traditional Park and recreation activities and facilities can be undertaken, however; if any other change or construction is desired by the County, those plans must be submitted to the City first for review and approval. City approval cannot be unreasonably withheld for any desired changes by the County. The buffer zones are reasonable and if it were County property adjacent to the City facility, we would expect no less.



Resolution Granting the City of Williamsburg an Easement on Property Located at 5301 Longhill Road in  
Exchange for Quit Claim Deed Conveying all City Interests to the County

March 27, 2012

Page 2

There is also a small parcel of property immediately to the south of the principal Community Center Property upon which the 50 foot no construction limitation is imposed by virtue of the agreement. This is simply to keep the 50-foot zone consistent along all of the property in the County that is adjacent to City property. The James City Service Authority (JCSA) property is irregular in size and there are no plans for its use.

The attached resolution authorizes the County Administrator to accept the City interest in the Property by a quit claim deed in exchange for forgiveness of the \$216,674 contribution toward school construction and the establishment of a 50- and 100-foot easement on the Property.

Approval of the attached resolution is recommended.

---

Robert C. Middaugh

RCM/nb  
5301Longhill\_mem

Attachment

## **RESOLUTION**

### **ACQUISITION OF SOLE OWNERSHIP BY JAMES CITY COUNTY AND CONVEYANCE OF**

### **AN EASEMENT TO THE CITY OF WILLIAMSBURG OVER THE REAL PROPERTY**

### **COMMONLY KNOWN AS 5301 LONGHILL ROAD**

WHEREAS, the 21.31 acres of land on which the James City/Williamsburg Community Center is located commonly known as 5301 Longhill Road (the “Real Property”) was jointly conveyed to the City of Williamsburg and James City County by the Commonwealth of Virginia by deed dated February, 26, 1985; and

WHEREAS, the City of Williamsburg currently owes James City County \$216,674 as reimbursement for the City’s share of the acquisition of real property and construction costs for Warhill High School, Hornsby Middle School, and J.B. Blayton Elementary School; and

WHEREAS, the City of Williamsburg has agreed to transfer its joint interest in the Real Property in exchange for James City County waiving any claim to the aforesaid reimbursement of \$216,674; and

WHEREAS, James City County desires to have sole ownership of the Real Property, subject to an easement bordering the City of Williamsburg, in exchange for foregoing payment of the \$216,674 by the City of Williamsburg.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a deed with the City of Williamsburg whereby James City County will receive sole ownership to the Real Property, subject to limited easements over a portion of land border the City of Williamsburg.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby waives its claim to reimbursement of \$216,674 from the City of Williamsburg for a portion of the costs of acquiring and constructing Warhill High School, Hornsby Middle School, and J.B. Blayton Elementary School.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of  
March, 2012.

5301Longhill\_res

## MEMORANDUM COVER

**Subject:** Conveyance of Utility Easement to Verizon Virginia, Inc.

**Action Requested:** Shall the Board approve the resolution that the County conveys a utility easement to Verizon Virginia, Inc.?

**Summary:** The utility easement is for a five-foot-wide easement with two-inch innerduct and 48-strand fiber to be used by Verizon Virginia, Inc., in support of wireless services located at the Government Center cell tower site. There is no cost to the County.

The fiber optic cable also supports alarm circuits and data services for Government Center offices. It will further be available to carry Government Center voice and additional data transmissions if the County determines that Verizon offers pricing and services advantageous to the County.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** No fiscal impact.

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution
3. Exhibit A - Map

**Agenda Item No.:** I-2

**Date:** March 27, 2012

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

DATE: March 27, 2012

TO: The Board of Supervisors

FROM: Thomas R. Pennington, Director, Information Resources Management  
Leo P. Rogers, County Attorney

SUBJECT: Conveyance of Utility Easement to Verizon Virginia, Inc.

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Attached for your consideration is a resolution authorizing the County Administrator to convey a utility easement to Verizon Virginia, Inc. ("Verizon") at the Government Center.

The easement consists of a five-foot-wide easement with two-inch innerduct containing new 48-strand fiber optic cable that will run from County facilities near the cell tower site (approximately 44.71 feet westward, then 160.14 feet northeast) to the Colonial Williamsburg property line. The innerduct will continue approximately 1,153.43 feet through the County easement on Colonial Williamsburg property, ending at Mounts Bay Road near the Colonial Williamsburg bridge that crosses Mounts Bay Road. (Map attached.)

Verizon intends to use the new fiber optic cable in support of its wireless customers. The County and its citizens derive the benefit of the availability of commercial wireless services. The fiber optic cable also supports alarm circuits and data services for Government Center offices. It will further be available to carry voice and additional data transmissions if the County determines that Verizon offers pricing and services advantageous to the County.

Staff recommends approval of the attached resolution authorizing the County Administrator to execute the appropriate documents to convey the utility easement to Verizon Virginia, Inc.

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Thomas R. Pennington

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Leo P. Rogers

TRP/LPR/nb  
VerizonUEase\_mem

Attachments

## **RESOLUTION**

### **CONVEYANCE OF UTILITY EASEMENT TO VERIZON VIRGINIA, INC.**

WHEREAS, James City County owns property commonly known as 101 Mounts Bay Road and further identified on the James City County Real Estate Tax Map Parcel No. 5010100009 (the "Property"); and

WHEREAS, Verizon Virginia, Inc. ("Verizon") has requested that the County convey a utility easement across the Property consisting of a five-foot-wide easement with a two-inch innerduct containing 48-strand fiber; and

WHEREAS, after holding a public hearing, the Board of Supervisors is of the opinion that it is in the best interests of the County and its citizens to convey the easement necessary for Verizon to obtain the easement for the innerduct with fiber.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the appropriate documents to convey the easement to Verizon Virginia, Inc.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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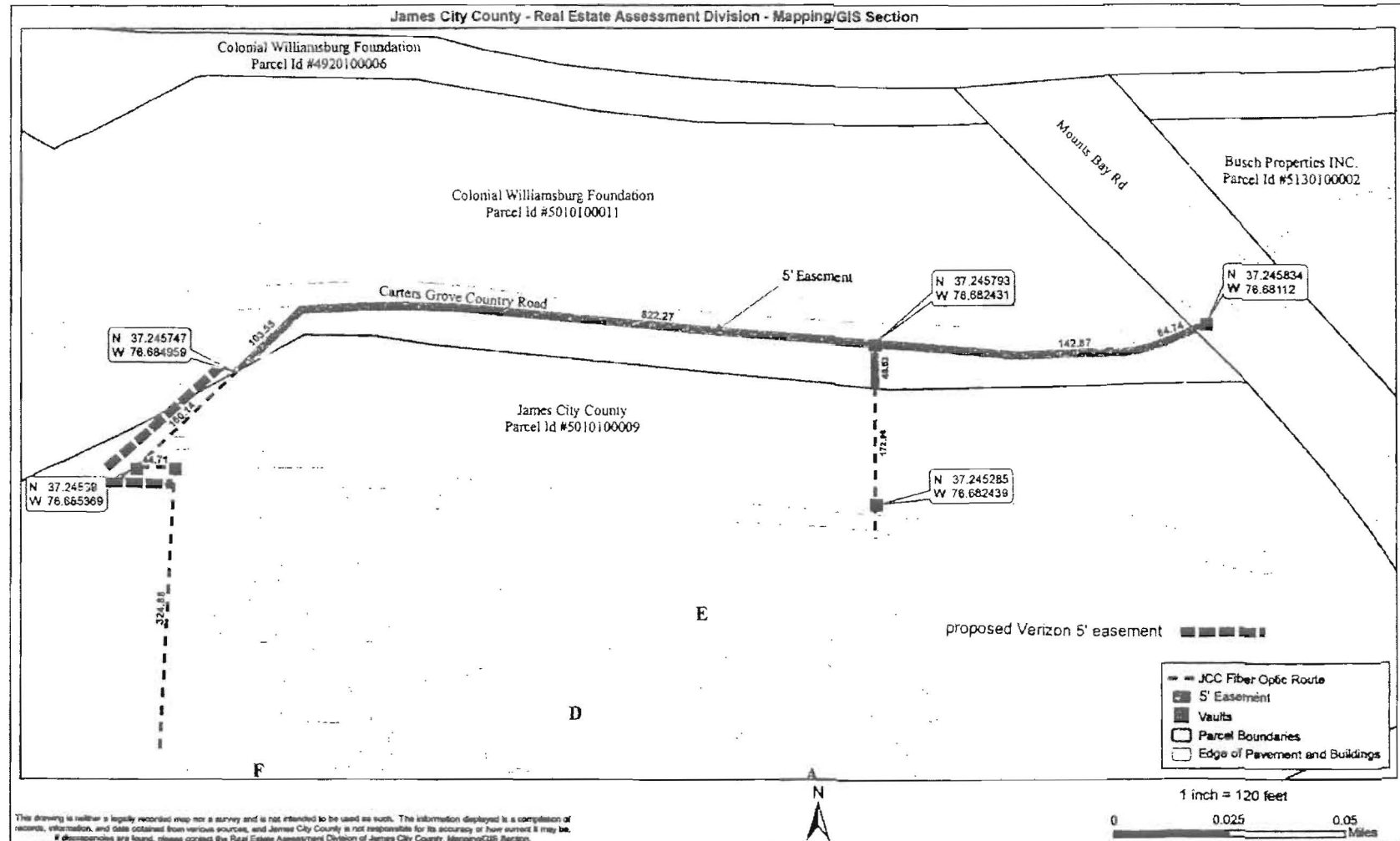
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2012.

VerizonUEase\_res

# Exhibit "A"

sheet 3 of 3



Verizon Permit BC-352038-R

## MEMORANDUM COVER

**Subject:** Ordinance to Amend Chapter 2, Administration, Section 2-8, Meetings

**Action Requested:** Shall the Board approve the ordinance amending Chapter 2, Administration, Section 2-8, Meetings?

**Summary:** James City County Code Section 2-8 is not required and may unduly restrict the Board. The Board of Supervisors sets its meeting date, time and place at its organizational meeting. The attached ordinance strikes JCC Code Section 2-8.

I recommend adoption of the attached ordinance.

**Fiscal Impact:** Little or no fiscal impact is anticipated from the amendment.

**FMS Approval, if Applicable:** Yes ☐ No ☐

\_\_\_\_\_

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Ordinance

**Agenda Item No.:** I-3

**Date:** March 27, 2012



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

DATE: March 27, 2012  
TO: The Board of Supervisors  
FROM: Leo P. Rogers, County Attorney  
SUBJECT: Ordinance to Amend Chapter 2, Administration, Section 2-8, Meetings

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Attached for your consideration is an ordinance to delete Section 2-8 of Chapter 2, Administration, of the County Code. This Code section is not required and may unduly restrict the Board's flexibility to set the time, date and place for its meetings. The Board sets the time, date and place for its meeting at its organizational meeting in January.

I recommend adoption of the attached ordinance.

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Leo P. Rogers

LPR/nb  
Ch2Adminis\_mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, BOARD OF SUPERVISORS, SECTION 2-8, MEETINGS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-8, Meetings.

Chapter 2. Administration

Article III. Board of Supervisors

**~~Section 2-8. Meetings.~~Reserved.**

~~Annual, semi-annual and regular meetings of the board of supervisors shall be held at the County Government Center, 101 CF Mounts Bay Road, Williamsburg, Virginia, unless an alternate site is designated by resolution of the board.~~

~~**State law references** Meetings of boards of supervisors, Code of Va., §§ 15.2-1415, 15.2-1417, 15.2-1242; Virginia Freedom of Information Act, Code of Va., §§ 2.2-3700A-2.2-3713.~~

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March,  
2012.

Ch2Adminis\_ord

## MEMORANDUM COVER

**Subject:** Grant Award – Port Security Grant Program (PSGP) – \$350,000

**Action Requested:** Shall the Board approve the resolution that appropriates funding for the Port Security Grant Program?

**Summary:** The James City County Police Department has been awarded funding through the FY 09 Port Security Grant Program – \$262,500 Virginia Department of Emergency Management (VDEM); \$87,500 local match – for the purchase of a Secured All-around Floatation Equipment (SAFE) Boat to be operated by the Department's Marine Patrol Unit.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** A local cash match in the amount of \$87,500 is required, which is available in the County's Grant Match account.

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution

**Agenda Item No.:** J-1

**Date:** March 27, 2012

GA\_PSGProg\_cvr

**MEMORANDUM**

DATE: March 27, 2012

TO: The Board of Supervisors

FROM: Emmett H. Harmon, Chief of Police

SUBJECT: Grant Award – Port Security Grant Program (PSGP) – \$350,000

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The James City County Police Department has been awarded funding through the FY 09 Port Security Grant Program (PSGP) for \$350,000 (\$262,500 VDEM; \$87,500 local match) for the purchase of a Secured All-around Floatation Equipment (SAFE) Boat. The local match is available in the County's Grant Match account. PSGP is a maritime transportation infrastructure security initiative within the Department of Homeland Security, and typically, the availability of this grant recurs annually. This grant program is administered through the Virginia Department of Emergency Management. These specific grant funds will be used to purchase and outfit a SAFE Boat to be operated by the Department's Marine Patrol.

The determination to apply for funding for the SAFE Boat was based on several criteria. The SAFE Boat is used by the United States Coast Guard and other local law enforcement agencies due to the durability, design suitability for law enforcement and search and rescue efforts, and safety features of the boat, coupled with the training offered by the manufacturer. The Department currently operates a 21-foot Sea King center console boat as its primary Marine Patrol Vessel. This vessel was obtained in 2005 as the Marine Patrol entered its second year of operation. The Sea King has been modified by adding a police radio, blue lights, and siren box as well as stickers identifying it as a police boat. However, as the James City County Police Department has grown and is projected to grow in the future, this boat will not meet the needs of a Marine Patrol Unit.

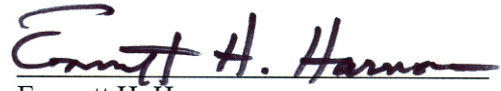
The current police vessel with its fiberglass hull could sustain damage as well as cause damage to other vessels if the conditions aren't just right because of the rigid fiberglass gunnels (top of the boat sides). The rigid fiberglass gunnels also require the Police Department to use a fender system. The SAFE Boat and its foam collar system does not require the use of fenders and because of the design makes it safe to pull alongside other vessels to conduct police functions without having to worry about causing damage to the other vessel or its own vessel. The current police vessel is not designed as a police or homeland security vessel. It was not designed for search and rescue, dive or other law enforcement/fire operations. It was designed as a fishing vessel and as such, the rigid gunnels also make it difficult to retrieve objects from the water and to enter and exit the vessel.

The James City County Police Department has become very involved with the United States Coast Guard Hampton Roads Sector's Law Enforcement Sub-Committee. James City Police attend meetings, participate in training provided, as well as assist other agencies of the Port in special events in our sector such as Bay Days, Harbor Fest, and other events as requested. The Police Department has also created a dive team. The SAFE Boat is more suitable for diving operations, evidence recovery, and search and rescue operations. Further, the current vessel is not appropriate or practical for a full-time Marine Patrol unit as it does not have an enclosed cabin to allow for year-round service.

The SAFE Boat provides a more stable platform to support missions of both the Police and Fire Departments. The SAFE Boat will be outfitted with a semi-portable pump for use in fire suppression. Because of the pump's portability, it can also be used for suppression by other fireboats or from a land-based location with a water

access, such as by a reservoir. The SAFE Boat further allows for conjunctional dive operations from Police and Fire because divers from both may be deployed from the SAFE Boat. The SAFE Boat provides increased capacity in not only the deployment of the divers, but also in the use of the side sonar in locating underwater objects. The SAFE Boat also allows for enhanced search and rescue capabilities during foul weather and dark hours with the use of a Forward Looking InfaRed (FLIR) system.

The current Marine Patrol boat will be taken out of the Police Department's current fleet and donated to the James City-Bruton Volunteer Fire Department. Staff recommends adoption of the attached resolution.

  
Emmett H. Harmon

CONCUR:

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Robert C. Middaugh

EEH/nb

GA-PSGProg\_mem

Attachment

## RESOLUTION

### GRANT AWARD – PORT SECURITY GRANT PROGRAM (PSGP) - \$350,000

WHEREAS, the James City County Police Department has been awarded Port Security Grant Program (PSGP) funding for \$350,000 (\$262,500 VDEM; \$87,500 local match); and

WHEREAS, the matching funds are available in the County's Grant Match account; and

WHEREAS, the funds are to be used to purchase a Secured All-around Flotation Equipment (SAFE) Boat; and

WHEREAS, the SAFE Boat is necessary for effective and safe maritime patrol by the Department's Marine Patrol Unit and offers further support of fire suppression in the County's waterways.

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:

Revenues:

PSGP – SAFE Boat (FY 09 Grant Program)	\$262,500
County's Grant Match Account	<u>87,500</u>
Total:	<u>\$350,000</u>

Expenditure:

PSGP – SAFE Boat (FY 09 Grant Program)	<u>\$350,000</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2012.

GA\_PSGProg\_res

(To Be Completed Once Funds are Awarded)

Governing Body Resolution

*BE IT RESOLVED BY THE* \_\_\_\_\_ Board of Supervisors  
(Governing Body)

*OF THE* \_\_\_\_\_ James City County  
(Name of Applicant)

\_\_\_\_\_ Robert Middaugh, County Administrator  
(Name or Title of Authorized Agent)

\_\_\_\_\_ OR  
(Name or Title of Authorized Agent)

\_\_\_\_\_  
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 27th day of March, 2012.

***Certification***

I, \_\_\_\_\_ Mary K. Jones \_\_\_\_\_, duly appointed and  
(Name)

\_\_\_\_\_ Board Chairman \_\_\_\_\_ of the \_\_\_\_\_ James City County Board of Supervisors \_\_\_\_\_  
(Title) (governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the \_\_\_\_\_ Board of Supervisors \_\_\_\_\_ of \_\_\_\_\_ James City County \_\_\_\_\_ on the  
(Governing body) (Name of Applicant)

\_\_\_\_\_ 27th day of \_\_\_\_\_ March \_\_\_\_\_, \_\_\_\_\_ 2012 \_\_\_\_\_.

Chairman \_\_\_\_\_  
(Official Position)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)



