

# MEMORANDUM COVER

**Subject:** James City County Office of Housing and Community Development Marks Fair Housing Month

**Action Requested:** Shall the Board acknowledge the winners of the Fair Housing Poster contest?

**Summary:** Each April, the U.S. Department of Housing and Urban Development (HUD) marks the passage of the Federal Fair Housing Act.

To mark Fair Housing Month, James City County's Office of Housing and Community Development and Parks and Recreation held a contest for children in the after-school program. The children were asked to create a picture of their dream home.

Mr. Vaughn Poller, Administrator of Housing and Community Development, will introduce the first, second, and third place winners to the Board of Supervisors and present the awards acknowledging their accomplishments.

**Fiscal Impact:** None

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

**Assistant County Administrator**

Adam R. Kinsman



**Acting County Administrator**

M. Douglas Powell



**Attachment:**

1. Memorandum

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

**Date:** May 13, 2014

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

DATE: May 13, 2014

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Housing and Community Development Administrator

SUBJECT: James City County Office of Housing and Community Development Marks Fair Housing Month

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Each April, the U.S. Department of Housing and Urban Development (HUD) marks the passage of the Federal Fair Housing Act. This landmark law, intended to supplement the Civil Rights Act, was signed April 11, 1968, shortly after the assassination of Reverend Dr. Martin Luther King, Jr.

In 1972 the General Assembly enacted Virginia's first fair housing law. Today the Virginia Fair Housing Law is somewhat broader than the Federal Fair Housing Act and states:

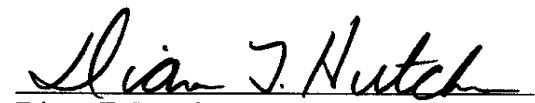
“It is the policy of the Commonwealth of Virginia to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and insured.” Code of Virginia Section 36-96.1.

To mark the anniversary of the Federal Fair Housing Act, James City County's Office of Housing and Community Development and Parks and Recreation held a contest for children in the after-school program. The children created a picture of their dream home. In addition, HUD's 'Fair Housing Means I'm Welcome to Choose Where I Live' coloring books were distributed to the children and HUD Fair Housing Information to their parents.

Mr. Vaughn Poller, Administrator of Housing and Community Development, will introduce the first, second, and third place winners to the Board of Supervisors and present the awards acknowledging their accomplishments.

  
A. Vaughn Poller

CONCUR:

  
Diana F. Hutchens

AVP/nb  
FairHousMth-mem

Attachment

## VDOT UPDATE

**James City Board of Supervisor's Meeting**

**May 13, 2014**

**Signal Synchronization Study – on going**

Monticello Signalization Synchronization – Contracts awarded to install a high speed communication link between News Road and Ironbound Road - scheduled to start in Summer 2014

**Maintenance Accomplishments for Quarter**

Completed 205 maintenance work orders this quarter of 353 (58%) with 148 outstanding –

42 Assigned (Signs/Signal/Traffic Study/Guardrail)

7 Assigned (Debris and Vegetation)

99 Assigned (Drainage/Potholes/Road Issues)

VDOT's Customer Service Center **1-800-FOR-ROAD (1-800-367-7623)**

**Completed Projects**

Rte 612 Longhill Rd Signal Upgrade @ Old Towne - Upgrade span wire traffic signal to mast arms.

Install flexible delineators between opposing travel lanes for channelization to restrict right in/out from 7-11.

Rte 60 Richmond Rd Signal Upgrade @ Airport Rd- Upgrade span wire traffic signal to mast arm, provide pedestrian crosswalk, curb ramps, median/refuge island, and pedestrian signals.

**Current Projects**

2014 Slurry Seal - Stonehouse and Rolling Woods Subdivisions (S/D). Slurry seal completed with pavement marking scheduled for May.

**Upcoming Projects**

Rte 60 Richmond Road - Repair Wash Out, Slope Repair and Pipe Replacement 1/10 of a mile west of Barnes Rd. Projected start in June 2014.

2014 Secondary Plant Mix - Rte 5000 Monticello, Rte 321 Monticello, Rte 615 Depue, & Rte 755 Rochambeau

2014 Surface Treatment - Graylin Woods and White Oaks S/D

2014 Plant Mix – Rte 30 Old Stage Rd, Rte 60 Williamsburg City Line East to Rte 199, Rte 30 to Rte 657, and Rte 1101 John Rolfe Ln.

Racefield Road – Rural Rustic Roads – Hard surface treatment of existing dirt road projected to start in June with VDOT State Forces.

Rte 321 Monticello Avenue project adds a second left turn lane from Monticello Avenue to News Road and a second right turn lane from News Road to Ironbound Road. Includes pedestrian crossings on Ironbound Road, News Road and Monticello Avenue. Projected start in late summer 2014 with construction anticipated to take about a year.

**Traffic Studies**

**Completed Studies**

Jamestown Rd at Neck-o-Land Rd – Revise signage to increase awareness to intersection  
 N Riverside Dr (Rte 610) Speed Limit Review – Retain the existing speed limit  
 Joanne Ct (Rte 1579) No Parking Signs – Install No Parking Sign at cul-de-sac  
 Centerville Rd (Rte 614) & Manchester Rd - Install Flashing Light – Flashing light not recommended  
 Hastings Ln (Rte 1520) & Sheffield Rd - Stop Sign Review – Retain as unsigned intersection  
 Hastings Ln (Rte 1520) & Buford Rd – Stop Sign Review – Retain as unsigned intersection  
 Centerville Rd at Opportunity Way – Remove No U Turn and replace with U turn allowed  
 Bournemouth Bend & Ashington Way – Retain existing through street with stop sign on side streets

**Ongoing Studies**

Magazine Rd (Rte 762) Install Speed Limit Sign  
 Old Stage Rd (Rte 746) - Speed Study  
 John Tyler Memorial Hwy (Rte 5) and Centerville Rd – Sight distance due to curve  
 News Rd & Spring Hill Dr – Sight distance for curve  
 News Rd – Speed Study  
 Forge Rd – Sight distance and speed concern

**Maintenance Accomplishments**

Sinkhole repair - The Meadows, Westray Downs, and Greensprings Plantation  
 Road Surface Hand Patching over 400 potholes  
 Clean and Repair of 22 Pipe or Culverts  
 Road Patching using 25 tons of Plant Mix or Liquid Asphalt & Stone  
 Sweeping of over 13 lane miles

**Pending Maintenance Issues**

Continue pothole repair from snow and rain  
 Pull bike paths and shoulders on Centerville Rd. from Jolly Pond Rd. to Rt. 5000  
 Continue work on Capital Bike Trail  
 Continue road sweeping throughout the County

**Emergency Response**

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,  
VIRGINIA, HELD ON THE 8TH DAY OF APRIL 2014, AT 4:00 P.M. IN THE COUNTY  
GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,  
VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Michael J. Hipple, Vice Chairman, Powhatan District  
James G. Kennedy, Stonehouse District  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator  
Leo P. Rogers, County Attorney

**C. BOARD DISCUSSION**

**1. New Virginia Stormwater Management Program (VSMP)**

Mr. Scott Thomas, Director of Engineering and Resource Protection, addressed the Board giving a presentation regarding the new Virginia Stormwater Management Program and the draft Ordinance. Mr. Thomas began with updating the Board as to the changes over the last year. He stated that the draft Ordinance is based on the State's model so that it contains all of the required elements that are contained within the law and regulations for stormwater. He referenced the staff report included in the Work Session Agenda Packet and the elements contained therein. He referenced the addition of the ability to use Closed Circuit Television (CCTV) inspection.

Mr. Kennedy asked if the CCTV system would only be used to inspect new systems.

Mr. Thomas stated yes.

Mr. Onizuk asked if the CCTV could be used to inspect older systems as well.

Mr. Thomas stated that it would not be the County conducting the inspections; it would be an outside company conducting the inspections for the developer.

Mr. Kennedy asked who would review the video.

Mr. Thomas said that whoever the inspector is that conducts the private certification would be reviewing the video, but the video would have to be available to the County as well.

Mr. Kennedy asked about liability on the County if no one from the County reviews the video.

Mr. Thomas stated that it should in actuality make it easier for staff with having the video available.

Mr. Onizuk asked if the video inspection is conducted, then would the private inspector be required to view and certify the video.

Mr. Thomas stated that it would be a requirement that the video be reviewed if the video inspection is conducted.

Mr. Rogers stated that there is not really a liability for the County. There would, however, be a greater liability for the private inspector that conducts the certification.

Mr. Kennedy stated that he felt that an issue is the backfill around the pipe that has caused failures and those would not be seen by the CCTV camera system.

Mr. Hipple stated that the CCTV would show if the pipes were installed properly and if the joints were in place and installed correctly.

Mr. Kennedy asked about inspections of the backfill.

Mr. Thomas stated that there have been inspections of backfill since 2008; however, there is not the staff in place to provide this type of inspection full time. Mr. Thomas also stated that the County is relying on the private inspectors who conduct the inspections to certify that the pipes are properly backfilled.

Mr. Hipple stated that it would be impossible for the County to inspect each and every pipe found in the County at every construction site.

Ms. Jones asked about the cost associated with running a CCTV camera.

Mr. Thomas stated that a cost estimate was a few hundred dollars, but that he would gather more information.

Mr. Onizuk stated that in his neighborhood inspections were recently done and the cost was \$1,000 to \$3,000 depending on the conditions encountered.

Ms. Jones asked for Mr. Hipple's input on the cameras.

Mr. Hipple stated that a great majority of the failures in systems came from the time period that building was on an accelerated pace in the County. He continued to state that he is concerned about the fees associated with the plan.

Ms. Jones stated she realizes that the ordinance is required by the State, but that she is against the new fees.

Mr. Onizuk stated that he feels that a homeowner would be willing to pay the little bit extra to have the cameras used to have the security and peace of mind of knowing that everything is correct. He also stated that when these pipe systems fail, the cost to the homeowner or neighborhood is very high.

Mr. Thomas recommended to the Board that it approve the recommended fee structure provided by the State.

Mr. Kennedy asked how much revenue would be generated by the fee schedule.

Mr. Thomas stated it would be approximately \$100,000 to \$120,000 per year.

Mr. Allen Murphy, Director of Development Management, stated that under the current fee structure only 20 to 30 percent of expenditures are recovered in fees. With the new proposed fee structure that figure would go to 40 percent.

Mr. Thomas presented information about what other localities in the region were doing as far as fee schedule.

Ms. Jones asked how the proposed fee schedule was developed.

Mr. Murphy stated that the fee schedule is taken from the model from the State.

Mr. Onizuk asked what would happen if the County adopted an adjusted fee schedule.

Mr. Thomas stated that if the County decided to adjust the fee schedule then the State would ask for proof of a guarantee that the County would be able to implement the ordinance with the fees generated.

Mr. Murphy stated that staff is looking for guidance from the Board on the fee schedule and the ordinance.

Mr. Kennedy stated that he supports the ordinance because the County has no real choice. The County is in fact getting this requirement from the State.

Mr. Murphy stated that there would be adjustments yearly based on inflation and that this was part of the law passed by the State.

Ms. Jones asked how much the adjustments would be.

Mr. Murphy stated that based on current knowledge it would be about three percent.

Mr. Hipple asked if he was correct in the statement that the State was mandating these requirements in order to protect the Chesapeake Bay.

Mr. Thomas stated correct and that the original law was passed almost three years ago.

Mr. McGlennon stated the he wanted citizens to understand that this doesn't affect existing homeowners but new development.

Mr. McGlennon stated that he would support the proposed fee schedule.

Mr. Onizuk stated that he was in agreement as well.

Mr. Rogers clarified a wording change that certain exemptions, which are listed in the proposed ordinance, were exemptions based on certain activities at the discretion of the ordinance administrator, which would be Mr. Thomas. If a party was not satisfied with the decision of the ordinance administrator then the appeal would be to the Board of Supervisors.

## D. CLOSED SESSION

Mr. Onizuk made a motion to enter into Closed Session pursuant to the Code Sections listed on the Agenda.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 5:08 p.m., the Board entered Closed Session.

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Parks and Recreation Advisory Committee
  - b. Historical Commission
  - c. Peninsula Alcohol Safety Action Program (PASAP) Policy Board – Staff Member
  - d. Colonial Community Criminal Justice Board – Staff Member
  - e. Greater Peninsula Workforce Development Consortium – Board Member
  - f. Community Services Coalition Board of Directors – Board Member

## 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, 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), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

2. Consideration of the Acquisition/Disposition of a Parcel/Parcels of Property for Public Use Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

## 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) Section 2.2-3711(A)(3), to consider the acquisition/disposition of a parcel/parcels of property for public use.

At 5:55 p.m., the Board reconvened in Open Session.

Mr. McGlennon made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

## **E. BOARD DISCUSSION**

### **1. Tourism**

Mr. Russell Seymour, Director of Economic Development, joined the Board for the discussion regarding tourism.

Ms. Jones stated that in the proposed budget is a new position for a tourism coordinator and there are also other options to discuss regarding the Chamber.

Mr. Onizuk stated that his concern is the cost of the proposed tourism coordinator position. He stated his other concern was considering the amount of money that is put into the Chamber and Tourism Alliance, is this position necessary.

Mr. Kennedy stated that he felt it was important to have a person to coordinate events and tourism for James City County specifically.

Mr. McGlennon stated that his problem about having a dedicated person is not just the cost of the employee, but also for the resources needed to attract outside groups and tourism.

Mr. Kennedy stated that he feels as though the Chamber and Tourism Alliance needs to show that with the money they receive from the County there is a return on investment for the County. He raised a question about the information provided at a previous work session in regards to sports tourism. He asked if the figure of 48,000 room nights created by a sports tourism facility were new nights or not.

Mr. Seymour stated that he believed that those were new room nights generated specifically by people utilizing a sports tourism facility; however, he would confirm that information with the consultant.

Mr. Powell stated that his budget recommendation was to fund the sports tourism facility study, but not to fund the arts month that the Chamber had requested.

Mr. Kennedy stated that he would like to see what the expectation is when organizations request funds from the Board. There needs to be an expectation of a return on public funds.

Mr. Onizuk stated that he doesn't agree with funding a new position when there is so much money going into the Chamber. He also stated he feels that with the new director of the Chamber they need to be provided the opportunity to correct things that have happened in the past.

Mr. McGlennon stated he feels that there doesn't need to be a new position created, but rather there needs to be firm expectations from the Chamber.

Ms. Jones stated she thought it would advantageous to have an individual that groups and organizations could coordinate through.

Mr. Seymour stated there is a great deal of coordination that is needed to develop events and to make events happen.

**F. ADJOURNMENT** – until Regular Meeting at 7 p.m.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 6:40 p.m., Ms. Jones adjourned the Work Session.

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M. Douglas Powell  
Clerk to the Board

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF APRIL 2014, 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  
Michael J. Hipple, Vice Chairman, Powhatan District  
James G. Kennedy, Stonehouse District  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Isabella Kennedy, Elizabeth Hamner, Carly Javernick, and Anastasia Torchik, 2nd-grade students at Walsingham Academy, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS**

1. Community Services Coalition

Mr. Bill Unaitis, President of the Community Services Coalition Board of Directors, addressed the Board giving a presentation on the services and support given to the members of the community over the past year.

2. Hampton Roads Military Federal Facilities Alliance (HRMFFA)

Retired Admiral Craig Quigley, Executive Director of the Hampton Roads Military Federal Facilities Alliance (HRMFFA), addressed the Board giving a presentation on the work of HRMFFA throughout the Peninsula.

**F. PUBLIC COMMENTS**

1. Mr. Wayne Moyer, 168 Peach Street, addressed the Board regarding Purchase of Development Rights (PDR) and Greenspace programs.

2. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding the help received during a recent storm.

3. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding State's rights.

4. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding Cool Counties.

5. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding Cool Counties.

6. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding the Avalon Center.

7. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding global climate change.

8. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding Cool Counties.

9. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the death of Mr. David Otey.

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

Mr. McGlennon expressed his condolences to the Otey family on loss of Mr. David Otey, Sr. He stated that he attended the 17th Annual Candlelight Ceremony sponsored by the Child Abuse Prevention Coalition. He stated that he also attended the street opening and dedication in Forest Heights.

#### **H. CONSENT CALENDAR**

Mr. McGlennon requested that Item No. 4 be pulled for the purpose of highlighting the resolution.

Mr. McGlennon made a motion to approve Item Nos. 1, 2, and 3.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

1. Minutes –
  - a. February 27, 2014, Continuation of Meeting
  - b. March 11, 2014, Joint Work Session with Williamsburg-James City County School Board
  - c. March 11, 2014, Regular Meeting
2. Adoption of Joint Work Session Minutes from 2013
3. Contingency Transfer – Fire/EMS Overtime – \$150,000

### **RESOLUTION**

#### **CONTINGENCY TRANSFER - FIRE/EMS OVERTIME - \$150,000**

WHEREAS, the County's adopted FY 2014 budget includes \$543,572 to fund overtime for Fire/EMS personnel; and

WHEREAS, the number of personnel unavailable for duty for extended periods due to injury, illness, or training in the Tidewater Regional Fire Academy decreased the number of available qualified personnel below minimum staffing for much of the fall, requiring greater than expected overtime on a daily basis; and

WHEREAS, the Fire Department has postponed Intermediate-level Emergency Medical Technician training until FY 2015 to place recruits into service more quickly and tightened internal procedures for overtime approval and tracking to mitigate overtime; and

WHEREAS, the Fire Department has identified and transferred \$125,000 in budget savings from other line items within the Fire/EMS and Emergency Communications budgets to fund overtime; and

WHEREAS, overtime remains an ongoing requirement to meet staffing, training, and Fair Labor Standards Act requirements; and

WHEREAS, overtime costs incurred by Fire/EMS personnel are still projected to exceed available funding for FY 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the transfer of \$150,000 from Contingency to the Fire Department to fund overtime.

4. Resolution of Appreciation – James City County Volunteer Appreciation Week – April 6-13, 2014

Mr. McGlennon stated that he wanted to recognize the service that all of the volunteers give to the County and other organizations throughout the community.

Ms. Jones agreed and thanked the citizens and staff that give of their time to the community.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

## **RESOLUTION**

### **RESOLUTION OF APPRECIATION – JAMES CITY COUNTY**

#### **VOLUNTEER APPRECIATION WEEK – APRIL 6-13, 2014**

WHEREAS, this year's 41st Annual National Volunteer Week celebrates ordinary people doing extraordinary things to improve communities across the nation; and

WHEREAS, the theme, Celebrating Service, honors individuals who have taken action and solved significant problems in their own communities; and

WHEREAS, volunteers of all ages worked in partnership with James City County staff contributing more than 89,529 hours, valued at \$2,050,214; and

WHEREAS, while volunteers demonstrate their generosity and dedication every day of the year, it is fitting to recognize their commitment to service during the week that has been set aside.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 6-13, 2014, as Volunteer Appreciation Week and calls its significance to all of our citizens.

**I. PUBLIC HEARING – None**

**J. BOARD CONSIDERATION**

1. Resolution Urging the Governor of Virginia and the Virginia General Assembly to Timely Pass a Clean Budget

Ms. Jones stated that many localities throughout the Commonwealth have passed this resolution urging the Governor and the General Assembly to pass a State Budget. She stated that she is requesting that the Board consider adopting this resolution.

Mr. McGlennon stated that he would not be supportive of the resolution. He stated that this resolution is asking that the Governor and the General Assembly pass a specific budget and is political in nature.

Mr. Kennedy stated that he would be abstaining from the vote. He believes it is not the responsibility of local boards to tell the State government how to do its job.

Ms. Jones stated that the County needs the State to pass a budget so that the County can pass its budget and know what allocations are coming from the State. She stated that she believes it is important that the Board stand up for the citizens of the County and asks that this moves forward.

Mr. Onizuk stated that having a State budget is important in the functioning of the County and the school system. He stated that he is supportive of the State moving forward and passing a budget.

Mr. Hipple stated that a budget needs to be moved forward and passed and supports the resolution.

Mr. Onizuk made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. Onizuk, Ms. Jones, (3). NAY: Mr. McGlennon (1). ABSTAIN: Mr. Kennedy (1).

**RESOLUTION**

**RESOLUTION URGING THE GOVERNOR OF VIRGINIA AND THE**

**VIRGINIA GENERAL ASSEMBLY TO TIMELY PASS A CLEAN BUDGET**

WHEREAS, each year the foremost duty of the Virginia General Assembly is to pass a budget or budget amendments that serve as Virginia's financial blueprint for each fiscal year; and

WHEREAS, Virginia is consistently recognized for its sound fiscal management and budgetary practices as illustrated by its AAA bond rating and the strong bond ratings of many local government divisions throughout the Commonwealth; and

WHEREAS the County of James City is currently in the process of developing and adopting its budget for the upcoming fiscal year; and

WHEREAS, the James City County Board of Supervisors relies on the timely passage of a budget to allocate funding to local government services and make policy and hiring decisions for the upcoming fiscal year; and

WHEREAS, over 70,000 residents of James City County depend on county government to provide critical services such as education and public safety; and

WHEREAS, failure to pass a timely budget will result in uncertainty for the County of James City, which receives over 27 percent of its funding, including funding for schools, as direct aid from the Commonwealth; and

WHEREAS, the James City County School Board relies on the timely passage of the State budget in order to set its budget and make staffing decisions, which includes teacher contracts; and

WHEREAS, interruption of the provision of educational services to James City County students will have a significant negative impact on students and families; and

WHEREAS, the interruption of public safety services would likely result in the loss of property, serious injury, or loss of life for James City County citizens; and

WHEREAS, critical mental health services to James City County residents are provided via funds that flow from the State budget through county; and

WHEREAS, the Virginia General Assembly adjourned sine die on Saturday, March 8, 2014 without adopting a budget for the two-year biennium beginning July 1, 2014, be it

RESOLVED by the James City County Board of Supervisors, That the Governor of Virginia and the Virginia General Assembly are urged to pass a budget as soon as practicable to ensure the continued functioning of state and local governments; and, be it

RESOLVED FURTHER, that the issue of Medicaid Expansion under the Affordable Care Act should be decoupled from budget negotiations and considered in a separate legislative session to facilitate prompt passage of a State budget; and, be it

RESOLVED FURTHER, that the James City County Board of Supervisors shall transmit copies of this resolution to the Honorable Terence R. McAuliffe, Governor of the Commonwealth of Virginia and the members of the Virginia General Assembly so that they may be apprised of the sense of the James City County Board of Supervisors in this matter.

## **K. PUBLIC COMMENTS**

1. Ms. Heather Cordasco, 113 Alexander's Place, addressed the Board regarding the State budget.

2. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding the State budget.
3. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding Cool Counties.
4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding PDR and Greenspace programs.
5. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding State's rights.

#### **L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Powell stated that the first public meeting for the Mooretown Road Extension Study has been rescheduled for April 29, 7 to 9 p.m., at the Williamsburg Regional Library on Croaker Road. He stated that the County has launched a website for the Comprehensive Plan update and contains a lot of information on the background of the Comprehensive Plan and ways that citizens can get involved in the update process. He stated that the FY 2015-FY 2016 Proposed County Budget was released to the public today and it can be found on the County's website. He stated that the next Neighborhood Leaders Forum is scheduled for April 15, at 6:30 p.m., in Building D at the County Complex.

#### **M. BOARD REQUESTS AND DIRECTIVES**

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Parks and Recreation Advisory Committee
  - b. Historical Commission
  - c. Peninsula Alcohol Safety Action Program (PASAP) Policy Board – Staff Member
  - d. Colonial Community Criminal Justice Board – Staff Member
  - e. Greater Peninsula Workforce Development Consortium – Board Member
  - f. Community Services Coalition Board of Directors – Board Member

Mr. McGlennon made a motion to appoint Ms. Linda Wallace-Cody, Mr. Larry Walk, and Mr. Scott VanVoorhees to the Parks and Recreation Advisory Committee; Ms. Chris Hamilton-Petteys to the Historical Commission; Lieutenant Greg LaRose to the Peninsula Alcohol Safety Action Program; Chief Bradley Rinehimer to the Colonial Community Criminal Justice Board; and Mr. Kevin Onizuk to the Greater Peninsula Workforce Development Consortium.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

Mr. Onizuk stated that he and Ms. Jones attended the Grand Opening of PETCO in Settlers Market and welcomed them to the business community. He stated that the new version of the Citizen's Guide has been released and encouraged citizens to pick one up at any of the County offices.

#### **N. ADJOURNMENT – until 7 p.m. on April 22, 2014, for the Regular Meeting**

Mr. Onizuk made a motion to adjourn.



On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 8:30 p.m., Ms. Jones adjourned the Board.

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M. Douglas Powell  
Clerk to the Board

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**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF APRIL 2014, 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  
Michael J. Hipple, Vice Chairman, Powhatan District  
James G. Kennedy, Stonehouse District  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Claire Stemmann, a 10th-grade home-schooled student and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS**

**1. Mr. James Utterback, Virginia Department of Transportation (VDOT)**

Mr. Utterback and Mr. Steve Chapin, Consultant Project Manager, gave a presentation to the Board about the Interstate 64 widening.

Mr. Kennedy commented on the overall cost of the project and building new roads when there are existing roads, and roads and medians that are not being adequately maintained.

Mr. McGlennon asked Mr. Utterback to explain the slurry road coating to the Board.

Mr. Utterback explained different options to extend the life of roadways.

Mr. Onizuk asked about the total time to complete all phases of the Interstate 64 widening.

Mr. Utterback said that it is dependent on funding and that there is not a proposed date of completion.

Ms. Jones asked Mr. Utterback to look into what could be done to improve conditions on U.S. Route

## 2. Capital Projects Report

Mr. John Horne, Director of General Services, addressed the Board giving a presentation on the current status of Capital Projects in the County and stated that the status of all Capital Improvement Projects may be viewed on the County's website by visiting the following webpage: <http://www.jamescitycountyva.gov/generalservices/projects.html>.

Mr. Onizuk asked about the improvement for drainage improvement in the Brookhaven subdivision.

Mr. Darrell Cook, Project Manager, responded that the plan for an off-site stormwater management facility has been put on hold.

## **F. PUBLIC COMMENTS**

1. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board and offered an invocation.
2. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding divine mercy.
3. Ms. Sue Sadler, 9929 Mount Bay Court, addressed the Board regarding Cool Counties.
4. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding Common Core.
5. Mr. Randy O'Neil, 109 Sheffield Road, addressed the Board regarding K-12 Health.
6. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding indexing of taxes and school issues.
7. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding Cool Counties.
8. Mr. Les Skelly, 6572 Wiltshire Road, addressed the Board regarding Cool Counties and Common Core.
9. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding Cool Counties.
10. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding Cool Counties.

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

Mr. Onizuk thanked Busch Gardens for its support of the USS Truman Carrier Strike Group and their families. He informed the Board and citizens of several events that the Greater Williamsburg Chamber and Tourism Alliance will be hosting and promoting.

## **H. CONSENT CALENDAR**

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

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

1. Minutes –
  - a. March 25, 2014, Work Session
  - b. March 25, 2014, Regular Meeting
2. Contract Award – Replacement Ambulance – \$235,692

## **RESOLUTION**

### **CONTRACT AWARD - REPLACEMENT AMBULANCE - \$235,692**

WHEREAS, funds are available in the FY 2014 Capital Improvement Fund (CIP) budget for the purchase of a replacement ambulance; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to FESCO Emergency Sales as a result of a competitive sealed Invitation for Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County's performance requirements for an ambulance and negotiated a price of \$235,692 with FESCO Emergency Sales for a Horton medium-duty ambulance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with FESCO Emergency Sales for a Horton medium-duty ambulance in the amount of \$235,692.

3. Dedication of Utility Easement to James City Service Authority (JCSA) – Mid County Park

## **RESOLUTION**

### **DEDICATION OF UTILITY EASEMENT TO JAMES CITY SERVICE AUTHORITY (JCSA) –**

#### **MID COUNTY PARK**

WHEREAS, James City County owns property commonly known as 3793 Ironbound Road and further identified as James City County Real Estate Tax Map Parcel No. 3830100010 (the "Property"); and

WHEREAS, the Board of Supervisors previously authorized construction of the Mid County Park Phase I Improvements; and

WHEREAS, James City Services Authority (JCSA) requires that the County dedicate a utility easement across the Property and centered over the utility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Acting County Administrator to execute the appropriate documents to dedicate the utility easement to the JCSA.

4. Contingency Transfer – Legal Services – \$72,000

**RESOLUTION**

**CONTINGENCY TRANSFER – LEGAL SERVICES – \$72,000**

WHEREAS, on January 10, 2014, the Virginia Supreme Court issued its opinion in *Board of Supervisors, et al., v. Windmill Meadows, LLC, et al.*, 287 Va. 170 (2014), which affirmed the Circuit Court decision against the County regarding the retroactive application of Section 15.2-2303.1:1 of the Code of Virginia and which also affirmed the Circuit Court's award of \$64,979.72 in attorney's fees, plus interest, against the County; and

WHEREAS, the Virginia Supreme Court also awarded \$915.30 in costs and appellate attorney's fees against the County; and

WHEREAS the amount of appellate attorney's fees is currently in negotiation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the transfer of \$72,000 from Contingency to Legal Services to pay for the attorney's fees, plus interest, awarded by the Circuit Court and for the \$915.30 in costs awarded by the Virginia Supreme Court.

**I. PUBLIC HEARING**

1. FY 2015-2016 County Budget

Ms. Jones opened the Budget public hearing for the Board of Supervisors and indicated that Mr. Kennedy would be opening the Budget public hearing for the James City Service Authority (JCSA) Board of Directors as well so that the hearings could run concurrently.

At 8:15 p.m., Mr. Kennedy opened the JCSA Board of Directors meeting for the purpose of conducting the Budget public hearing.

Ms. Sue Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a presentation on the proposed budget for FY 2015-2016 that was released to the public on April 8, 2014. She highlighted that the property tax rate is proposed to stay the same and has not been raised since 1997. She stated that the budget is based on three spending priorities: Public Safety, Schools and Stormwater. She stated that a majority of revenue for the County is generated from property taxes and highlighted the breakdown of the allocations of the General Fund.

a. The Virginia Stormwater Management Ordinance

Mr. Scott Thomas, Director of Engineering and Resource Protection Division, addressed the Board giving a summary of the memorandum included in the Agenda Packet and highlighting changes made since the April 8, 2014, Work Session.

Mr. Hipple asked for clarification regarding the Closed Circuit TV (CCTV) Inspections, specifically if County staff would be conducting those inspections or if private inspectors would be conducting the inspections on behalf of the developers.

Mr. Thomas stated that the intent of the CCTV program is that the developer will outsource the work to a private inspector on his behalf and that certification would be part of the developer's application to the County. County staff would then review the materials that are submitted as part of the application process.

Mr. Kennedy clarified that the State's fees are set, meaning that those are fees that the State will collect regardless of whether the County charges a fee or not. So, if the County does not charge a Stormwater fee, then the County will have to find the monies elsewhere within the budget and pay those to the State.

Mr. Thomas stated correct. He stated that if the fees are reduced below what is recommended, then the County will not be able to pay the State its portion without cutting into the County's budget.

As there were no other questions for staff, Ms. Jones opened the Public Hearing on the Ordinance and stated that the public hearings on the proposed County Budget were also open.

1. Mr. Mark Duncan, President of the Board of Directors of the United Way of Greater Williamsburg, 4023 Chesapeake Avenue, addressed the Board highlighting its funding request included in the proposed budget and how those funds are used to benefit the members of the community.

2. Mr. Paul Scott, Executive Director of Child Development Resources, 719 Lafayette Street, addressed the Board thanking them for their continued support and highlighting how those funds are used to benefit members of the community.

3. Mr. David Jarman, a representative of Citizens for a Better James City County, 3646 South Square, addressed the Board regarding schools, stormwater, capital improvements, and land conservation portions of the proposed budget.

4. Ms. Judy Fuss, a representative of James City County Citizens Coalition (J4C), 3509 Hunter's Ridge, addressed the Board regarding the stormwater portion of the proposed budget and the lack of funding for projects, as well as land conservation funding.

5. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding the James Blair Annex and its ability to solve middle school capacity issues with no capital costs until 2019.

6. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding solutions from the public being ignored regarding capital projects and the schools.

7. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the stormwater management process in the County, the lack of need for more land conservation, the need for a public facilities master plan, and the preservation of the AAA bond rating.

8. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the middle school capacity issues and the proposed cost of building a new school.

9. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the proposed stormwater management ordinance and the revenue decline in the JCSA budget.

10. Ms. Heather Cordasco, 113 Alexander's Place, addressed the Board stating that a clean State budget needs to be passed in order to fund schools and localities, as well as being fiscally responsible without losing sight of the big picture.

11. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding school capacity issues, common core curriculum, funding for the United Way, Greenspace programs, and the stormwater management ordinance.

12. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding school capacity issues as the demographics in the County change, preserving the bond rating, and limiting debt.

As no one else wished to speak to the FY 2015-2016 Proposed County Budget, Ms. Jones closed the public hearing and stated that the Budget would be formally adopted at the Regular Meeting on May 13, 2014, following three scheduled Budget Work Sessions.

Mr. Kennedy asked if action was necessary tonight on the proposed Virginia Stormwater Management Ordinance.

Mr. Rogers stated that the public hearing for the ordinance may be closed, no action taken at this time, and the ordinance would be brought back before the Board on May 13, 2014, as a Board Consideration.

Mr. Kennedy stated that he is fine with the ordinance as it is written.

Mr. McGlennon stated that he would prefer to address the ordinance this evening as it has budget implications.

Mr. Onizuk agreed with Mr. McGlennon.

Ms. Jones stated that she would prefer to have action taken at the May 13, 2014, meeting to allow more citizen comment.

Mr. McGlennon stated that if the Board does not adopt the ordinance, then the Board needs to come up with an additional \$100,000 for the budget, which those discussions would need to take place during the Budget Work Sessions.

Ms. Jones stated that she would prefer that the ordinance be considered at the May 13, 2014, meeting prior to adopting the budget.

Mr. Kennedy stated that for clarification for the public, the stormwater ordinance fee schedule does not impact existing homeowners. This is for new construction and new development only. He stated that he supports the ordinance and is supportive of taking action on it this evening.

Mr. McGlennon agreed with Mr. Kennedy.

Ms. Jones asked the other members to voice their opinion.

Ms. Jones stated that her position on the ordinance is to not take action on it in the event that the State makes any additional changes prior to the deadline of May 15, 2014, when the ordinance must be adopted per the State. She stated that this is an unfunded mandate from the State that is being passed on to the citizens. She stated that she has hesitation on the additional fees above what is considered the State's cut, that consumers will be made to pay with this ordinance.

Mr. Onizuk asked Mr. Thomas for clarification on the fee schedule. He stated that the fee schedule, in the proposed ordinance, is the one recommended by the State and the County may go with a higher fee schedule,



but the County cannot go with a lower fee schedule without having to prove to the State that the County has the funding to go with the lesser amount.

Mr. Thomas stated correct.

Mr. McGlennon clarified that the County is going to have to pay the State's cost, which is the State's portion in the fee schedule, no matter what. He stated that money can either come from the General Fund and be passed on to every taxpayer or the fee schedule can be utilized and pass the cost on to the applicant.

Ms. Jones asked where the fees collected would go.

Mr. Powell stated that they would go in to the General Fund.

Mr. Thomas stated that he does not anticipate any additional changes being made at the State level. The law has been adopted. He stated there might be some related minor regulation changes, which would be the fee schedule. He stated that staff may not know which table might be affected, but the law has been passed and adopted.

Mr. Hipple asked what is the yearly cost for this item in the Stormwater budget.

Mr. Thomas stated that it is approximately 30-40 percent of the Stormwater budget. He stated that this program costs approximately \$700,000 and the Stormwater budget is roughly \$1 million.

Ms. Jones stated that she would look to the Board for a consensus on whether or not to act on this item tonight.

Mr. Kennedy stated that the \$100,000 revenue anticipated to be generated from this fee is an effort at recouping some of the cost of the program for the County, which is better than getting nothing at all.

Mr. Onizuk stated that this is an unfunded mandate from the State, which the County does not have a choice in implementing. He stated that the fee will only impact those coming in to the County, new construction and new development, not the residents already residing here. He stated that he is supportive of the ordinance and is willing to vote tonight or it can wait until the next meeting.

Mr. McGlennon stated that he does not mind waiting until the next meeting, but staff needs some form of guidance in regard to the impact on the budget, although it seems pretty clear what that guidance would be.

Mr. Kennedy stated that he would like to make a few comments on the budget and comments that have been heard this evening. He stated that the tax rate was not cut. He stated it was reduced several years ago to combat the almost double digit rise in assessments. He stated that these mandates are being passed down from the Federal and State level, which means that they are being passed along to the citizens, but the Board does not have a choice.

Ms. Jones thanked all of the citizens for their comments this evening. She stated that she appreciates the input regarding a public facilities master plan and is very supportive of seeing it move forward. She stated that the Board has taken a very conservative view of the recovery of the economy and has tried very hard to not pass these mandates down to the taxpayers and that needs to continue. She stated that it is important that the County continue on the path that led to the AAA bond rating.

Mr. McGlennon stated that in regard to the bond rating, the rating agency will be looking at the County's plan to meet its needs. He stated that one topic that has come up recently is deferred maintenance

projects on County facilities. He stated that taking money for maintenance and using it to fund facilities that it is believed that the County will need, then that will be looked at negatively by the rating agencies. He stated that this is something to keep in mind when talking about keeping our current bond rating.

Mr. Kennedy stated that he has mentioned before that he is concerned that the Board is not doing enough to address future and current needs. He stated that many needs have been put off, in an attempt to help the citizens through recession, but those needs eventually will come due. He stated that the Board needs to begin planning for when that happens.

Mr. Hipple stated that the Board should be focusing on what the County does have. He stated that he does not like any type of tax or fee, but he understands that at times they are necessary. He does believe that when those times arise, then it is the responsibility of the Board to look at the issue closely and from all angles. He stated that the County has a great staff, great buildings, and great quality of life, and those are the things that the Board should remain focused on.

Mr. Rogers asked for a point of order to clarify the status of the public hearing for the ordinance.

After discussion amongst the Board members, Ms. Jones closed the public hearing for the ordinance, and stated that citizens may comment on the ordinance during the Public Comment section of the May 13, 2014, meeting.

At 10:21 p.m., Mr. Kennedy moved forward with the rest of the JCSA Board of Directors Meeting.

At 10:24 p.m., Ms. Jones continued the remaining agenda for the Board of Supervisors.

#### **J. BOARD CONSIDERATIONS – None**

#### **K. PUBLIC COMMENTS**

1. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding a letter received from a staff member.

2. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding Cool Counties.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the Virginia Dominion Power transmission lines.

4. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding sovereignty of the people.

#### **L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Powell stated that the final public meeting for the Longhill Road Corridor Study will be held on May 8 at New Zion Baptist Church, 3991 Longhill Road from 7-9 p.m. This meeting will include a presentation of the concept design for the road which has been refined since the public workshop in February. The meeting will also include information about the next steps for the corridor and strategies for implementing the study and phasing improvements in the future. For more information, please contact the Planning Division at 757-253-6685. He also stated that on April 26 the James City County Police Department and the Drug Enforcement Agency (DEA) will be at the James City County Recreation Center (5301 Longhill Road) from

10 a.m.-2 p.m. collecting potentially dangerous expired, unused, and unwanted prescription drugs for destruction. The program is anonymous and no questions will be asked. Prescription and over-the-counter solid dosage medications (i.e. tablets and capsules) will be accepted. Intra-venous solutions, injectables, and needles will not be accepted, nor will illicit substances such as marijuana or methamphetamines.

**M. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated that he, Mr. Onizuk, Mr. Powell, and several other staff members attended the Neighborhood Leaders Forum last week and the number one concern voiced by the neighborhood groups was stormwater management. He also asked the Board to consider having a Closed Session during one of the Budget Work Sessions to discuss the County Administrator candidates prior to meeting with the consultant, Mr. Andrews, on May 5, 2014.

**N. ADJOURNMENT** – until 4 p.m. on April 28, 2014, for the Budget Work Session.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 10:36 p.m., Ms. Jones adjourned the Board.

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M. Douglas Powell  
Clerk to the Board



**AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF APRIL 2014, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Michael J. Hipple, Vice Chairman, Powhatan District  
James G. Kennedy, Stonehouse District  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator

Staff Members Present

Adam R. Kinsman, Acting Assistant County Administrator  
Suzanne R. Mellen, Assistant Director of Financial and Management Services  
Heather M. Poulson, Senior Budget Analyst  
Bradley J. Rinehimer, Chief of Police  
William T. Luton, Fire Chief  
John T. Horne, Director of General Services  
Diana F. Hutchens, Director of Community and Social Services

**C. BOARD DISCUSSIONS**

**1. FY 2015-2016 Two-Year County Budget**

Mr. Powell addressed the Board and gave a brief overview of the budget. He then introduced Ms. Sue Mellen who would be guiding the discussion of the budget.

Ms. Mellen indicated that she hoped to go through the projected revenues and most of the County department's proposed expenditures. She generally discussed the various taxes, including real property, personal property, and the meals tax.

Mr. McGlennon asked Ms. Mellen to clarify that this was the first year of a biennial real property assessment.

Ms. Mellen explained the boat tax and noted that the projected receipts were lower than in the past.

Ms. Mellen then moved to the proposed expenditures. She explained that the Board of Supervisors' budget was approximately 0.4 percent lower, because the cost of the consultant hired to search for a County Administrator was not included and public hearing advertisement costs were lower.

Mr. McGlennon asked about the increased costs of fringe benefits.

Ms. Mellen explained this was due to Board members' election to participate in the County health plan.

Mr. Onizuk requested clarification on the recognition expenses.

Ms. Mellen explained that this included plaques for various events and other awards.

Mr. McGlennon asked about the Charges to Users line item in the County Attorney budget.

Ms. Mellen explained that this accounted for the various fees charged to outside groups like Williamsburg Area Transit Authority (WATA) and the Economic Development Authority (EDA) for legal services.

Mr. Kennedy requested that staff give a presentation at a Board meeting in the near future regarding the ongoing issue with the Courthouse roof, including a timeline and proposed costs.

Mr. Hipple asked about the proposed temporary salaries in the Police Department budget and wondered whether this was why the proposed overtime salary had decreased.

Police Chief Bradley Rinehimer clarified that the temporary salaries were for clerical positions and that the decrease in overtime was the result of better oversight and tighter control.

Mr. Hipple asked Fire Chief Tal Luton to give a one-minute overview of how he is addressing the increased overtime amounts in the Fire Department budget.

Chief Luton noted that the budget included salaries for three new full-time firefighters; however, it takes a full year to train a new firefighter so the overtime cannot be expected to be reduced until next year.

Mr. McGlennon asked the two chiefs to explain how the increase in County population was affecting the officers.

Chief Luton stated that this has resulted in increased overtime due to an increase in calls. He said that a new station would likely be needed in the future due to the increased calls and workload.

Chief Rinehimer stated that the Police Department has been able to absorb the increased workload, but noted that new officers would be needed in the future if the population continued to grow.

Mr. McGlennon asked Chief Luton to elaborate on the changes in the Emergency Communications' performance measures.

Chief Luton stated that more calls are coming in and this is reflected in the measures.

Mr. Mark Highfield, Budget Management Specialist for the Fire Department, added that the new text-to-911 feature in the County was expected to result in an increase in calls. He stated that as technology changes so does the way in which citizens report emergency situations.

Mr. McGlennon asked about the status of the new generator at James River Elementary School.

Mr. John Horne stated that it was on order and was on target for a midsummer installation.

Mr. Kennedy asked whether the City of Williamsburg shared in the County's costs incurred when performing grounds maintenance at the various school sites.

Mr. Powell indicated that they did not, but that this could be accomplished through some changes in accounting.

Mr. Kennedy stated that it was his desire that the City of Williamsburg share in those costs.

Ms. Jones agreed adding that snow removal should also be included.

Mr. McGlennon asked about the increased costs included in the Stormwater Divisions' budget.

Mr. Horne stated that this was driven solely by the new State mandates and includes 1.5 additional employees.

Mr. Kennedy asked Ms. Mellen to find out how many engineers work for the County and in what departments they work.

Mr. Horne stated that three are employed in General Services.

Mr. Hipple asked about the additional costs and what they included.

Ms. Mellen clarified that they include one new employee, one transferred employee, plus the proposed 1% raise plus benefits.

Mr. Powell stated that the net increase to the County was \$25,000.

Mr. Onizuk asked if the County received any money from the recyclable materials that the contractor gets from the curbside pickup.

Mr. Horne explained that the County does not, but that this income was factored into the contract and resulted in a much lower cost to the County.

Mr. McGlennon asked how the increase in citizen memberships to Parks and Recreation facilities has impacted the operations of the department.

Mr. Carnifax explained that peak times at the recreation facility is crowded, but that it has not reached the levels seen in 2007 and 2008. The new Saturday hours have been well received and have helped alleviate crowds on Saturday mornings.

In response to a question from Mr. McGlennon, Mr. Carnifax noted that outside users have continued to book County fields, including various tournaments. The fields are generally booked 42 weekends a year.

When discussing the proposed contributions to outside agencies, Mr. Kennedy stated that the Williamsburg Regional Library's requested increase of 1 percent did not even match the cost of living increase and that they continually do more with less. He requested that Ms. Genevieve Owens come before the Board to make a presentation on the library and its functions. He also asked whether any thought had been given to a satellite branch of the library.

Mr. Powell stated that this had been a consideration in the distant past, but had not been brought up recently.

Ms. Mellen added that some room would be freed up at the library when the administrative offices are moved to the Stryker Building.

Mr. McGlennon asked for a presentation from Mr. Kevin Danker, Executive Director of WATA, regarding recent ridership numbers.

Mr. Kennedy asked about the status of the Go Ape! lease and the marina lease.

Mr. Powell explained that the Go Ape! lease had a good amount of time remaining on it, but that the marina lease would be coming up soon.

Mr. Kennedy expressed concern that the Go Ape! lease seemed low, considering the popularity of the program.

Mr. McGlennon asked Ms. Diana Hutchens to explain the Community Services Act (CSA) funding.

Ms. Hutchens noted that the CSA is mandated and that the County must set aside money for the recipients of the services, which are about 50 children at this time. Any shortfall is made up elsewhere. She stated that the greatest need is for children that need hospitalization and for autistic children.

There being no further questions, Ms. Jones asked for a motion to adjourn.

**D. ADJOURNMENT** – until 4 p.m. on April 30, 2014, for the Budget Work Session.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 5:32 p.m., Ms. Jones adjourned the Board.

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M. Douglas Powell  
Clerk to the Board



**AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 30TH DAY OF APRIL 2014, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Mary K. Jones, Chairman, Berkeley District  
Michael J. Hipple, Vice Chairman, Powhatan District  
James G. Kennedy, Stonehouse District  
Kevin D. Onizuk, Jamestown District  
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator

Staff Members Present

Adam R. Kinsman, Acting Assistant County Administrator  
John E. McDonald, Director of Financial and Management Services  
Suzanne R. Mellen, Assistant Director of Financial and Management Services  
James A. Peterson, II, Director of Human Resources  
Stephanie A. Luton, Assistant General Manager, James City Service Authority

Williamsburg-James City County (W-JCC) School Board and Administration Present

Ruth M. Larson, Chairman, W-JCC School Board  
Jim L. Kelly, Vice Chairman, W-JCC School Board  
Dr. Steven M. Constantino, Superintendent of Schools  
Terry S. Stone, Chief Financial Officer

**C. BOARD DISCUSSION**

**1. FY 2015-2016 Two-Year County Budget**

**a) Joint Discussion with W-JCC School Board**

Mr. Powell gave a brief overview of the proposed budget and introduced Steven M. Constantino, Ed.D., W-JCC Superintendent of Schools, Ms. Terry Stone, W-JCC Chief Financial Officer, Ms. Ruth Larson, W-JCC Board Chair, and Mr. Jim Kelly, W-JCC Vice Chair.

At the request of Mr. McGlennon, Dr. Constantino had Ms. Stone give a brief summary of the School Board's budget request.

Mr. Onizuk asked Mr. McDonald to explain how the addition of a fourth middle school would affect the budget.

Mr. McDonald explained possible funding options for the school construction, including short-term loans and a bond issuance.

Mr. McGlennon asked Mr. Powell to offer an update on the School Site Selection Committee.

Mr. Powell indicated that the Committee would be appointed in the near future.

Mr. McGlennon asked Mr. McDonald what would happen if the Committee's recommendation is to purchase land for a new school.

Mr. McDonald replied that money would be acquired via short-term loans and a bond issuance.

Ms. Larson asked what the Committee's proposed timeline would be.

Mr. Powell responded that he expected an answer in the fall of 2014, which would be a relatively quick turnaround time.

Mr. Kennedy asked whether the Board of Supervisors had determined what type of school was necessary and whether there was a consensus on the direction.

Mr. Hipple replied that this was something to be determined and that a plan was needed.

Ms. Larson explained that this was a decision for the School Board to make and that it had been made; a fourth middle school was necessary.

Mr. Hipple indicated that the County needs to look 10 to 15 years out.

Ms. Jones stated that she wanted a future facilities master plan to guide us. She also wanted to look at James Blair and the possibility of using the annex.

Ms. Larson stated that the School Superintendent is the individual who should determine the future of the annex and is the individual to make the educational decisions.

Mr. Kennedy said that the School Board has done its due diligence and that the Board of Supervisors should say yes or no to the School Board's plan. The issue is in determining how to pay for it.

Mr. Onizuk stated that the establishment of the Committee shows that we are moving forward. The Board is the fiscal agent and will not tell the School Board how to run its business.

Mr. Kennedy asked Dr. Constantino to set forth the school's immediate future needs, including retrofits and capacity issues.

Dr. Constantino stated that this may be found in the school's five-year capital improvement budget. They are looking at a ten-year facilities study.

Mr. Hipple asked Ms. Larson to have the School Board come to a Board of Supervisors meeting once every six months to keep the Board of Supervisors updated.

Mr. McGlennon congratulated the schools on the recent Teacher of the Year award ceremony and on the recent State designation awarded to three W-JCC schools.

b) Continuation of County Budget Discussions

Mr. James Peterson summarized the budget for Human Resources and the County pay plan, including the proposed 1% salary increase to take effect on July 1, 2014. At the request of Mr. McGlennon, Mr. Peterson explained that the proposed increase, coupled with additional funding from the County towards the health insurance plan, would result in a net increase to most employees' paychecks.

Mr. Hipple asked Mr. Peterson to consider including the school employees on the health plan Request for Qualifications next year, to which Mr. Peterson agreed.

Ms. Stephanie Luton summarized the James City Service Authority (JCSA) budget.

Mr. John McDonald summarized the County's capital projects budget.

Ms. Jones stated that we must consider the cost of maintaining buildings when considering whether to construct new buildings.

Mr. McDonald explained the plan for funding the County's debt service costs.

Mr. McGlennon noted that there was no plan to build up the County's capital reserves in this budget.

Mr. Kennedy asked the Board to discuss whether or not the Purchase of Development Rights (PDR) program should be continued, in light of the Board's recent refusal to accept a PDR grant from the State.

Ms. Jones said that it was not her intention to disband the PDR Committee, but that spending money for PDR purposes was not a priority at this time.

Mr. McGlennon noted that the remaining funds could be spent to purchase property interests related to the stormwater program and that might provide an opportunity to change the PDR Committee's direction.

Mr. Onizuk stated that he supports the program, but that there is no money to invest in the program right now.

Mr. Kennedy said that the PDR program was a success and would accept the State grant to stretch the remaining money as far as possible.

Mr. Hipple agreed that the program worked, but that there is no new money for it now and that we should consider what we can do with the remaining funds.

Mr. Powell noted that there are pending PDR applications and Mr. Onizuk and Ms. Jones agreed that they should be brought before the Board for its consideration.

Ms. Mellen summarized the proposed tourism budget.

Mr. Onizuk praised Ms. Karen Riordan's recent tourism efforts and suggested that the Board hold off on specific allocations and instead place it in the general tourism fund. He further suggested that the Board consider making more of an investment in the Chamber with measureable goals.

Mr. Kennedy also was impressed with Ms. Riordan's efforts. He indicated that the County should have a seat on the Chamber's Executive Board.

Mr. Hipple stated that he wants to put tourism money in the hands of tourism professionals.

Mr. Kennedy stated his desire to put a cap on how much money could be used for overhead, including the money given to various charities. He also wants the County to track how much time staff donates to events and services; for example, the time that the County Attorney's office donates to the Williamsburg Area Destination Marketing and Advertising Campaign (WADMAC).

Ms. Jones asked staff to provide more detail on tourism line items.

The Board agreed to continue its discussion on tourism issues at its Work Session on May 5, 2014.

#### **D. CLOSED SESSION**

Mr. Kennedy made a motion for the Board to enter in to Closed Session pursuant to the Code Section listed on the Agenda.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 6:42 p.m., the Board entered into Closed Session.

1. Consideration of a Personnel Matter, the Discussion of Candidates for the County Administrator, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

At 6:49 p.m., the Board reconvened in Open Session.

Mr. Kennedy made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

### **RESOLUTION**

#### **CERTIFICATION OF CLOSED MEETING**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business

matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), the consideration of personnel matters, the discussion of candidates for the County Administrator.

**E. ADJOURNMENT** – until 4 p.m. on May 5, 2014, for the Budget Work Session.

Mr. Kennedy made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 6:52 p.m., Ms. Jones adjourned the Board.

---

M. Douglas Powell  
Clerk to the Board

043014bosbws-min



## MEMORANDUM COVER

**Subject:** Dedication of Croaker Road Extension

**Action Requested:** Shall the Board approve the resolution that dedicates the street and associated right of way for the Croaker Road Extension to Virginia Department of Transportation (VDOT)?

**Summary:** The following submittal contains the necessary documents for the street dedication process. Included are the Board memorandum, resolution, a location map of the proposed road sections, and the Virginia Department of Transportation Form (VDOT) AM-4.3.

**Fiscal Impact:** N/A

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

**Acting Assistant County Administrator**

Adam R. Kinsman



**Acting County Administrator**

M. Douglas Powell



**Attachments:**

1. Memorandum
2. Resolution
3. Location map
4. VDOT Form AM-4.3

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

**Date:** May 13, 2014

# M E M O R A N D U M

DATE: May 13, 2014

TO: The Board of Supervisors

FROM: Scott J. Thomas, Engineering and Resource Protection Director

SUBJECT: Dedication of Croaker Road Extension

---

Attached is a resolution requesting acceptance of the Croaker Road Extension into the State Secondary Highway System. The street proposed for acceptance is an extension of Croaker Road. The street has been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways. Croaker Road Extension is the short segment of roadway west of the intersection of Croaker Road and Richmond Road, built to initially serve the CVS/Food Lion project and the existing Crosswalk Community Church.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the secondary system of State highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of State highways. Administrative procedures outlined in the SSAR/24VAC30-92-70 list criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 with the resolution is then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of State highways and the effective date of such action. This notification serves as start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.

  
Scott J. Thomas

SJT/gb  
CroaderRdExt-mem

Attachment



## RESOLUTION

### DEDICATION OF CROAKER ROAD EXTENSION

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described in the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby guarantees a clear and unrestricted right-of-way, as described and any necessary easements for cuts, fills, and drainage.

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

\_\_\_\_\_  
Mary Jones  
Chairman, Board of Supervisors

ATTEST:

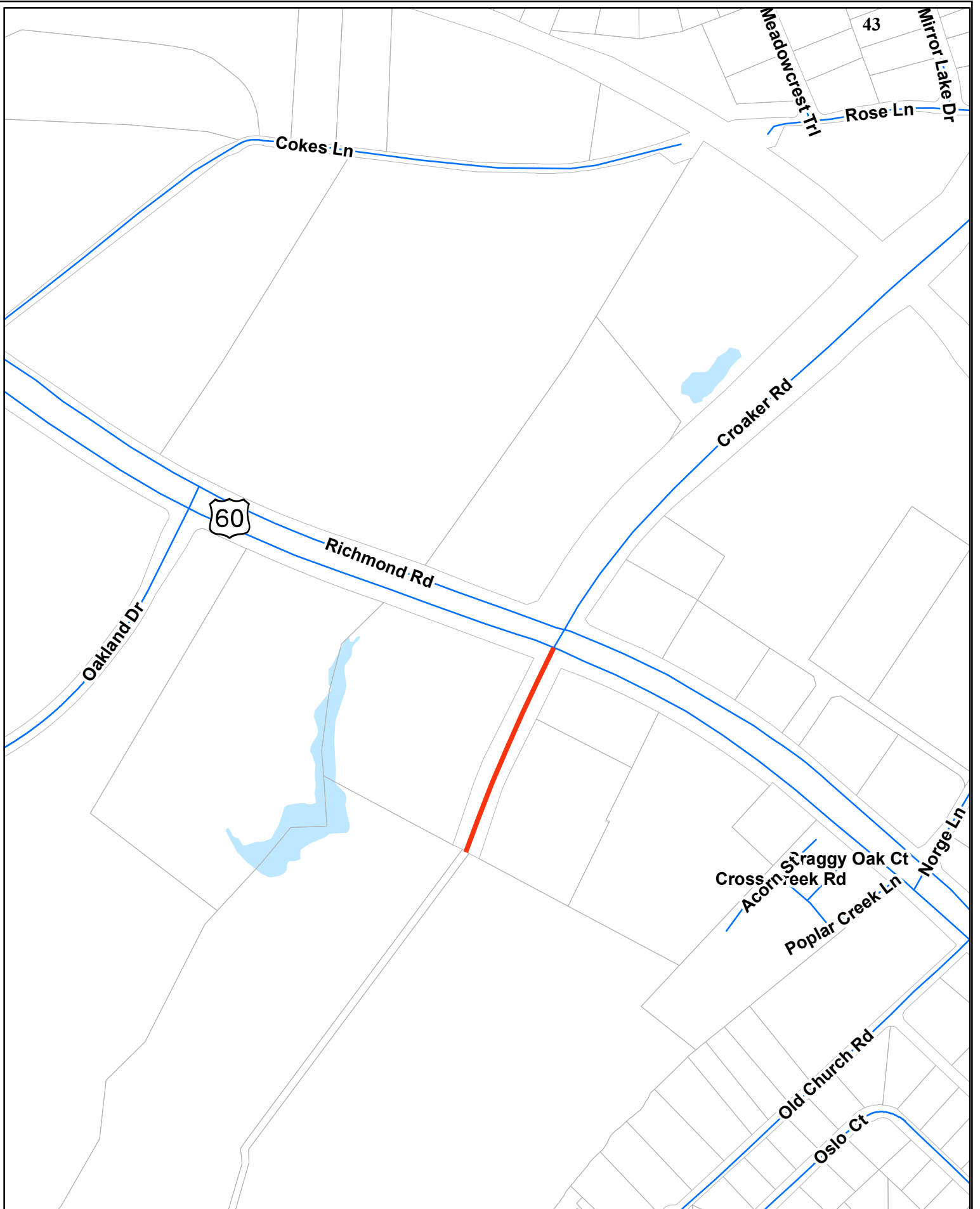
\_\_\_\_\_  
M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of May, 2014.


CroakerRdExt-res





**DEDICATION OF CROAKER ROAD EXTENSION**

**Legend**

 Streets to be Dedicated

1 inch = 422 feet





In the County of James City

By resolution of the governing body adopted May 13, 2014

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

A Copy Testee

Signed (County Official): \_\_\_\_\_

## Report of Changes in the Secondary System of State Highways

Project/Subdivision Croaker Road Extended

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

### Street Name and/or Route Number

† Croaker Road, State Route Number 607

Old Route Number: 0

I From: .09 miles SW of Richmond Road (Route 60)

To: T-turnaround - .13 miles SW of Richmond Road (Route 60), a distance of: 0.04 miles.

Recordation Reference: Instrument 110002456

Right of Way width (feet) = 100

### Street Name and/or Route Number

† Croaker Road, State Route Number 607

Old Route Number: 0

I From: Richmond Road (Route 60)

To: .09 miles SW of Richmond Road (Route 60), a distance of: 0.09 miles.

Recordation Reference: Instrument 110002456

Right of Way width (feet) = 100-105ft



## MEMORANDUM COVER

**Subject:** Contract Award – New and Replacement Servers

**Action Requested:** Shall the Board approve the contract to Dell Computer Corporation for new and replacement servers for the County?

**Summary:** The Purchasing Department solicited State contract proposals on behalf of Information Technology (IT) for replacement servers and related equipment. A Request for Quotation was extended to Dell Computer Corporation through a Virginia Information Technologies Agency (VITA). This contract is for the purchase of replacement server equipment as a part of scheduled replacement and the purchase of new server equipment necessary for the implementation of new revenue collection system software.

The quotation was received under the terms and conditions of the VITA State contract. Based on an evaluation by IT staff and supporting software vendors, Dell Computer Corporation was determined to be a fully qualified vendor to meet the needs of the County. A contract purchase cost of \$119,543.15 was negotiated that met budget requirements of the IT Department and supporting software vendors.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** The contract is funded and allocated in the IT and replacement revenue system budgets.

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

**Assistant County Administrator**

Adam R. Kinsman



**Acting County Administrator**

M. Douglas Powell



**Attachments:**

1. Memorandum
2. Resolution

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

**Date:** May 13, 2014

**MEMORANDUM**

DATE: May 13, 2014

TO: The Board of Supervisors

FROM: Kitty Hall, Director of Purchasing

SUBJECT: Contract Award – New and Replacement Servers


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On March 1, 2014, a Request for Quotation (RFQ) was issued to Dell Computer Corporation through a Virginia Information Technologies Agency (VITA) State contract. This contract is for the purchase of replacement server equipment as a part of scheduled replacement and the purchase of new server equipment necessary for the implementation of new revenue collection system software.


The RFQ was directed to Dell Computer Corporation through the VITA State contract. Based on an evaluation by Information Technology (IT) staff and supporting software vendors, Dell Computer Corporation was determined to be a fully qualified vendor to meet the needs of the County. A contract purchase cost of \$119,543.15 was negotiated that met budget requirements of the IT Department and supporting software vendors.

Contracts that total a cumulative amount over \$100,000 require Board approval.

Staff recommends approval of the attached resolution.

  
Kitty Hall

CONCUR:

  
John E. McDonald

KH/nb  
IT-ServerReplace-mem

Attachment



## RESOLUTION

### CONTRACT AWARD – NEW AND REPLACEMENT SERVERS

WHEREAS, a Request for Quotation (RFQ) for new and replacement servers was issued to Dell Computer Corporation through a Virginia Information Technologies Agency (VITA) State contract; and

WHEREAS, funds are available in the FY 2014 budget for the purpose of replacing servers and funds are available in the Revenue System Capital Improvement Project (CIP); and

WHEREAS, upon evaluating the specifications, Dell Computer Corporation was determined to be a fully qualified vendor to meet the needs of the County and a contract purchase cost of \$119,543.15 was negotiated that met budget requirements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Dell Computer Corporation for the purchase of new and replacement servers.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of May, 2014.

IT-ServerReplace-res



## MEMORANDUM COVER

**Subject:** Ordinance to Amend and Reordain Chapter 2, Administration, by amending Section 2-4. Election precincts and polling places established

**Action Requested:** Shall the Board adopt an ordinance to amend Chapter 2, Administration, Section 2-4, to change the Jamestown C polling place from Greensprings Chapel to Upward Church?

**Summary:** Greensprings Chapel, which is currently listed as the polling place for the Jamestown C precinct, also known as Precinct 0203, has changed ownership to a new entity known as Upward Church.

The former Greensprings Chapel building located at 3687 Ironbound Road is still intended to serve as the Jamestown C polling location. The attached ordinance amends Section 2-4 of the County Code to replace Greensprings Chapel with Upward Church as the Jamestown C polling place. The resolution authorizes the County Administrator to enter into a lease agreement with Upward Church for the use of the building as a polling place.

Staff recommends approval of the attached ordinance and resolution.

**Fiscal Impact:** N/A

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

**Assistant County Administrator**

Adam R. Kinsman



**Acting County Administrator**

M. Douglas Powell



**Attachments:**

1. Memorandum
2. Resolution
3. Ordinance

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

**Date:** May 13, 2014

MEMORANDUM

DATE: May 13, 2014

TO: The Board of Supervisors

FROM: A. J. Cole, General Registrar  
Leo P. Rogers, County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 2, Administration, by amending Section 2-4.  
Election precincts and polling places established

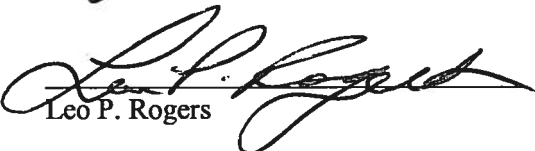
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Greensprings Chapel is currently listed as the polling place for the Jamestown C precinct, also known as Precinct 0203. The Greensprings Chapel building, located at 3687 Ironbound Road, has changed hands and is now known as Upward Church.

The Electoral Board wishes to continue to use the building as a polling place. The County will enter into a new polling place agreement with Upward Church. The attached resolution authorizes the County Administrator to enter into a lease agreement with Upward Church for use of the building. The attached ordinance amends Section 2-4 of the County Code to replace Greensprings Chapel with Upward Church as the Jamestown C polling place.

Staff recommends approval of the attached ordinance and resolution.

  
A. J. Cole

  
Leo P. Rogers

AJC/LPR/nb  
JamestownC-mem

Attachments

## RESOLUTION

### ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, BY

#### AMENDING SECTION 2-4. ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED

WHEREAS, the James City County Electoral Board is required to conduct elections in the County of James City; and

WHEREAS, the existing Jamestown C Precinct (0203) polling place is Greensprings Chapel, located at 3687 Ironbound Road; and

WHEREAS, Greensprings Chapel no longer operates at this location and the lease for use of the building as a polling place has terminated; and

WHEREAS, Upward Church now operates at this location and has offered to provide a polling place for the Jamestown C Precinct (0203).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a lease between James City County and the Upward Church for the establishment of a polling place for Jamestown C Precinct (0203).

\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of May, 2014.

JamestownC-res



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED.

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 2-4, Election precincts and polling places established.

## **Chapter 2. Administration**

### **Sec. 2-4. Election precincts and polling places established.**

(a) Pursuant to authority contained in the Code of Virginia, Chapter 24.2, the precincts and their respective polling places for the county are hereby created and established as set forth in this section.

(b) The precincts for each election district and the polling place for each precinct shall be set forth below:

#### *Berkeley Election District 01:*

Precinct 0101 – Jamestown High School polling place.

Precinct 0102 – Clara Byrd Baker Elementary School polling place.

Precinct 0103 – Matoaka Elementary School polling place.

#### *Jamestown Election District 02:*

Precinct 0201 – Legacy Hall polling place.

Precinct 0202 – James City-Williamsburg Community Center polling place.

Precinct 0203 – ~~Greensprings Chapel~~ *Upward Church* polling place.

Precinct 0204 – James City-Williamsburg Community Center polling place.

#### *Powhatan Election District 03:*

Precinct 0301 – Hornsby Middle School polling place.

Precinct 0302 – Lafayette High School polling place.

Precinct 0303 – Toano Middle School polling place.

Precinct 0304 – Warhill High School polling place.

*Stonehouse Election District 04:*

Precinct 0401 – Hickory Neck Episcopal Church polling place.

Precinct 0402 – Norge Elementary School polling place.

Precinct 0403 – Stonehouse Elementary School polling place.

*Roberts Election District 05:*

Precinct 0501 – James River Elementary School polling place.

Precinct 0502 – Mt. Gilead Baptist Church polling place.

Precinct 0503 – Grace Baptist Church polling place.

Precinct 0504 – Rawls Byrd Elementary School polling place.

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Mary Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of May, 2014.

JamestownC-ord



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED.

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 2-4, Election precincts and polling places established.

## **Chapter 2. Administration**

### **Sec. 2-4. Election precincts and polling places established.**

(a) Pursuant to authority contained in the Code of Virginia, Chapter 24.2, the precincts and their respective polling places for the county are hereby created and established as set forth in this section.

(b) The precincts for each election district and the polling place for each precinct shall be set forth below:

#### *Berkeley Election District 01:*

Precinct 0101 – Jamestown High School polling place.

Precinct 0102 – Clara Byrd Baker Elementary School polling place.

Precinct 0103 – Matoaka Elementary School polling place.

#### *Jamestown Election District 02:*

Precinct 0201 – Legacy Hall polling place.

Precinct 0202 – James City-Williamsburg Community Center polling place.

Precinct 0203 – Upward Church polling place.

Precinct 0204 – James City-Williamsburg Community Center polling place.

#### *Powhatan Election District 03:*

Precinct 0301 – Hornsby Middle School polling place.

Precinct 0302 – Lafayette High School polling place.

Precinct 0303 – Toano Middle School polling place.

Precinct 0304 – Warhill High School polling place.

*Stonehouse Election District 04:*

Precinct 0401 – Hickory Neck Episcopal Church polling place.

Precinct 0402 – Norge Elementary School polling place.

Precinct 0403 – Stonehouse Elementary School polling place.

*Roberts Election District 05:*

Precinct 0501 – James River Elementary School polling place.

Precinct 0502 – Mt. Gilead Baptist Church polling place.

Precinct 0503 – Grace Baptist Church polling place.

Precinct 0504 – Rawls Byrd Elementary School polling place.

# MEMORANDUM COVER

**Subject:** Proposed FY 2015-2020 Secondary Six-Year Plan (SSYP)

**Action Requested:** Shall the Board of Supervisors adopt a resolution approving the Budget Priority List for the improvements to the County's secondary roads?

**Summary:** 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). A public hearing is scheduled on this item.

Mirroring the Board's priorities for the FY 14-19 SSYP, the proposal includes the retention of current and special funding projects with the following priority projects:

1. Longhill Road (Route 612) – This project widens 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.
2. Croaker Road (Route 607) – This project widens Croaker Road to four lanes from Richmond Road to the James City County Library.

In addition, staff recommends keeping Hicks Island Road (Route 601) bridge replacement as the priority project for the County's bridge funds and Racefield Drive (Route 622) paving as the priority project for secondary unpaved road funds.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** None

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

**Assistant County Administrator**

Adam R. Kinsman



**Acting County Administrator**

M. Douglas Powell



**Attachments:**

1. Memorandum
2. Resolution
3. Map of FY 15-20 SSYP Projects
4. Aerial Map - Longhill Road
5. Aerial Map - Croaker Road

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

**Date:** May 13, 2014

# MEMORANDUM

DATE: May 13, 2014

TO: The Board of Supervisors

FROM: Tamara A. M. Rosario, Principal Planner

SUBJECT: Proposed FY 2015-2020 Secondary Six-Year Plan (SSYP)

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Each year, the Virginia Department of Transportation (VDOT), in conjunction with the James City County Board of Supervisors, reviews the Budget Priority List and Secondary Six-Year Plan (SSYP) for secondary roads (those roads with route numbers of 600 or greater). The SSYP is a priority funding plan for the improvement and construction of secondary roads. As part of the review process, a public hearing has been advertised for the May 13, 2014, meeting to provide an opportunity for public comment.

## **Allocations**

The County receives State and Federal allocations yearly to fund proposed secondary improvements. For FY 2015-2020, the State's projected Six-Year Financial Plan totals \$32.74 billion, a \$491.4 million reduction from the FY 2014-2019 Financial Plan. For James City County, these reductions translate to a planned allocation that is a net loss of \$1,001,280 compared to the FY 2014-2019 SSYP allocation. The FY 2015-2020 SSYP allocation for James City County totals \$1,260,141, with a FY 15 allocation of \$206,364 compared to the FY 14 allocation of \$201,942.

Secondary allocations are not the only funding source for projects. The County has applied and received competitive grants from the Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) program for Longhill Road and Croaker Road. County staff will continue to apply for more RSTP, CMAQ, and Highway Safety Improvement Program (HSIP) funds to help fund projects in future fiscal years.

Listed below is a brief summary of current and special funding projects for the Budget Priority List for the FY 2015-2020 SSYP. Due to funding limitations, no new projects are proposed to be added to the list.

## **Current Projects**

### *Longhill Road (Route 612)*

This project is to widen 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 (Attachment No. 3). Separately, but concurrently, VDOT and the County are conducting a study of Longhill Road corridor from Route 199 to Centerville Road. The study will be completed this summer and recommendations from the study will be incorporated in the preliminary engineering for the widening project.

A safety project to upgrade the traffic signal and install a barrier at the intersection of Longhill Road and Olde Towne Road was completed this spring. VDOT is currently evaluating options to extend the barrier by 30 feet and/or proceed with a Revenue Sharing project to replace the barrier with a concrete island at the 7-Eleven entrance.

Due to the existing safety concerns and capacity deficiencies of Longhill Road, staff recommends keeping the project on the SSYP to continue accumulating funds while synchronizing the timing of the project to occur

## Proposed FY 2015-2020 Secondary Six-Year Plan (SSYP)

May 13, 2014

Page 2

after the corridor study. Of the \$12,400,000 in estimated costs, \$984,966 has been previously funded, leaving a balance of \$11,415,034 of additional funds required to complete this project.

**Croaker Road (Route 607)**

This project will widen the section of roadway between Richmond Road and the James City County Library from two to four lanes (Attachment No. 4). The first phase will include Preliminary Engineering (PE), acquiring Right-of-Way (R/W), and accumulating funds to construct a new two-lane bridge parallel to the existing bridge over the CSX lines. The second phase of the project will be construction of additional travel lanes. Of the \$12,997,781 in estimated costs, \$993,829 has been funded and \$12,003,952 is needed in additional funds to complete the project. A multipurpose trail, fully funded as a separate project, is under design and will be constructed prior to the road-widening in a manner that anticipates the road widening.

**Special Funding Projects**

VDOT utilizes a special funding mechanism which provides annual allocations to localities for unpaved roads and bridge projects. Due to reductions in transportation funding over the past several years, no new funds had been allocated to the special funding projects as part of the SSYP. As part of the FY 15-20 SSYP, however, \$37,941 of CTB Formula – Unpaved State funds are proposed to be available for secondary unpaved roads starting with \$2,664 in FY 15. Staff recommends keeping these projects on the SSYP so that the County can continue to receive allocations toward unpaved roads and bridge projects as funds become available. The funds would be utilized when needed.

**Racefield Drive (Route 622)**

As part of the unpaved road funding program, funds were applied to this project yearly until enough money was accumulated to pave the road. The total cost to pave the remaining section of Racefield Drive is estimated at \$181,104. The project has \$177,207 in funding and VDOT estimates paving will be completed this summer.

**Hicks Island Road Bridge (Route 601)**

As part of the bridge funding program, funds are applied to this project yearly until enough money is accumulated to replace a bridge. This project has previous funding of \$280,799. In 2012, VDOT identified replacing Hicks Island Road Bridge over Diascund Creek as a candidate project, with an estimated cost of \$1,672,631. This structure has a sufficiency rating less than 50, making it VDOT's first priority for bridge replacement on the County's secondary road system. The County concurred, identifying it as the County's priority for bridge funds. Staff recommends keeping Hicks Island Road Bridge as the specific project for the bridge funds.

**Recommendation**

Staff does not recommend the addition of any new road projects to the SSYP until the aforementioned projects are closer to full funding. With respect to the current projects, staff recommends the following priorities, which mirror the Board's priorities for the FY 14-19 SSYP:

1. Longhill Road
2. Croaker Road

In addition, staff recommends keeping Hicks Island Road Bridge as the specific project for the County's bridge funds and Racefield Drive as the specific project for the unpaved road funds until the project is completed.

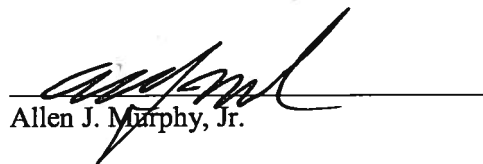
Staff recommends adoption of the attached resolution, which endorses the Budget Priority List as set forth in this memorandum for the FY 2015-2020 SSYP.

Proposed FY 2015-2020 Secondary Six-Year Plan (SSYP)  
May 13, 2014  
Page 3



Tamara A.M. Rosario

CONCUR:



Allen J. Murphy, Jr.

TMR/nb  
FY15-20-SSYP-mem

Attachments:

1. Resolution
2. Map of FY 15-20 SSYP Projects
3. Aerial Map – Longhill Road
4. Aerial Map – Croaker Road

## RESOLUTION

### PROPOSED FY 2015-2020 SECONDARY SIX-YEAR PLAN (SSYP)

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 for the regularly scheduled Board of Supervisors meeting on May 13, 2014, so citizens of the County would have 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.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

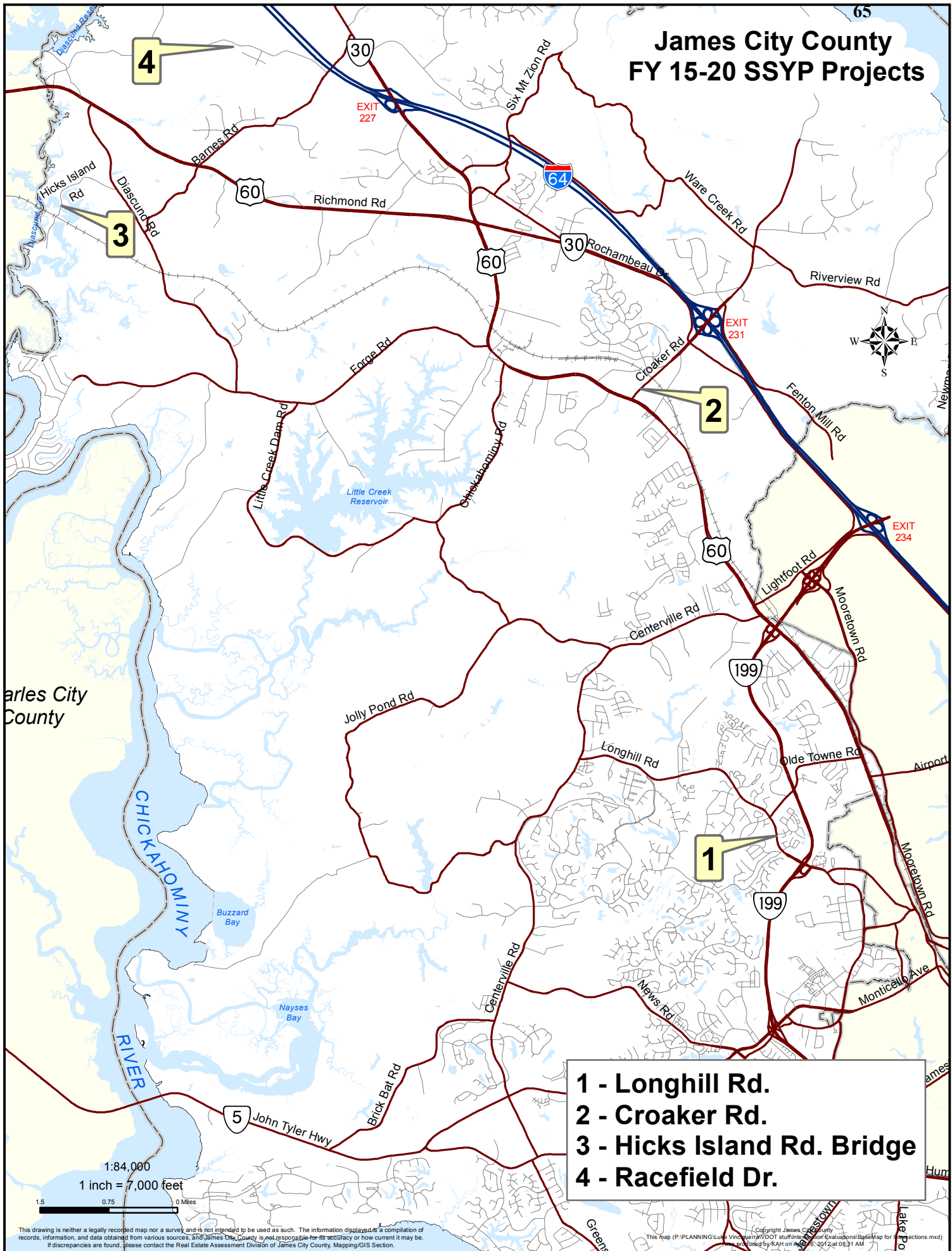
Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of May, 2014.

FY15-20-SSYP-res





# James City County FY 15-20 SSYP Projects



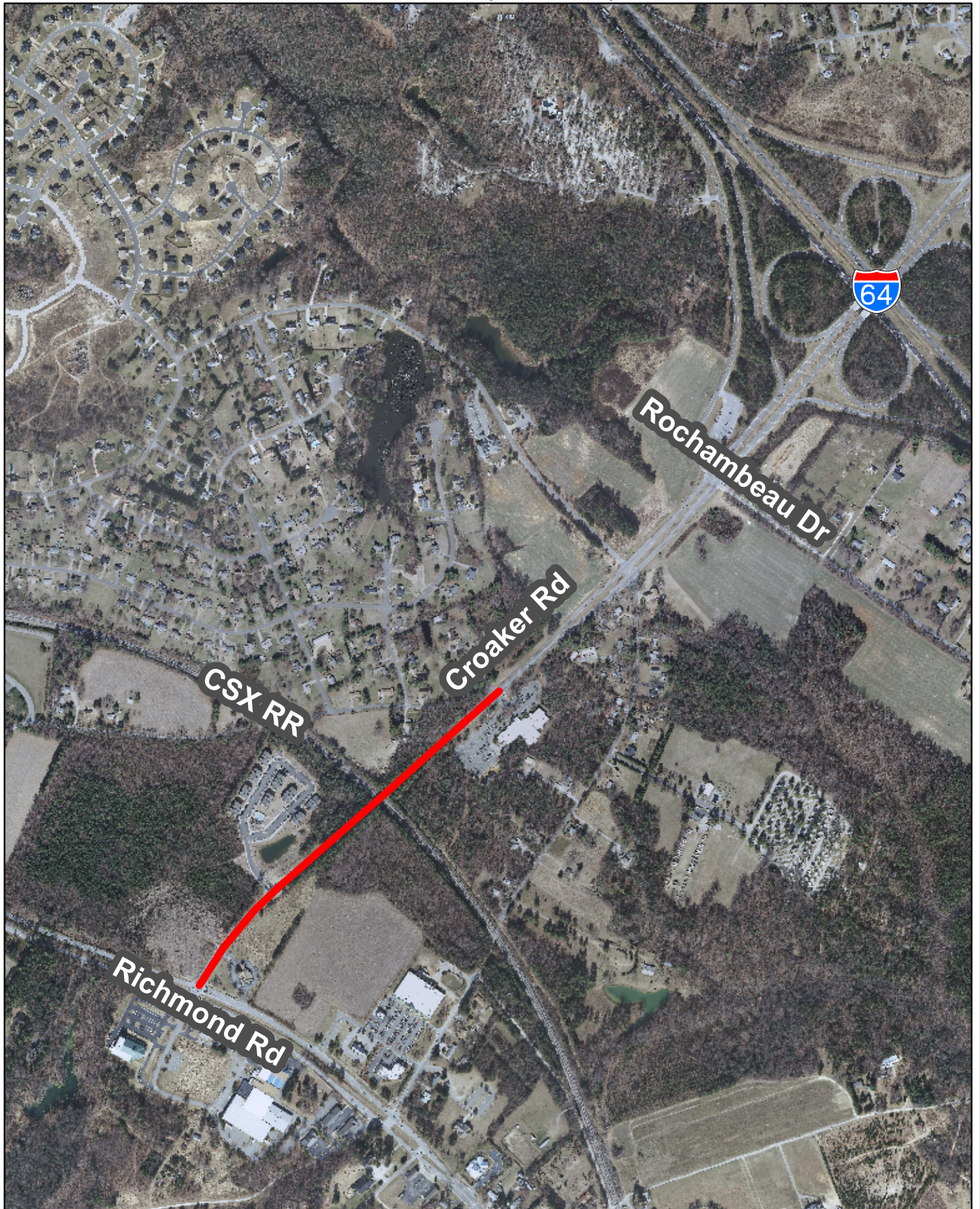
- 1 - Longhill Rd.
- 2 - Croaker Rd.
- 3 - Hicks Island Rd. Bridge
- 4 - Racefield Dr.

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.

This map (P:\PLANNING\GIS\Working\DOT\studies\SSYP\evaluations\SSYP\SSYP\_projects.mxd) was created by KAH on 06/15/2012 at 08:31 AM.







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1 inch = 800 feet

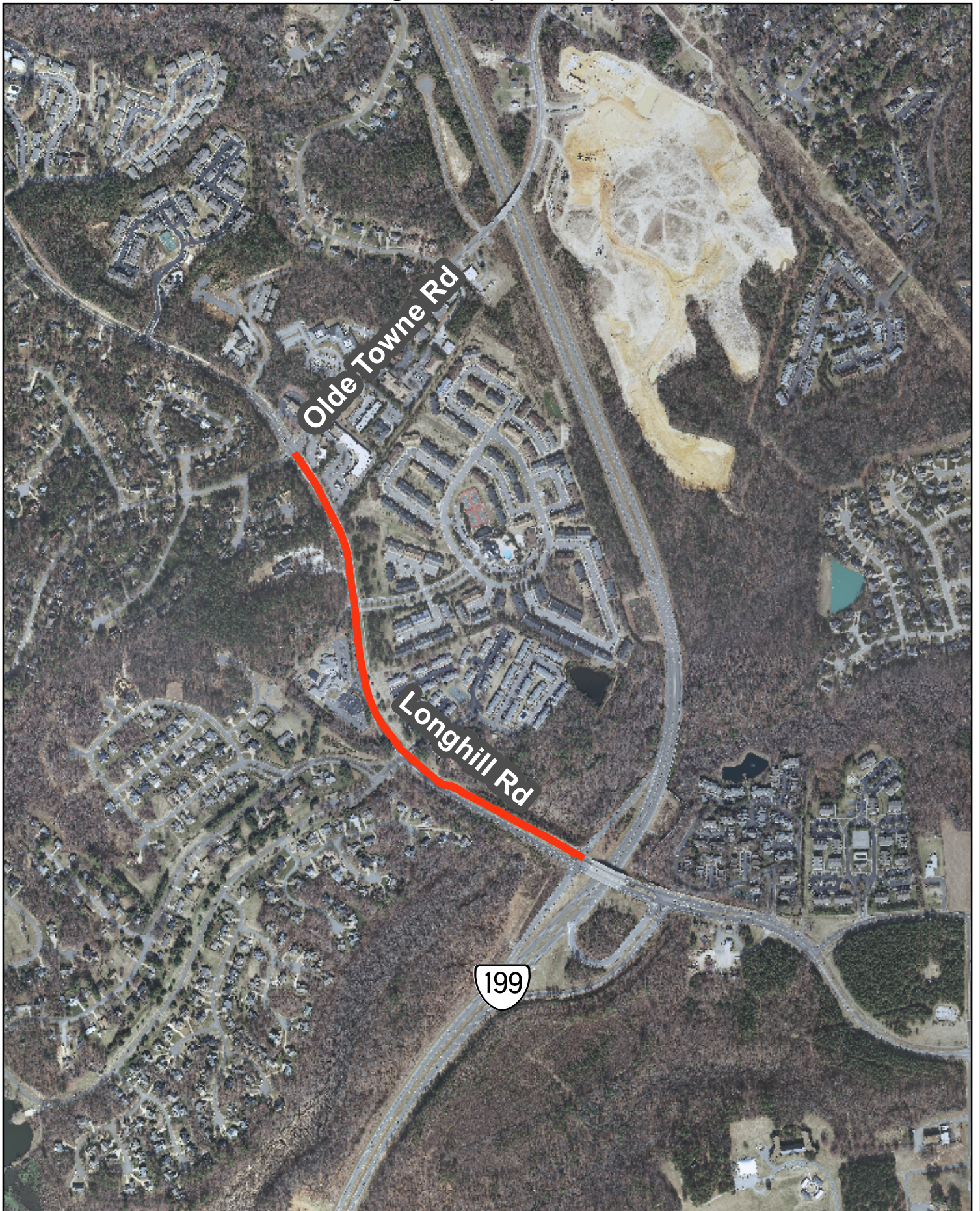
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1 inch = 800 feet

0 0.05 0.1 Miles







## MEMORANDUM COVER

**Subject:** New Virginia Stormwater Management Program (VSMP)

**Action Requested:** Shall the Board adopt an ordinance to comply with the provisions of the Virginia Stormwater Management Act and the Virginia Stormwater Management Regulations?

**Summary:** Attached is the local Virginia Stormwater Management Program (VSMP) Ordinance for public comment and the Board of Supervisors consideration. Ordinance adoption is presented as part of the FY 15/FY16 budget process. A public hearing was previously held on the ordinance under agenda item I-1(a) at the Board of Supervisors meeting on April 22, 2014. After hearing public comments on the proposed ordinance, the public hearing on this item was closed and action deferred until the May 13, 2014 regular meeting of the Board. Implementation of the new Virginia Stormwater Management Regulations and VSMP is required by localities by July 1, 2014 (FY 15). A locally adopted VSMP ordinance is a required element of a VSMP in accordance with Commonwealth of Virginia law and regulations. The ordinance contains proposed fees which follow the statewide fee schedule contained within Chapter 870 of the State VSMP Regulations.

Staff recommends approval of the ordinance.

**Fiscal Impact:** New program revenues are generated based on statewide fee schedule and program implementation costs.

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

**Assistant County Administrator**

Adam R. Kinsman



**Acting County Administrator**

M. Douglas Powell



**Attachments:**

1. Memorandum
2. Virginia Stormwater Management Program (VSMP) ordinance – Showing Changes Since April 8, 2014 Work Session
3. Virginia Stormwater Management Program (VSMP) ordinance

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

**Date:** May 13, 2014

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

DATE: May 13, 2014

TO: The Board of Supervisors

FROM: Scott J. Thomas, Director of Engineering and Resource Protection

SUBJECT: New Virginia Stormwater Management Program (VSMP)

---

Attached is the local Virginia Stormwater Management Program (VSMP) Ordinance for public comment and the Board of Supervisors consideration. Ordinance adoption is presented as part of the FY 15/FY16 budget process. A public hearing was previously held on the ordinance under agenda item I-1(a) at the Board of Supervisors meeting on April 22, 2014. After hearing public comments on the proposed ordinance, the public hearing on this item was closed and action deferred until the May 13, 2014 regular meeting of the Board.

Implementation of the new Virginia Stormwater Management Regulations and VSMP is required by localities by July 1, 2014 (FY15) and a final application package is required to be submitted to the Virginia State Water Control Board and the regional office of the Virginia Department of Environment Quality (DEQ) by May 15, 2014. A locally adopted VSMP ordinance is a required element of a VSMP in accordance with Commonwealth of Virginia law and regulations. Local implementation is mandatory for James City County because we are a locality subject to the Chesapeake Bay Preservation Area (Bay Act) requirements and because the County is designated as a Phase 2 small municipal separate storm sewer system (MS4) community.

There have been no revisions or modifications to text within the draft VSMP ordinance since the April 22, 2014 public hearing. Adoption of the statewide fee schedule, as contained within Chapter 870 of the State VSMP Regulations, is still recommended.

Staff recommends approval of the attached ordinance.

  
Scott J. Thomas

SJT/nb  
VSMP-PubComments

Attachments



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY CREATING ARTICLE I WITH EXISTING SECTIONS 8-1 THROUGH 8-8, AS EROSION AND SEDIMENT CONTROL; AND BY ADDING ARTICLE II, STORMWATER MANAGEMENT PLAN, BY ADDING SECTION 8-20, TITLE, PURPOSE AND AUTHORITY; SECTION 8-21, DEFINITIONS; SECTION 8-22, STORMWATER PERMIT REQUIREMENT, EXEMPTIONS; SECTION 8-23, STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS; SECTION 8-24, STORMWATER POLLUTION PREVENTION PLAN, CONTENTS OF PLANS; SECTION 8-25, STORMWATER MANAGEMENT PLAN, CONTENTS OF PLANS; SECTION 8-26, POLLUTION PREVENTION PLAN, CONTENTS OF PLANS; SECTION 8-27, REVIEW OF STORMWATER MANAGEMENT PLAN; SECTION 8-28, TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES; SECTION 8-29, LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES; SECTION 8-30, MONITORING AND INSPECTIONS; SECTION 8-31, HEARINGS; SECTION 8-32, APPEALS; SECTION 8-33, ENFORCEMENT; SECTION 8-34, FEES; AND SECTION 8-35, PERFORMANCE SURETY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by creating Article I, Erosion and Sediment Control, with existing Sections 8-1 through 8-8; by adding Article II, Stormwater Management Plan, Section 8-20, Title, purpose and authority; Section 8-21, Definitions; Section 8-22, Stormwater permit requirement, Exemptions; Section 8-23, Stormwater management program established; Submission and approval of plans; Prohibitions; Section 8-24, Stormwater pollution prevention plan, Contents of plans; Section 8-25, Stormwater management plan, Contents of plans; Section 8-26, Pollution prevention plan, Contents of plans; Section 8-27, Review of stormwater management plan; Section 8-28,

Technical criteria for regulated land disturbing activities; Section 8-29, Long-term maintenance of permanent stormwater facilities; Section 8-30, Monitoring and inspections; Section 8-31, Hearings; Section 8-32, Appeals; Section 8-33, Enforcement; Section 8-34, Fees; and Section 8-35, Performance surety.

## Chapter 8. Erosion and Sediment Control

### *Article I. Erosion and Sediment Control*

Section 8-1. Title, purpose, and authority.

Section 8-2. Definitions.

Section 8-3. Erosion and sediment control program.

Section 8-4. Regulated land-disturbing activities; Submission and approval of plans, contents of plans.

Section 8-5. Permits, fees, bonding, etc.

Section 8-6. Monitoring, reports, and inspections.

Section 8-7. Penalties, injunctions, and other legal actions.

Section 8-8. Appeals and judicial review.

*Sections 8-9 – 8-19. Reserved.*

### *Article II. Stormwater Management Program*

#### **Sec. 8-20. Title, purpose and authority.**

(a) This ordinance shall be known and may be cited as “The Virginia Stormwater Management Program Ordinance.”

(b) Pursuant to § 62.1-44.15:27 of the Code of Virginia, this ordinance is adopted to address the mandate to integrate the county stormwater management requirements with the county erosion and sediment control (Chapter 8), flood insurance and floodplain management (Chapter 24, Article VI Overlay Districts, Division 3), Chesapeake Bay Preservation (Chapter 23) and Stormwater Management, Illicit Discharge Detection and Elimination (Chapter 18A) requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a

more convenient and efficient manner for both the county and those responsible for compliance with these programs.

(c) The purpose of this article is to protect the general health, safety, welfare, and property of the citizens of the county and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, waterways and other natural resources, and to establish procedures whereby stormwater management and stormwater pollution prevention requirements related to water quality and quantity shall be administered and enforced.

(d) This article is adopted pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of the Code of Virginia and 9VAC25-870 et seq. of the Virginia Administrative Code.

### **Sec. 8-21. Definitions.**

In addition to the definitions set forth in 9VAC25-870-10 et seq. of the Virginia Stormwater Management Program (VSMP) Regulations, 9VAC25-840-10 et seq. of the Virginia Erosion and Sediment Control Regulations, 9VAC25-850-10 et seq. of the Virginia Erosion and Sediment Control and Stormwater Management Certification Regulations, and 9VAC25-830-10 et seq. of the Chesapeake Bay Preservation Area Designation and Management Regulations, which are expressly adopted and incorporated herein by reference, the following words and terms used in this article have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

*Act.* The Virginia Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

*Administrator.* The director of the county division of engineering and resource protection who is responsible for administering the VSMP on behalf of the county and is designated as VSMP authority.

*Agreement in lieu of a plan.* A contract between the Virginia Erosion and Sediment Control Program (VESCP) or VSMP authority and the owner that specifies conservation measures that shall be implemented in the construction of a single-family residence. This contract may be executed by the VESCP or VSMP authority in lieu of a formal site plan or site erosion and sediment control plan.

*Agreement in lieu of a stormwater plan.* A contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

*Applicant.* Any person submitting an application for a permit or requesting issuance of a permit under this article.

*Approval Authority.* The state water control board or its designee.

*Best management practice or BMP.* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

*Board or state board.* The state water control board.

*Certificates of competence.* The issuance of a certificate to persons who have completed state board approved training programs and met any additional eligibility requirements pursuant to 9VAC25-850-10 et seq., as amended of the Virginia Administrative Code in the areas of erosion and sediment control, stormwater management, or a combination of both known as dual certification. Certification can be for program administration, plan review, inspector or combined for either or both erosion and sediment control and stormwater management.

*Chesapeake Bay Preservation Act land-disturbing activity.* A land-disturbing activity including clearing, grading or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre subject to the Chesapeake Bay Preservation Area Designation and Management Regulation 9VAC25-830 et seq. of the Virginia Administrative Code adopted pursuant to the Chesapeake Bay Preservation Act, Article 2.5 of the *Code of Virginia*, 1950, as amended (Code of Virginia) § 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

*Common plan of development or sale.* A contiguous area where separate and distinct construction activities may be taking place at different times and on different schedules. ~~This includes a plan to subdivide a parcel of land into separate parts for separate sale. The plan originates as a single parcel which is separated into parts related by any announcement, piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, plat, blueprint, contract, permit application, zoning request, computer design, etc.), physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) or continuing obligation (including contracts) that identify the scope of the project. A plan may still be a common plan of development or sale if it is taking place in separate stages or phases, is planned in combination with other construction activities, or is implemented by different owners or operators. Most commonly it consists of a subdivision of residential or commercial lots that are built and completed separately from each other.~~

*Control measure.* Any best management practice, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

*Clean Water Act or CWA.* The federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

*Department.* The Commonwealth of Virginia, Department of Environmental Quality.

*Development.* Land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of these regulations and article, does not include the exemptions found in 9VAC25-870-300 of the Virginia Administrative Code.

*Erosion and Sediment Control law, attendant regulations and local ordinance.* Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the Virginia Erosion and Sediment Control Regulations (9VAC25-840 et seq.) of the Virginia Administrative Code, and this article.

*Erosion and sediment control plan.* A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be treated to achieve conservation objectives.

*General permit.* A state permit authorizing a category of discharges under the CWA and the Act within a geographical area.

*Land disturbance or land-disturbing activity.* A manmade change to the land surface that potentially changes its runoff characteristics including any clearing, grading, excavation, transporting of fill and filling of land except that the term shall not include those exemptions specified in section 8-22(c) of this article.

*Large construction activity.* A construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

*Layout.* A conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

*Localized flooding.* Smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions. Designation of an area as subject to localized flooding is at the discretion of the administrator or VSMP authority based on factual information which may include documented complaints, reports of problem drainage areas or flooding, county performed studies or drainage analyses, or direct observations of site and drainage conditions during rainfall-runoff conditions.

*Minor modification.* For the purposes of this article, a minor modification or amendment of an existing state permit before its expiration for the reasons listed at 40CFR122.63 and as specified in 9VAC25-870-640 of the Virginia Administrative Code. Minor modification for the purposes of this article also means other modifications and amendments not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor state permit modification or amendment does not substantially alter state permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

*Municipal separate storm sewer system or MS4.* All separate storm sewers that are defined as “large” or “medium” or “small” municipal separate storm sewer systems or designated under 9VAC25-870-380(A)(1).

*National Pollutant Discharge Elimination System or NPDES.* The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing state permits, and imposing

and enforcing pretreatment requirements under §§ 307, 402, 318, and 405 of the CWA. The term includes an approved program.

*Operator.* The owner or operator of any facility or activity subject to the Act and this article. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or, (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from municipal separate storm sewer systems (MS4s), operator means the operator of the regulated MS4 system.

*Permit or VSMP authority permit.* An approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of general permit coverage has been provided where applicable.

*Permittee.* The person to whom the state permit or VSMP authority permit is issued, including any owner or operator whose construction site is covered under a state construction general permit.

*Prior developed lands.* Land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.

*Regulations.* The Virginia Stormwater Management Program (VSMP) regulations, 9VAC25-870-10, et seq., as amended.

*Resource Protection Area or RPA.* That component of a Chesapeake Bay preservation area as defined in Chapter 23 of the county code.

*Site.* The land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

*Small construction activity.* Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than one acre, and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

*State permit.* An approval to conduct a land disturbing activity issued by the Approval Authority in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Approval Authority for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Act, the regulations, and this article. As the mechanism that imposes and enforces

requirements pursuant to the federal Clean Water Act and regulations, a state permit for stormwater discharges from an MS4 and after June 30, 2014, a state permit for conducting a land-disturbing activity issued pursuant to the Act are also a type of VPDES Permit. State permit does not include any state permit that has not yet been the subject of final Approval Authority action, such as a draft state permit. Approvals issued pursuant to this article, 9VAC25-880 and 9VAC25-890 of Virginia Administrative Code are not issuances of a permit under §62.1-44.15:01 of the Code of Virginia.

*State Water Control Law.* Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

*State waters.* All water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

*Steep Slopes.* Slopes of 25 percent or greater as defined in section 23-5 of the county code.

*Stormwater.* Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

*Stormwater Conveyance System.* A combination of drainage components that are used to convey stormwater discharge, either within or downstream of, the land-disturbing activity. This includes (i) manmade stormwater conveyance system(s) means a pipe, ditch, vegetated swale, or other stormwater conveyance system(s) constructed by man except for restored stormwater conveyance systems; or, (ii) natural stormwater conveyance system(s) means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or, (iii) restored stormwater conveyance system means a stormwater conveyance system(s) that have been designed and constructed using natural channel system design concepts. Restored stormwater conveyance system(s) include the main channel and the flood-prone area adjacent to the main channel.

*Stormwater Discharge Associated with Construction Activity.* The discharge of stormwater runoff from areas where land-disturbing activities (e.g., clearing, grading, filling, or excavation); construction materials or equipment storage and maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling); or other industrial stormwater related to the construction process (e.g., concrete or asphalt batch plants) are located.

*Stormwater management facility.* A control measure that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, or the period of release or the velocity of flow.

*Stormwater management plan.* A document containing materials describing methods for complying with the requirements of the VSMP or section 8-25 of this article.

*Stormwater pollution prevention plan or SWPPP.* A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under a VSMP for construction activities shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of an approved erosion and sediment control (E&SC) plan, an approved stormwater management (SWM) plan, and an approved pollution prevention plan (PPP).

*Subdivision.* As defined in §15.2-2201 of Chapter 22 of Title 15.2 of the Code of Virginia and as subject to Chapter 19 of the county code.

*Total maximum daily load or TMDL.* The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint source pollution (NSP), natural background loading, and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or by other appropriate measure. The TMDL process provides for point versus nonpoint source pollution trade-offs.

*Virginia Erosion and Sediment Control Handbook.* A collection of pertinent information that provides general guidance for compliance with the Erosion and Sediment Control law and associated regulations and is developed by the Department with advice from a stakeholder advisory committee, referring to the 3<sup>rd</sup> edition, 1992 or most current version of the handbook.

*Virginia Erosion and Sediment Control Program or VESCP.* A program approved by the board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable such as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan of development review, inspection, enforcement where authorized in the Erosion and Sediment Control Act and its attendant regulations, and evaluation consistent with the requirements of the Erosion and Sediment Control Act and its attendant regulations.

*Virginia Erosion and Sediment Control program authority or VESCP authority.* An authority approved by the board to operate a Virginia erosion and sediment control program. An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas and telephone companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

*VESCP authority permit.* A permit issued by the VESCP authority and evidence of approval to initiate and conduct land-disturbing activity if no VSMP authority permit is required in accordance with this article and which may only be issued after evidence of coverage under the general permit for discharges of stormwater from construction activities has been provided.

*Virginia Pollutant Discharge Elimination System (VPDES) permit or VPDES permit.* A document issued by the state water control board pursuant to the state water control law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

*Virginia runoff reduction method or VRRM.* The calculation method as documented by reference in 9VAC25-870 and which is used in part to comply with water quality and quantity provisions of the Virginia Stormwater Management Program (VSMP) regulations 9VAC25-870 et seq. and as a specific chapter in the Virginia stormwater management handbook. The method includes compliance spreadsheets for new development and redevelopment scenarios.

*Virginia stormwater BMP clearinghouse website.* A website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations. The website can be found at <http://www.vwrrc.vt.edu/swc/>



*Virginia Stormwater Management Act.* Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

*Virginia Stormwater Management Handbook.* A collection of pertinent information that provides general guidance for compliance with the Act and associated regulations and is developed by the Department with advice from a stakeholder advisory committee, referring to the 2<sup>nd</sup> edition, 2013 or most current version of the handbook.

*Virginia Stormwater Management Program or VSMP.* A program approved by the board after September 13, 2011 that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan of development review, inspection, enforcement, where authorized in the Act or associated regulations or this article, and evaluation consistent with the requirements of the Act and associated regulations and this article.

*Virginia Stormwater Management Program authority or VSMP authority.* An authority approved by the board after September 13, 2011 to operate a Virginia Stormwater Management Program or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.2 et seq. of the Code of Virginia, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia. Prior to approval, the board must find that the ordinances adopted by the locality's VSMP authority are consistent with the Act and this article including the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR-10), 9VAC25-880.

*VSMP authority permit.* A permit issued by the VSMP authority and evidence of approval to initiate and conduct land-disturbing activity if no VSMP authority permit is required in accordance with this article and which may only be issued after a VESCP authority permit has been issued and evidence of coverage under the general permit for discharges of stormwater from construction activities has been provided.

~~*Virginia Technology Assessment Protocol or VTAP.* A state approved assessment process for permitted use and listing manufactured treatment devices (MTDs) on the Virginia Stormwater Best Management Practice (BMP) Clearinghouse website and as referenced in Virginia Stormwater Management Program (VSMP) regulations.~~

*Watershed.* A defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

## **Sec. 8-22. Stormwater permit requirement; exemptions.**

(a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit has been issued by the administrator in accordance with the provisions of this article. VESCP and VSMP authority permits may be combined into a single consolidated permit that is consistent with the provisions of the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia).

(b) After June 30, 2014, and consistent with 9VAC25-870-51, a Chesapeake Bay preservation area land-disturbing activity shall not require completion of a registration statement or require coverage under the general VPDES permit for discharges of stormwater from construction activities (VAR10) but shall be subject to erosion and sediment control plan requirements consistent with Virginia erosion and sediment control law and regulations, this article, stormwater management plan requirements as outlined under section 8-25, ~~pollution prevention plan requirements as outlined in section 8-26~~, technical criteria and administrative requirements for land-disturbing activities as outlined in section 8-28, and the requirements for control measures for long-term maintenance as outlined in section 8-29.

(c) Notwithstanding any other provisions of this article, the following activities are exempt, upon verification by the administrator, and unless otherwise required by federal law. The administrator is authorized and directed to determine if a particular activity meets or qualifies for a specific exemption. Any appeal of the administrator's decision shall be heard by the board of supervisors.

- (1) Minor residential, business, and community landscaping activities such as tilling, adding soil amendments such as compost, and mulching for small scale features such as vegetable, flower or herb gardens, annual or perennial flower beds, ornamental plantings, wildflower plantings, edge borders, and reasonable turfgrass establishment. Exempted work under this provision cannot be situated in RPA and is normally reserved for aesthetic, beautification or scenic purposes and shall not include clearing, grading, placement of impervious cover, or soil disturbance due to placement of earthen fill or deep depths or quantities of topsoil beyond that expected for landscape purposes;
- (2) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
- (3) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the state board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
- (4) Single-family residences separately built and disturbing less than one (1) acre and not part of a larger common plan of development or sale, including additions or modifications to

existing single-family detached residential structures. However, localities subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may regulate these single-family residences where land disturbance exceeds 2,500 square feet;

- (5) Land disturbing activities that disturb less than one acre of land except for land disturbing activity exceeding an area of 2,500 square feet in all areas of the county designated as subject to the Chesapeake Bay preservation area designation and management regulations (9VAC25-830) adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, the board of supervisors may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exemption shall apply;
- (6) Discharges to a sanitary sewer or a combined sewer system;
- (7) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
- (8) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the previously approved project, including obligated storm drainage and stormwater management or BMP facility maintenance, provided it is performed to maintain proper stormwater function and structural integrity of previously approved and installed systems, does not result in any type of improvement such new pipes, channels, or the addition of access structures such as inlets or manholes, or results in a change in conveyance method, capacity, slope, size, alignment, material type, area, hydraulic radius, storage volume, or the physical location of any part of the system. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection;
- (9) Small scale archaeological and geotechnical or other similar investigative activities, unless the administrator deems that work for access and the investigative activity are of such a scale or magnitude to threaten natural resources or environmental inventory components as outlined in section 23-10 of the county code;
- (10) Small scale projects performed by the county pursuant to federal or state grant funds received and of which are solely for educational or demonstration purposes for water quality improvement or nonpoint source pollution control;
- (11) Reclamation or stabilization projects in which the county draws on erosion and sediment control, siltation, public improvement, subdivision or other performance surety as secured for a development project in accordance with section 8-35 of this article. Work under this item shall be of sole purpose to immediately stabilize or implement temporary erosion and sediment control measures at a site because of default on the project and to prevent damage or threatening conditions to adjacent or downstream property or water resources. Work under this provision shall be procured, contracted and managed by the VSMP authority or designee in accordance with county and county purchasing department requirements; and

- (12) Conducting land-disturbing activities in response to a public emergency, declared or otherwise, where the related work requires immediate authorization to avoid imminent endangerment to property, human health or the environment. In such situations, the administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection (a) is required within 30 days of commencing the land-disturbing activity.

**Sec. 8-23. Stormwater management program established; Submission and approval of plans; Prohibitions.**

(a) Pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of the Code of Virginia and 9VAC25-870 et seq. of the Virginia Administrative Code, the county hereby establishes a stormwater management program for land disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMPs promulgated by the state board for the purposes set out in section 8-20 of this article. For the purposes of this article, the board of supervisors hereby designates the director of the county division of engineering and resource protection as the administrator of the VSMP.

(b) For the purposes of this article, an applicant will need to employ a mix of site design, runoff reduction, and pollutant control strategies and practices, including structural and non-structural BMP practices, suitable for application in the coastal plain of Virginia and specific to the climate, rainfall, terrain, topography, slopes, soils, and groundwater tables in the county, in order to comply with the state stormwater standards for water quality and quantity criteria in accordance with the regulations and this article. The standards contained within the VSMP Regulations 9VAC25-870-10 et seq. and the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) 9VAC25-880 et seq. of the Virginia Administrative Code including but not limited to the following, the minimum standards of the Virginia Erosion and Sediment Control Regulations 9VAC25-840-40, the VESCH, the Virginia stormwater BMP clearinghouse website, the Virginia stormwater management handbook, the Virginia Runoff Reduction Method, and any VESCP or VSMP related technical bulletins issued by the Department, are to be used by the applicant when making a submittal under the provisions of this article and in the preparation of a SWPPP or any applicable components required thereof. The VESCP and VSMP authority, in considering the adequacy of a submitted plan shall be guided by these same regulations, standards and guidelines.

(c) No VSMP authority permit shall be issued by the administrator, until the following items have been submitted to and approved by the administrator as prescribed herein:

- (1) A permit application that includes a general permit registration statement, if such statement is required. A registration statement is not required for detached single-family home construction within or outside a common plan of development or sale, but such projects must adhere to the requirements of the general permit;
- (2) Evidence of general permit coverage;
- (3) An approved erosion and sediment control plan, in accordance with Virginia erosion and sediment control law and regulations and this article; and
- (4) A stormwater management plan that meets the requirements of section 8-25 of this article. After July 1, 2014, an executed agreement in lieu of a stormwater management plan may

be used for single-family residences if such contract is executed by the VSMP authority in lieu of a stormwater management plan.

(d) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.

(e) No VSMP authority permit shall be issued until the fees required to be paid pursuant to section 8-34 are received, and a reasonable performance surety as required pursuant to section 8-35 of this article has been submitted in a satisfactory manner.

(f) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development, drainage, stormwater management, and stormwater pollution prevention will be done according to the approved plans and permit.

(g) No VSMP authority permit shall be issued until all wetland permits required by federal, state, and county laws and regulations are obtained and evidence of such provided to the administrator or VSMP authority. For those projects where no wetlands are proposed to be impacted or where the impacts do not require written authorization by wetland permit agencies, documentation shall be submitted to the administrator or the VSMP authority by a qualified wetlands professional attesting that the wetlands permitting process has been completed and no further documentation is necessary from applicable regulatory agencies.

(h) No grading, building, or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the administrator.

#### **Sec. 8-24. Stormwater pollution prevention plan; Contents of plans.**

(a) The stormwater pollution prevention plan shall include the content specified by 9VAC25-870-54 of the regulations and must comply with the requirements and general information set forth in 9VAC25-880-70, Part II, stormwater pollution prevention plan, of the General VPDES Permit for Discharge of Stormwater from Construction Activities (VAR10).

(b) A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, an approved pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E of 9VAC25-870-54 of the Virginia Administrative Code.

- (1) A stormwater management plan or an agreement in lieu of a stormwater management plan, as applicable, consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the VSMP authority, ~~except for land disturbing activities previously covered under the General VPDES Permit for the Discharge of Stormwater from Construction Activities issued July 1, 2009.~~

(c) The stormwater pollution prevention plan shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing stormwater pollution prevention plan.

(d) The stormwater pollution prevention plan must be maintained at a central location on-site. If an on-site location is unavailable, notice of the stormwater pollution prevention plan location must be posted near the main entrance at the construction site. Operators shall make the stormwater pollution prevention plan available for public review in accordance with Part II of the General VPDES Permit for discharge of stormwater from construction activities (VAR10), either electronically or in hard copy.

(e) The stormwater pollution prevention plan shall adhere to the general performance standards of section 23-9(b) of the county code and 4VAC50-90-130 of the Virginia Administrative Code and, if not otherwise provided for erosion and sediment control plan purposes in accordance with VESCP requirements in accordance with this article and 9VAC25-840, an environmental inventory shall be provided in accordance with section 23-10(2) of the county code.

(f) Rainwater harvesting, as component of a stormwater pollution prevention plan, is encouraged consistent with § 62.1-44.15:28(A)(9) of the Code of Virginia and 9VAC25-870-74 of the regulations.

#### **Sec. 8-25. Stormwater management plan; Contents of plans.**

(a) A stormwater management plan shall be developed and submitted to the VSMP authority. The stormwater management plan shall be implemented as approved or modified by the VSMP authority and shall be developed in accordance with the following:

(1) The stormwater management plan for a land disturbing activity as required in section 8-23 of this article shall apply the stormwater management technical criteria set forth in section 8-28 of this article to the land disturbing activity. Individual lots in new residential, commercial or industrial plans of development shall not be considered to be separate land-disturbing activities; however, shall be subject to agreement in lieu of stormwater management plan requirements, as applicable.

(2) Stormwater management plans for residential, commercial, or industrial subdivisions which are approved govern the development of individual parcels within that plan throughout the development life of the project, even if ownership changes. However, agreement in lieu of a stormwater management plan requirements will apply to these parcels, as applicable.

(3) The stormwater management plan as required in section 8-23 of this article shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to subsurface runoff.

(b) A complete stormwater management plan shall include the following elements:

(1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters, and the pre-development and post-development drainage areas;

- (2) Identification of the county watershed or subwatershed and hydrologic unit code (HUC) code based on Virginia's 6<sup>th</sup> order National Watershed Boundary Dataset (NWBD) hydrologic units (VAHU6) for which the project is situated in;
- (3) Contact information including the name, address, email, and telephone number of the owner and the tax map reference number and parcel number of the property or properties affected;
- (4) A narrative that includes a description of current site conditions and final site conditions, including the amount of disturbed area, the amount of proposed impervious cover, and the percent impervious cover of the site;
- (5) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
- (6) Information on proposed stormwater management facilities, including:
  - a. the type of facilities;
  - b. the location by geographic coordinates, latitude and longitude;
  - c. drainage area and impervious cover area treated by facilities (in acres);
  - d. the surface waters into which the facility will discharge;
- (7) Hydrologic and hydraulic computations, including runoff characteristics, presented in a clear and organized format;
- (8) Documentation and calculations verifying compliance with the water quality and quantity requirements of section 8-28 of this article, including providing a summary Virginia runoff reduction method compliance spreadsheet or worksheet for the project;
- (9) A map or maps of the site that depict the characteristics or features of the site and includes:
  - a. all contributing drainage areas;
  - b. existing topography and drainage patterns;
  - c. existing streams, ponds, culverts, storm drainage systems, channels, ditches, wetlands, other water bodies, RPAs, conservation easements, and floodplains;
  - d. soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
  - e. current land use including existing structures, roads, and locations of known utilities and easements;
  - f. sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these/those parcels;
  - g. the limits of disturbance (clearing and grading) for the project including proposed access and all on-site and off-site work activities;
  - h. proposed grading, contours and drainage patterns on the site or project;
  - i. proposed buildings, roads, parking areas, utilities, and stormwater drainage and management facilities;

- j. proposed land use with tabulations of the percentage of surface area to be adapted to various land uses including but not limited to planned locations of impervious cover, turfgrass, utilities, roads, open spaces, and easements, including conserved open spaces; and
- k. proposed percent impervious cover of the site or project;

(10) If an operator intends to meet the water quality and/or quantity requirements set forth in 9VAC25-870-63 or 9VAC25-870-66 and section 8-28 of this article through the use of offsite compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia and 9VAC25-870-69.

(11) If payment of a fee is required for a stormwater management plan submission by the VSMP authority, the fee and the required fee form shall be submitted.

(c) Elements of the stormwater management plan that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

(d) A construction record drawing (as-built) and construction certification for permanent stormwater management facilities shall be submitted to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall be established by the administrator or the VSMP authority and in accordance with 9VAC25-870-108 and 9VAC25-870-112. The administrator may elect to not require construction record drawings and construction certifications for stormwater management facilities which maintenance agreements are not required pursuant to section 8-29(b).

(e) A construction record drawing and construction certification for permanent stormwater conveyance system facilities (inlets, pipes, channels, etc.) shall be submitted to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater conveyance system facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall be established by the administrator or the VSMP authority. The administrator may elect to not require construction record drawings and construction certifications for stormwater conveyance system facilities which maintenance agreements are not required pursuant to section 8-29(b).

(f) An internal closed-circuit television (CCTV) post installation inspection, performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures, and culverts of 15-inch nominal diameter size or greater as part of the construction record and construction certification process. CCTV inspections shall follow standards and specifications developed by the administrator or the VSMP authority.



**Sec. 8-26. Pollution prevention plan; Contents of plans.**

(a) A pollution prevention plan, required by 9VAC25-870-56 of the regulations, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated prior to discharge into a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- (2) Minimize exposure of all materials on site to precipitation and stormwater. This may include, but is not limited to minimizing the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
- (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:

- (1) Wastewater from washout of concrete, unless managed by an appropriate control;
- (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
- (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- (4) Soaps or solvents used in vehicle and equipment washing.

(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

(d) A pollution prevention plan as required to be developed and implemented in accordance with subsections a – c above is required for all plans of development, including those site or plot plans required for single-family building permit applications, and shall be submitted for review and approval by the administrator or VSMP authority prior to site implementation, modification or update. Pollution prevention plans as developed for implementation under the single-family building permit application process may be accepted and processed by the VSMP authority through the agreement-in-lieu of plan process as established under the county VESCP and VSMP authority programs, including an agreement in lieu of a stormwater management plan for construction of a single-family residence as such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

**Sec. 8-27. Review of stormwater management plan.**

(a) The administrator or VSMP authority or any duly authorized agent of the administrator thereof, shall review stormwater management plans and shall approve or disapprove a SWM plan according to the following:

- (1) The administrator shall determine the completeness of a plan in accordance with section 8-25 of this article, and shall notify the applicant, in writing, of such determination, within fifteen calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
- (2) The administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subsection (1), then plan shall be deemed complete and the administrator shall have 60 calendar days from the date of submission to review the plan.
- (3) The administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
- (4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this article.
- (5) If a plan meeting all requirements of this article is submitted and no action is taken within the time provided above in subsection (2) for review, the plan shall be deemed approved.

(b) Approved SWM plans may be modified as follows:

- (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the administrator. The administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
- (2) The administrator may require that an approved stormwater management plan be amended, within a time prescribed by the administrator, to address any deficiencies noted during inspection.

(c) The administrator shall require the submission of a construction record drawing and construction certification for permanent stormwater management facilities. Construction record drawing and construction certification submittal requirements shall follow standards developed by the administrator or the VSMP authority and in accordance with 9VAC25-870-108 and 9VAC25-870-112. The administrator may elect not to require construction record drawings and construction certifications for stormwater management facilities for which recorded maintenance agreements are not required pursuant to section 8-29(b).

(d) A construction record drawing and construction certification for permanent stormwater conveyance system facilities (inlets, pipes, channels, etc.) shall be submitted to the administrator. The

construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater conveyance system facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall follow standards developed by the administrator or the VSMP authority. The administrator may elect to not require construction record drawings and construction certifications for stormwater conveyance system facilities which maintenance agreements are not required pursuant to section 8-29(b).

(e) An internal CCTV post installation inspection, performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures and culverts of 15-inch nominal diameter size or greater as part of the construction record and construction certification process. CCTV inspections shall follow standards and specifications developed by the administrator or the VSMP authority.

#### **Sec. 8-28. Technical criteria for regulated land disturbing activities.**

(a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the county hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part IIB, Technical Criteria for Regulated Land-Disturbing Activities of the regulations, 9VAC25-870-62 through 92, as amended, expressly to include 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [off-site compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development projects]; and 9VAC25-870-85 [stormwater management impoundment structures or facilities]; which shall apply to all land disturbing activities regulated pursuant to this article, except for grandfathering provisions as expressly set forth in subsection (c) through (f) of this section.

(b) Pre-development and post-development site, runoff and hydrology characteristics for water quantity control requirements under the provisions of 9VAC25-870-66 must be verified by site inspections, topographic surveys, available soil mapping or studies and calculations consistent with good engineering practices. Guidance provided in the Virginia stormwater BMP clearinghouse and the Virginia stormwater management handbook shall be considered appropriate practices.

(c) Any land-disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to Part IIC technical criteria of the VSMP regulations, sections 9VAC25-870-93 through 99, Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to the Provisions of 9VAC25-870-47B, provided that:

- (1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the administrator to be equivalent thereto, such as a county approved master stormwater management plan, which (i) was approved by the county prior to July 1, 2012; (ii) provided a layout as defined in 9VAC25-870-10; (iii) will comply with the Part IIC technical criteria of the VSMP regulation; and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
- (2) A state permit has not been issued prior to July 1, 2014; and

(3) Land disturbance did not commence prior to July 1, 2014.

(d) County, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part IIC technical criteria of the VSMP regulation provided that:

(1) There has been an obligation of county, state, or federal funding, in whole or in part, prior to July 1, 2012; or the Department has approved a stormwater management plan prior to July 1, 2012;

(2) A state permit has not been issued prior to July 1, 2014; and

(3) Land disturbance did not commence prior to July 1, 2014.

(e) Land disturbing activities grandfathered under subsections c – d in this section shall remain subject to the Part IIC technical criteria of the VSMP regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the state board.

(f) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the Part IIC technical criteria of the VSMP regulations.

(g) The administrator may grant exceptions to the technical criteria adopted in subsections Part IIB or Part IIC of the regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Virginia Stormwater Management Act, the VSMP regulations, and this article are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone shall not be a sufficient reason to grant an exception from the requirements of this article.

(1) Exceptions to the requirement that the land-disturbing activity obtain a required VSMP authority permit shall not be given by the administrator, nor shall the administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website <http://vwrrc.vt.edu/swc/>, ~~Virginia Technology Assessment Protocol (VTAP)~~, or any other control measure duly approved by the Department.

(2) Exceptions to requirements for phosphorus reductions shall not be allowed unless off-site options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.

(h) Nothing in this section shall preclude an operator from constructing to a more stringent standard at their discretion.

## **Sec. 8-29. Long-term maintenance of permanent stormwater facilities.**

(a) The administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of

runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the administrator and shall at a minimum:

- (1) A general template for the instrument document shall be made available by the VSMP authority;
- (2) Be submitted to the administrator for review and approval prior to the approval of the stormwater management plan;
- (3) Be approved to as by form by the county attorney's office;
- (4) Be stated to run with the land;
- (5) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
- (6) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the administrator; and
- (7) Be enforceable by all appropriate governmental parties.

(b) At the discretion of the administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the administrator.

(c) If a recorded instrument is not required pursuant to section 8-29(b), the administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, declarations of covenants and restrictions, plat notes, or other similar methods targeted at promoting the long term maintenance of such facilities. The alternative strategy shall follow standards and procedures as developed by the administrator or the VSMP authority. Such facilities shall not be subject to the requirement for an inspection to be conducted by the administrator.

### **Sec. 8-30. Monitoring and inspections.**

(a) The administrator, or any duly authorized agent of the administrator shall inspect the land disturbing activity during construction for:

- (1) Compliance with the approved erosion and sediment control plan;
- (2) Compliance with the approved stormwater management plan;
- (3) Development, updating, and implementation of a pollution prevention plan; and

- (4) Development and implementation of any additional control measures necessary to address a TMDL.

(b) The administrator or the VSMP authority, or any duly authorized agent thereof, may at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article. In accordance with a performance surety such as bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, any combination thereof, or such other legal arrangement satisfactory to the county attorney, the administrator or the VSMP authority, or any duly authorized agent thereof, may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

(c) Pursuant to §62.1-44.15:40 of the Code of Virginia, the administrator or VSMP authority may require every VSMP authority permit applicant or permittee, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of their discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this article. Post-construction inspections of stormwater maintenance facilities required by the provisions of this article shall be conducted by the administrator or VSMP authority or any duly authorized agent thereof, pursuant to the locality's adopted and state board approved inspection program and shall occur, at a minimum, at least once every five years except as may otherwise be provided for in section 8-29.

### **Sec. 8-31. Hearings.**

(a) Any permit applicant or permittee or person subject to an administrative decision, order or requirements of this article, aggrieved by any action of the county taken without a formal hearing, or by inaction of the county, may demand in writing a formal hearing by the county causing such grievance, provided a petition requesting such hearing is filed with the administrator within 30 days after notice of such action is given by the administrator.

(b) The board of supervisors shall hold hearings under this article shall do so in a manner consistent with § 62.1-44.26 and § 62.1-44.15:44 of the Code of Virginia. Local hearings held under this section shall be conducted by the board of supervisors at a regular or special meeting of the board of supervisors, or at any such time as may be designated.

(c) The board of supervisors shall hear the appeal as soon as practical after receipt of the written request. The appellant, the board of supervisors, and any person or agency expressing an interest in the matter shall be notified by the board, or its agent, not less than ten days prior to the date of the hearing. Published notice of the board's public meetings shall state that appeals from decision under the Virginia stormwater management ordinance may be heard.

(d) A verbatim record of the proceedings of such hearings shall be taken and filed with the local governing body. Depositions may be taken and read as in actions at law.

(e) The local governing body or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas *duces tecum*, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, which action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed may receive the same fees and reimbursement for mileage as in civil actions.

### **Sec. 8-32. Appeals.**

Appeals shall be conducted in accordance with local appeal procedures. Appeals shall include an opportunity for judicial review in the circuit court of James City County. Unless otherwise provided by the law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027 of the Code of Virginia, and the decisions of the circuit court shall be subject to review by the court of appeals. A permit applicant or permittee or person subject to a local decision, order or requirement of an appeal, may appeal to the circuit court of James City County no later than thirty days after the final decision. A “final decision” is the decision that resolves the merits of the action pending or effects a dismissal of the case.

### **Sec. 8-33. Enforcement.**

(a) If the administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings, inspection reports, notices to comply, notices of corrective action, and consent special orders. Written notices shall be served by registered or certified mail to the address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities.

- (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection b or the permit may be revoked by the administrator.
- (2) If a permittee fails to comply with a notice issued in accordance with this section within the time specified, the administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with established local procedures developed by the administrator or the VSMP authority. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the administrator. However, if the administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially

impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with section 8-33(c).

(b) In addition to any other remedy provided by this article, if the administrator or his or her designee determines that there is a failure to comply with the provisions of this article, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with established local procedures or policies.

(c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification or guidance document, or any permit condition issued by the administrator may be compelled in a proceeding instituted in the circuit court of James City County by the locality to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.

(d) Any person who violates any provision of this article or who fails, neglects, or refuses to comply with any order of the administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

(1) Violations for which a penalty may be imposed under this subsection shall include, but not be limited to, the following:

- (a) no permit registration, unless such statement is not required;
- (b) no stormwater pollution prevention plan;
- (c) An incomplete stormwater pollution prevention plan;
- (d) A stormwater pollution prevention plan not available for review;
- (e) no approved erosion and sediment control plan;
- (f) failure to install stormwater management BMPs or erosion and sediment controls;
- (g) stormwater management BMPs or erosion and sediment controls improperly installed or maintained;
- (h) operational deficiencies;
- (i) failure to conduct required inspections;
- (j) incomplete, improper, or missed inspections; and



(k) discharges not in compliance with the requirements of section 9VAC25-880-70 of the General VPDES Permit for the Discharge of Stormwater from Construction Activities (VAR10).

- (2) The administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
- (3) In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
- (4) Any civil penalties assessed by a court as a result of a summons issued by the county shall be paid into the treasury of the county to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the county and abating environmental pollution therein in such manner as the court may, by order, direct.

(e) Notwithstanding any other civil or equitable remedy provided by this section or by the Virginia Stormwater Management Act or Virginia Stormwater Management Regulations, any person who willfully or negligently violates any provision of this article, any order of the administrator, any condition of a permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

#### **Sec. 8-34. Fees.**

(a) Fees to cover the costs associated with erosion and sediment control plan review and inspection shall be imposed in accordance with requirements of the VESCP authority and section 8-5 of the county code.

(b) Fees to cover the costs associated with stormwater facility inspections shall be imposed in accordance with requirements of the VSMP authority and section 19-15 and section 24-7, as applicable, of the county code.

(c) Fees to cover costs associated with stormwater management and pollution prevention plan review including implementation of a VSMP related to land disturbing activities and issuance of permit coverage and VSMP authority permits shall be imposed by the VSMP authority in accordance with the fee schedule indicated in Table 1. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to Table 1. The VSMP authority portion of the statewide permit fee for coverage under the general permit for discharges of stormwater for construction activities for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale. Neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to subdivision A.5 of § 62.1-44.15:28 of the Code of Virginia shall be required for coverage under the general permit for discharges of stormwater from construction activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale.

**Table 1: Fee Schedule for Registration and Issuance of General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-820.**

Fee Type	Fee Amount
Chesapeake Bay Preservation Act land disturbing activity (not subject to general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$290
General / Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$290
General / Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$2,700 **
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$3,400
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$4,500
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600

\*\*Pursuant to amendments to the Virginia Stormwater Management Act, as amended, § 62.1-44.15:28 of the Code of Virginia, this fee tier will be \$290 for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres. In addition, neither a registration statement nor payment of the Department's portion of the statewide permit fee shall be required for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale within this tier, and all other tiers consistent with § 62.1-44.15:28(A)(8).

(d) Fees for the modification or transfer of registration statements from the general permit issued by the state board shall be imposed in accordance with the fee schedule indicated in Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the county, such reviews shall be subject to the fees set out in the fee schedule indicated in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total

disturbed acreage in the fee schedule indicated in Table 2. All fees specified in this subsection are payable to the locality.

**Table 2: Fee Schedule for the Modification or Transfer of Registration Statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-825.**

Type of Permit	Fee Amount
General / Stormwater Management – small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$20
General / Stormwater Management – small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$200
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$250
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$300
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

(e) The following annual permit maintenance shall be imposed in accordance with the fee schedule indicated in Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated by the administrator or the VSMP authority. All fees specified in this subsection are payable to the county, except for those individual permits or for projects completely administered by the Department such as state or federal projects, which shall be paid to the Department. General permit coverage maintenance fees shall be paid annually to the county on or before the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

**Table 3: Fee Schedule for the Maintenance of the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-830.**

Type of Permit	Fee Amount
Chesapeake Bay Preservation Act Land Disturbing Activity (not subject to the general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$50
General / Stormwater Management – small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$50
General / Stormwater Management – small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$400
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$500
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$650
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$1,400

(f) The fees set forth in sections (c) – (e), above shall apply to:

- (1) All persons seeking coverage under the general permit;
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit;
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an individual permit for discharges of stormwater from construction activities;
- (4) Permit and permit coverage maintenance fees outlined under section 8-34(e) may apply to each general permit holder.

(g) No permit application fees will be assessed to:

- (1) Permittees who request minor modifications to permits as defined in section 8-21 of this article. Permit modifications at the request of the permittee resulting in changes to

stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this section.

- (2) Permittees whose permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.
- (3) The county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) the other parties to the regional entity similarly waive fees; (2) the regional entity has locations in more than one locality; and (3) those portions of the fees required to be paid to the Department are completed.

(h) All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10- percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The county shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

(i) Nothing in this section shall prohibit the Department and VSMP authority from entering into an agreement whereby the total fee to be paid by the applicant for coverage under the general permit for discharge of stormwater from construction activities (VAR10) 9VAC25-880 is payable to the VSMP authority and the VSMP authority transmits the Department portion set forth in 9VAC25-870-820 of the Virginia Administrative Code to the Department on a schedule set forth by the Department.

### **Sec. 8-35. Performance surety.**

Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance surety such as bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, or any combination thereof, or such other legal arrangement acceptable to the county attorney to ensure that measures could be taken by the county at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the county takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including permit termination and proper submittal and approval of construction record drawings and construction certifications for permanent BMP facilities and permanent stormwater conveyance system facilities by the administrator or the VSMP authority, such surety including bond, letter of credit, bank escrow account, or cash surety, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be released or refunded to the applicant or terminated, as applicable.

This ordinance shall become effective on July 1, 2014.

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Mary Jones  
Chairman, Board of Supervisors

ATTEST:

VOTES

AYE      NAY      ABSTAIN

KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

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M. Douglas Powell  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of May,  
2014.

VSMP-Ord-ChangesfromWS

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY CREATING ARTICLE I WITH EXISTING SECTIONS 8-1 THROUGH 8-8, AS EROSION AND SEDIMENT CONTROL; AND BY ADDING ARTICLE II, STORMWATER MANAGEMENT PLAN, BY ADDING SECTION 8-20, TITLE, PURPOSE AND AUTHORITY; SECTION 8-21, DEFINITIONS; SECTION 8-22, STORMWATER PERMIT REQUIREMENT, EXEMPTIONS; SECTION 8-23, STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS; SECTION 8-24, STORMWATER POLLUTION PREVENTION PLAN, CONTENTS OF PLANS; SECTION 8-25, STORMWATER MANAGEMENT PLAN, CONTENTS OF PLANS; SECTION 8-26, POLLUTION PREVENTION PLAN, CONTENTS OF PLANS; SECTION 8-27, REVIEW OF STORMWATER MANAGEMENT PLAN; SECTION 8-28, TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES; SECTION 8-29, LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES; SECTION 8-30, MONITORING AND INSPECTIONS; SECTION 8-31, HEARINGS; SECTION 8-32, APPEALS; SECTION 8-33, ENFORCEMENT; SECTION 8-34, FEES; AND SECTION 8-35, PERFORMANCE SURETY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and reordained by creating Article I, Erosion and Sediment Control, with existing Sections 8-1 through 8-8; by adding Article II, Stormwater Management Plan, Section 8-20, Title, purpose and authority; Section 8-21, Definitions; Section 8-22, Stormwater permit requirement, Exemptions; Section 8-23, Stormwater management program established; Submission and approval of plans; Prohibitions; Section 8-24, Stormwater pollution prevention plan, Contents of plans; Section 8-25, Stormwater management plan, Contents of plans; Section 8-26, Pollution prevention plan, Contents of plans; Section 8-27, Review of stormwater management plan; Section 8-28,

Technical criteria for regulated land disturbing activities; Section 8-29, Long-term maintenance of permanent stormwater facilities; Section 8-30, Monitoring and inspections; Section 8-31, Hearings; Section 8-32, Appeals; Section 8-33, Enforcement; Section 8-34, Fees; and Section 8-35, Performance surety.

## Chapter 8. Erosion and Sediment Control

### *Article I. Erosion and Sediment Control*

Section 8-1. Title, purpose, and authority.

Section 8-2. Definitions.

Section 8-3. Erosion and sediment control program.

Section 8-4. Regulated land-disturbing activities; Submission and approval of plans, contents of plans.

Section 8-5. Permits, fees, bonding, etc.

Section 8-6. Monitoring, reports, and inspections.

Section 8-7. Penalties, injunctions, and other legal actions.

Section 8-8. Appeals and judicial review.

*Sections 8-9 – 8-19. Reserved.*

### *Article II. Stormwater Management Program*

#### ***Sec. 8-20. Title, purpose and authority.***

(a) *This ordinance shall be known and may be cited as “The Virginia Stormwater Management Program Ordinance.”*

(b) *Pursuant to § 62.1-44.15:27 of the Code of Virginia, this ordinance is adopted to address the mandate to integrate the County stormwater management requirements with the county erosion and sediment control (Chapter 8), flood insurance and floodplain management (Chapter 24, Article VI Overlay Districts, Division 3), Chesapeake Bay Preservation (Chapter 23) and Stormwater Management, Illicit Discharge Detection and Elimination (Chapter 18A) requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans,*



*issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the county and those responsible for compliance with these programs.*

*(c) The purpose of this article is to protect the general health, safety, welfare, and property of the citizens of the county and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, waterways and other natural resources, and to establish procedures whereby stormwater management and stormwater pollution prevention requirements related to water quality and quantity shall be administered and enforced.*

*(d) This article is adopted pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of the Code of Virginia and 9VAC25-870 et seq. of the Virginia Administrative Code.*

#### **Sec. 8-21. Definitions.**

*In addition to the definitions set forth in 9VAC25-870-10 et seq. of the Virginia Stormwater Management Program (VSMP) Regulations, 9VAC25-840-10 et seq. of the Virginia Erosion and Sediment Control Regulations, 9VAC25-850-10 et seq. of the Virginia Erosion and Sediment Control and Stormwater Management Certification Regulations, and 9VAC25-830-10 et seq. of the Chesapeake Bay Preservation Area Designation and Management Regulations, which are expressly adopted and incorporated herein by reference, the following words and terms used in this article have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.*

*Act. The Virginia Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.*

*Administrator. The director of the county division of engineering and resource protection who is responsible for administering the VSMP on behalf of the county and is designated as VSMP authority.*

*Agreement in lieu of a plan. A contract between the Virginia Erosion and Sediment Control Program (VESCP) or VSMP authority and the owner that specifies conservation measures that shall be implemented in the construction of a single-family residence. This contract may be executed by the VESCP or VSMP authority in lieu of a formal site plan or site erosion and sediment control plan.*

*Agreement in lieu of a stormwater plan. A contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.*

*Applicant. Any person submitting an application for a permit or requesting issuance of a permit under this article.*

*Approval Authority. The state water control board or its designee.*

*Best management practice or BMP. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.*

*Board or state board. The state water control board.*

*Certificates of competence. The issuance of a certificate to persons who have completed state board approved training programs and met any additional eligibility requirements pursuant to 9VAC25-850-10 et seq., as amended of the Virginia Administrative Code in the areas of erosion and sediment control, stormwater management, or a combination of both known as dual certification. Certification can be for program administration, plan review, inspector or combined for either or both erosion and sediment control and stormwater management.*

*Chesapeake Bay Preservation Act land-disturbing activity. A land-disturbing activity including clearing, grading or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre subject to the Chesapeake Bay Preservation Area Designation and Management Regulation 9VAC25-830 et seq. of the Virginia Administrative Code adopted pursuant to the Chesapeake Bay Preservation Act, Article 2.5 of the Code of Virginia, 1950, as amended (Code of Virginia) § 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.*

*Common plan of development or sale. A contiguous area where separate and distinct construction activities may be taking place at different times and on different schedules.*

*Control measure. Any best management practice, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.*

*Clean Water Act or CWA. The federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.*

*Department. The Commonwealth of Virginia, Department of Environmental Quality.*

*Development. Land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of these regulations and chapter, does not include the exemptions found in 9VAC25-870-300 of the Virginia Administrative Code.*

*Erosion and Sediment Control law, attendant regulations and local ordinance. Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the Virginia Erosion and Sediment Control Regulations (9VAC25-840 et seq.) of the Virginia Administrative Code, and this article.*

*Erosion and sediment control plan. A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be treated to achieve conservation objectives.*

*General permit.* A state permit authorizing a category of discharges under the CWA and the Act within a geographical area.

*Land disturbance or land-disturbing activity.* A manmade change to the land surface that potentially changes its runoff characteristics including any clearing, grading, excavation, transporting of fill and filling of land except that the term shall not include those exemptions specified in section 8-22(c) of this article.

*Large construction activity.* A construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

*Layout.* A conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

*Localized flooding.* Smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions. Designation of an area as subject to localized flooding is at the discretion of the administrator or VSMP authority based on factual information which may include documented complaints, reports of problem drainage areas or flooding, county performed studies or drainage analyses, or direct observations of site and drainage conditions during rainfall-runoff conditions.

*Minor modification.* For the purposes of this article, a minor modification or amendment of an existing state permit before its expiration for the reasons listed at 40CFR122.63 and as specified in 9VAC25-870-640 of the Virginia Administrative Code. Minor modification for the purposes of this article also means other modifications and amendments not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor state permit modification or amendment does not substantially alter state permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

*Municipal separate storm sewer system or MS4.* All separate storm sewers that are defined as “large” or “medium” or “small” municipal separate storm sewer systems or designated under 9VAC25-870-380(A)(1).

*National Pollutant Discharge Elimination System or NPDES.* The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing state permits, and imposing and enforcing pretreatment requirements under §§ 307, 402, 318, and 405 of the CWA. The term includes an approved program.

*Operator.* The owner or operator of any facility or activity subject to the Act and this article. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make

modifications to those plans and specifications; or, (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from municipal separate storm sewer systems (MS4s), operator means the operator of the regulated MS4 system.

*Permit or VSMP authority permit.* An approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of general permit coverage has been provided where applicable.

*Permittee.* The person to whom the state permit or VSMP authority permit is issued, including any owner or operator whose construction site is covered under a state construction general permit.

*Prior developed lands.* Land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.

*Regulations.* The Virginia Stormwater Management Program (VSMP) regulations, 9VAC25-870-10, et seq., as amended.

*Resource Protection Area or RPA.* That component of a Chesapeake Bay preservation area as defined in Chapter 23 of the county code.

*Site.* The land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

*Small construction activity.* Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than one acre, and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

*State permit.* An approval to conduct a land disturbing activity issued by the Approval Authority in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Approval Authority for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Act, the regulations, and this article. As the mechanism that imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, a state permit for stormwater discharges from an MS4 and after June 30, 2014 a state permit for conducting a land-disturbing activity issued pursuant to the Act are also a type of VPDES Permit. State permit does not include any state permit that has not yet been the subject of final Approval Authority action, such as a draft state permit. Approvals issued pursuant to this article, 9VAC25-880 and 9VAC25-890 of Virginia Administrative Code are not issuances of a permit under §62.1-44.15:01 of the Code of Virginia.

*State Water Control Law. Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.*

*State waters. All water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.*

*Steep Slopes. Slopes of 25 percent or greater as defined in section 23-5 of the county code.*

*Stormwater. Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.*

*Stormwater Conveyance System. A combination of drainage components that are used to convey stormwater discharge, either within or downstream of, the land-disturbing activity. This includes (i) manmade stormwater conveyance system(s) means a pipe, ditch, vegetated swale, or other stormwater conveyance system(s) constructed by man except for restored stormwater conveyance systems; or, (ii) natural stormwater conveyance system(s) means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or, (iii) restored stormwater conveyance system means a stormwater conveyance system(s) that have been designed and constructed using natural channel system design concepts. Restored stormwater conveyance system(s) include the main channel and the flood-prone area adjacent to the main channel.*

*Stormwater Discharge Associated with Construction Activity. The discharge of stormwater runoff from areas where land-disturbing activities (e.g., clearing, grading, filling, or excavation); construction materials or equipment storage and maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling); or other industrial stormwater related to the construction process (e.g., concrete or asphalt batch plants) are located.*

*Stormwater management facility. A control measure that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, or the period of release or the velocity of flow.*

*Stormwater management plan. A document containing materials describing methods for complying with the requirements of the VSMP or section 8-25 of this article.*

*Stormwater pollution prevention plan or SWPPP. A document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under a VSMP for construction activities shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of an approved erosion and sediment control (E&SC) plan, an approved stormwater management (SWM) plan, and an approved pollution prevention plan (PPP).*

*Subdivision. As defined in §15.2-2201 of Chapter 22 of Title 15.2 of the Code of Virginia and as subject to Chapter 19 of the county code.*

*Total maximum daily load or TMDL. The sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for nonpoint source pollution (NSP), natural background loading, and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or by other appropriate measure. The TMDL process provides for point versus nonpoint source pollution trade-offs.*

*Virginia Erosion and Sediment Control Handbook.* A collection of pertinent information that provides general guidance for compliance with the Erosion and Sediment Control law and associated regulations and is developed by the Department with advice from a stakeholder advisory committee, referring to the 3<sup>rd</sup> edition, 1992 or most current version of the handbook.

*Virginia Erosion and Sediment Control Program or VESCP.* A program approved by the board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable such as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan of development review, inspection, enforcement where authorized in the Erosion and Sediment Control Act and its attendant regulations, and evaluation consistent with the requirements of the Erosion and Sediment Control Act and its attendant regulations.

*Virginia Erosion and Sediment Control program authority or VESCP authority.* An authority approved by the board to operate a Virginia erosion and sediment control program. An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas and telephone companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

*VESCP authority permit.* A permit issued by the VESCP authority and evidence of approval to initiate and conduct land-disturbing activity if no VSMP authority permit is required in accordance with this article and which may only be issued after evidence of coverage under the general permit for discharges of stormwater from construction activities has been provided.

*Virginia Pollutant Discharge Elimination System (VPDES) permit or VPDES permit.* A document issued by the state water control board pursuant to the state water control law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

*Virginia runoff reduction method or VRRM.* The calculation method as documented by reference in 9VAC25-870 and which is used in part to comply with water quality and quantity provisions of the Virginia Stormwater Management Program (VSMP) regulations 9VAC25-870 et seq. and as a specific chapter in the Virginia stormwater management handbook. The method includes compliance spreadsheets for new development and redevelopment scenarios.

*Virginia stormwater BMP clearinghouse website.* A website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations. The website can be found at <http://www.vwrrc.vt.edu/swc/>

*Virginia Stormwater Management Act.* Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

*Virginia Stormwater Management Handbook.* A collection of pertinent information that provides general guidance for compliance with the Act and associated regulations and is developed by the

*Department with advice from a stakeholder advisory committee, referring to the 2<sup>nd</sup> edition, 2013 or most current version of the handbook.*

*Virginia Stormwater Management Program or VSMP. A program approved by the board after September 13, 2011, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan of development review, inspection, enforcement, where authorized in the Act or associated regulations or this article, and evaluation consistent with the requirements of the Act and associated regulations and this article.*

*Virginia Stormwater Management Program authority or VSMP authority. An authority approved by the board after September 13, 2011, to operate a Virginia Stormwater Management Program or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.2 et seq. of the Code of Virginia, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia. Prior to approval, the board must find that the ordinances adopted by the locality's VSMP authority are consistent with the Act and this article including the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR-10), 9VAC25-880.*

*VSMP authority permit. A permit issued by the VSMP authority and evidence of approval to initiate and conduct land-disturbing activity if no VSMP authority permit is required in accordance with this article and which may only be issued after a VESCP authority permit has been issued and evidence of coverage under the general permit for discharges of stormwater from construction activities has been provided.*

*Watershed. A defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.*

## **Sec. 8-22. Stormwater permit requirement; exemptions.**

*(a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit has been issued by the administrator in accordance with the provisions of this article. VESCP and VSMP authority permits may be combined into a single consolidated permit that is consistent with the provisions of the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia).*

*(b) After June 30, 2014, and consistent with 9VAC25-870-51, a Chesapeake Bay preservation area land-disturbing activity shall not require completion of a registration statement or require coverage under the general VPDES permit for discharges of stormwater from construction activities (VAR10) but shall be subject to erosion and sediment control plan requirements consistent with Virginia erosion and sediment control law and regulations, this article, stormwater management plan requirements as outlined under section 8-25, technical criteria and administrative requirements for land-disturbing activities as outlined in section 8-28, and the requirements for control measures for long-term maintenance as outlined in section 8-29.*

(c) *Notwithstanding any other provisions of this article, the following activities are exempt, upon verification by the administrator, and unless otherwise required by federal law. The administrator is authorized and directed to determine if a particular activity meets or qualifies for a specific exemption. Any appeal of the administrator's decision shall be heard by the board of supervisors.*

- (1) *Minor residential, business, and community landscaping activities such as tilling, adding soil amendments such as compost, and mulching for small scale features such as vegetable, flower or herb gardens, annual or perennial flower beds, ornamental plantings, wildflower plantings, edge borders, and reasonable turfgrass establishment. Exempted work under this provision cannot be situated in RPA and is normally reserved for aesthetic, beautification or scenic purposes and shall not include clearing, grading, placement of impervious cover, or soil disturbance due to placement of earthen fill or deep depths or quantities of topsoil beyond that expected for landscape purposes;*
- (2) *Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;*
- (3) *Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the state board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;*
- (4) *Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. However, localities subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may regulate these single-family residences where land disturbance exceeds 2,500 square feet;*
- (5) *Land disturbing activities that disturb less than one acre of land except for land disturbing activity exceeding an area of 2,500 square feet in all areas of the county designated as subject to the Chesapeake Bay preservation area designation and management regulations (9VAC25-830) adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, the board of supervisors may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exemption shall apply;*
- (6) *Discharges to a sanitary sewer or a combined sewer system;*
- (7) *Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;*



- (8) *Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the previously approved project, including obligated storm drainage and stormwater management or BMP facility maintenance, provided it is performed to maintain proper stormwater function and structural integrity of previously approved and installed systems, does not result in any type of improvement such new pipes, channels, or the addition of access structures such as inlets or manholes, or results in a change in conveyance method, capacity, slope, size, alignment, material type, area, hydraulic radius, storage volume, or the physical location of any part of the system. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection;*
- (9) *Small scale archaeological and geotechnical or other similar investigative activities, unless the administrator deems that work for access and the investigative activity are of such a scale or magnitude to threaten natural resources or environmental inventory components as outlined in section 23-10 of the county code;*
- (10) *Small scale projects performed by the county pursuant to federal or state grant funds received and of which are solely for educational or demonstration purposes for water quality improvement or nonpoint source pollution control;*
- (11) *Reclamation or stabilization projects in which the county draws on erosion and sediment control, siltation, public improvement, subdivision or other performance surety as secured for a development project in accordance with section 8-35 of this article. Work under this item shall be of sole purpose to immediately stabilize or implement temporary erosion and sediment control measures at a site because of default on the project and to prevent damage or threatening conditions to adjacent or downstream property or water resources. Work under this provision shall be procured, contracted and managed by the VSMP authority or designee in accordance with county and county purchasing department requirements; and*
- (12) *Conducting land-disturbing activities in response to a public emergency, declared or otherwise, where the related work requires immediate authorization to avoid imminent endangerment to property, human health or the environment. In such situations, the administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection (a) is required within 30 days of commencing the land-disturbing activity.*

***Sec. 8-23. Stormwater management program established; Submission and approval of plans; Prohibitions.***

*(a) Pursuant to Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of the Code of Virginia and 9VAC25-870 et seq. of the Virginia Administrative Code, the county hereby establishes a stormwater management program for land disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMPs promulgated by the state board for the purposes set out in section 8-20 of this article. For the purposes of this article, the board of supervisors hereby designates*

*the director of the county division of engineering and resource protection as the administrator of the VSMP.*

*(b) For the purposes of this article, an applicant will need to employ a mix of site design, runoff reduction, and pollutant control strategies and practices, including structural and non-structural BMP practices, suitable for application in the coastal plain of Virginia and specific to the climate, rainfall, terrain, topography, slopes, soils, and groundwater tables in the county, in order to comply with the state stormwater standards for water quality and quantity criteria in accordance with the regulations and this article. The standards contained within the VSMP Regulations 9VAC25-870-10 et seq. and the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) 9VAC25-880 et seq. of the Virginia Administrative Code including but not limited to the following, the minimum standards of the Virginia Erosion and Sediment Control Regulations 9VAC25-840-40, the VESCH, the Virginia stormwater BMP clearinghouse website, the Virginia stormwater management handbook, the Virginia Runoff Reduction Method, and any VESCP or VSMP related technical bulletins issued by the Department, are to be used by the applicant when making a submittal under the provisions of this article and in the preparation of a SWPPP or any applicable components required thereof. The VESCP and VSMP authority, in considering the adequacy of a submitted plan shall be guided by these same regulations, standards and guidelines.*

*(c) No VSMP authority permit shall be issued by the administrator, until the following items have been submitted to and approved by the administrator as prescribed herein:*

- (1) A permit application that includes a general permit registration statement, if such statement is required. A registration statement is not required for detached single-family home construction within or outside a common plan of development or sale, but such projects must adhere to the requirements of the general permit;*
- (2) Evidence of general permit coverage;*
- (3) An approved erosion and sediment control plan, in accordance with Virginia erosion and sediment control law and regulations and this article; and*
- (4) A stormwater management plan that meets the requirements of section 8-25 of this article. After July 1, 2014, an executed agreement in lieu of a stormwater management plan may be used for single-family residences if such contract is executed by the VSMP authority in lieu of a stormwater management plan.*

*(d) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.*

*(e) No VSMP authority permit shall be issued until the fees required to be paid pursuant to section 8-34 are received, and a reasonable performance surety as required pursuant to section 8-35 of this article has been submitted in a satisfactory manner.*

*(f) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development, drainage, stormwater management, and stormwater pollution prevention will be done according to the approved plans and permit.*

(g) No VSMP authority permit shall be issued until all wetland permits required by federal, state, and county laws and regulations are obtained and evidence of such provided to the administrator or VSMP authority. For those projects where no wetlands are proposed to be impacted or where the impacts do not require written authorization by wetland permit agencies, documentation shall be submitted to the administrator or the VSMP authority by a qualified wetlands professional attesting that the wetlands permitting process has been completed and no further documentation is necessary from applicable regulatory agencies.

(h) No grading, building, or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the administrator.

**Sec. 8-24. Stormwater pollution prevention plan; Contents of plans.**

(a) The stormwater pollution prevention plan shall include the content specified by 9VAC25-870-54 of the regulations and must comply with the requirements and general information set forth in 9VAC25-880-70, Part II, stormwater pollution prevention plan, of the General VPDES Permit for Discharge of Stormwater from Construction Activities (VAR10).

(b) A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, an approved pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E of 9VAC25-870-54 of the Virginia Administrative Code.

(1) A stormwater management plan or an agreement in lieu of a stormwater management plan, as applicable, consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the VSMP authority.

(c) The stormwater pollution prevention plan shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing stormwater pollution prevention plan.

(d) The stormwater pollution prevention plan must be maintained at a central location on-site. If an onsite location is unavailable, notice of the stormwater pollution prevention plan location must be posted near the main entrance at the construction site. Operators shall make the stormwater pollution prevention plan available for public review in accordance with Part II of the General VPDES Permit for discharge of stormwater from construction activities (VAR10), either electronically or in hard copy.

(e) The stormwater pollution prevention plan shall adhere to the general performance standards of section 23-9(b) of the county code and 4VAC50-90-130 of the Virginia Administrative Code and, if not otherwise provided for erosion and sediment control plan purposes in accordance with VESCP requirements in accordance with this article and 9VAC25-840, an environmental inventory shall be provided in accordance with section 23-10(2) of the county code.

(f) Rainwater harvesting, as component of a stormwater pollution prevention plan, is encouraged consistent with § 62.1-44.15:28(A)(9) of the Code of Virginia and 9VAC25-870-74 of the regulations.

***Sec. 8-25. Stormwater management plan; Contents of plans.***

*(a) A stormwater management plan shall be developed and submitted to the VSMP authority. The stormwater management plan shall be implemented as approved or modified by the VSMP authority and shall be developed in accordance with the following:*

- (1) The stormwater management plan for a land disturbing activity as required in section 8-23 of this article shall apply the stormwater management technical criteria set forth in section 8-28 of this article to the land disturbing activity. Individual lots in new residential, commercial or industrial plans of development shall not be considered to be separate land-disturbing activities; however, shall be subject to agreement in lieu of stormwater management plan requirements, as applicable.*
- (2) Stormwater management plans for residential, commercial, or industrial subdivisions which are approved govern the development of individual parcels within that plan throughout the development life of the project, even if ownership changes. However, agreement in lieu of a stormwater management plan requirements will apply to these parcels, as applicable.*
- (3) The stormwater management plan as required in section 8-23 of this article shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.*

*(b) A complete stormwater management plan shall include the following elements:*

- (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters, and the pre-development and post-development drainage areas;*
- (2) Identification of the county watershed or subwatershed and hydrologic unit code (HUC) code based on Virginia's 6<sup>th</sup> order National Watershed Boundary Dataset (NWBD) hydrologic units (VAHU6) for which the project is situated in;*
- (3) Contact information including the name, address, email, and telephone number of the owner and the tax map reference number and parcel number of the property or properties affected;*
- (4) A narrative that includes a description of current site conditions and final site conditions, including the amount of disturbed area, the amount of proposed impervious cover, and the percent impervious cover of the site;*
- (5) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;*
- (6) Information on proposed stormwater management facilities, including:*
  - a. the type of facilities;*

- b. the location by geographic coordinates, latitude and longitude;
- c. drainage area and impervious cover area treated by facilities (in acres);
- d. the surface waters into which the facility will discharge;

(7) Hydrologic and hydraulic computations, including runoff characteristics, presented in a clear and organized format;

(8) Documentation and calculations verifying compliance with the water quality and quantity requirements of section 8-28 of this article, including providing a summary Virginia runoff reduction method compliance spreadsheet or worksheet for the project;

(9) A map or maps of the site that depict the characteristics or features of the site and includes:

- a. all contributing drainage areas;
- b. existing topography and drainage patterns;
- c. existing streams, ponds, culverts, storm drainage systems, channels, ditches, wetlands, other water bodies, RPAs, conservation easements, and floodplains;
- d. soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
- e. current land use including existing structures, roads, and locations of known utilities and easements;
- f. sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these/those parcels;
- g. the limits of disturbance (clearing and grading) for the project including proposed access and all onsite and off-site work activities;
- h. proposed grading, contours and drainage patterns on the site or project;
- i. proposed buildings, roads, parking areas, utilities, and stormwater drainage and management facilities;
- j. proposed land use with tabulations of the percentage of surface area to be adapted to various land uses including but not limited to planned locations of impervious cover, turfgrass, utilities, roads, open spaces, and easements, including conserved open spaces; and
- k. proposed percent impervious cover of the site or project;

(10) If an operator intends to meet the water quality and/or quantity requirements set forth in 9VAC25-870-63 or 9VAC25-870-66 and section 8-28 of this article through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia and 9VAC25-870-69.

(11) If payment of a fee is required for a stormwater management plan submission by the VSMP authority, the fee and the required fee form shall be submitted.

(c) Elements of the stormwater management plan that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a

*professional registered in the Commonwealth of Virginia pursuant to Article 1 (§54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.*

*(d) A construction record drawing (as-built) and construction certification for permanent stormwater management facilities shall be submitted to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall be established by the administrator or the VSMP authority and in accordance with 9VAC25-870-108 and 9VAC25-870-112. The administrator may elect to not require construction record drawings and construction certifications for stormwater management facilities which maintenance agreements are not required pursuant to section 8-29(b).*

*(e) A construction record drawing and construction certification for permanent stormwater conveyance system facilities (inlets, pipes, channels, etc.) shall be submitted to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater conveyance system facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall be established by the administrator or the VSMP authority. The administrator may elect to not require construction record drawings and construction certifications for stormwater conveyance system facilities which maintenance agreements are not required pursuant to section 8-29(b).*

*(f) An internal closed-circuit television (CCTV) post installation inspection, performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures, and culverts of 15-inch nominal diameter size or greater as part of the construction record and construction certification process. CCTV inspections shall follow standards and specifications developed by the administrator or the VSMP authority.*

#### **Sec. 8-26.      *Pollution prevention plan; Contents of plans.***

*(a) A pollution prevention plan, required by 9VAC25-870-56 of the regulations, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:*

- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated prior to discharge into a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;*
- (2) Minimize exposure of all materials on site to precipitation and stormwater. This may include, but is not limited to minimizing the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and*

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(4) Soaps or solvents used in vehicle and equipment washing.

(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

(d) A pollution prevention plan as required to be developed and implemented in accordance with subsections a – c above is required for all plans of development, including those site or plot plans required for single family building permit applications, and shall be submitted for review and approval by the administrator or VSMP authority prior to site implementation, modification or update. Pollution prevention plans as developed for implementation under the single-family building permit application process may be accepted and processed by the VSMP authority through the agreement-in-lieu of plan process as established under the county VESCP and VSMP authority programs, including an agreement in lieu of a stormwater management plan for construction of a single-family residence as such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

#### **Sec. 8-27. Review of stormwater management plan.**

(a) The administrator or VSMP authority or any duly authorized agent of the administrator thereof, shall review stormwater management plans and shall approve or disapprove a SWM plan according to the following:

(1) The administrator shall determine the completeness of a plan in accordance with section 8-25 of this article, and shall notify the applicant, in writing, of such determination, within fifteen calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

(2) The administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subsection (1), then plan shall be deemed complete and the administrator shall have 60 calendar days from the date of submission to review the plan.

(3) The administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.

(4) *During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this article.*

(5) *If a plan meeting all requirements of this article is submitted and no action is taken within the time provided above in subsection (2) for review, the plan shall be deemed approved.*

(b) *Approved SWM plans may be modified as follows:*

(1) *Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the administrator. The administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.*

(2) *The administrator may require that an approved stormwater management plan be amended, within a time prescribed by the administrator, to address any deficiencies noted during inspection.*

(c) *The administrator shall require the submission of a construction record drawing and construction certification for permanent stormwater management facilities. Construction record drawing and construction certification submittal requirements shall follow standards developed by the administrator or the VSMP authority and in accordance with 9VAC25-870-108 and 9VAC25-870-112. The administrator may elect not to require construction record drawings and construction certifications for stormwater management facilities for which recorded maintenance agreements are not required pursuant to section 8-29(b).*

(d) *A construction record drawing and construction certification for permanent stormwater conveyance system facilities (inlets, pipes, channels, etc.) shall be submitted to the administrator. The construction record drawing and construction certification shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater conveyance system facilities have been constructed in accordance with the approved plan. Construction record drawing and construction certification submittal requirements shall follow standards developed by the administrator or the VSMP authority. The administrator may elect to not require construction record drawings and construction certifications for stormwater conveyance system facilities which maintenance agreements are not required pursuant to section 8-29(b).*

(e) *An internal CCTV post installation inspection, performed by the operator, is required for all stormwater conveyance system pipes, access or inlet structures and culverts of 15-inch nominal diameter size or greater as part of the construction record and construction certification process. CCTV inspections shall follow standards and specifications developed by the administrator or the VSMP authority.*

#### ***Sec. 8-28. Technical criteria for regulated land disturbing activities.***

(a) *To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land disturbing activities, the county hereby adopts the technical*



*criteria for regulated land-disturbing activities set forth in Part IIB, Technical Criteria for Regulated Land-Disturbing Activities of the regulations, 9VAC25-870-62 through 92, as amended, expressly to include 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [off-site compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development projects]; and 9VAC25-870-85 [stormwater management impoundment structures or facilities]; which shall apply to all land disturbing activities regulated pursuant to this article, except for grandfathering provisions as expressly set forth in subsection (c) through (f) of this section.*

*(b) Pre-development and post-development site, runoff and hydrology characteristics for water quantity control requirements under the provisions of 9VAC25-870-66 must be verified by site inspections, topographic surveys, available soil mapping or studies and calculations consistent with good engineering practices. Guidance provided in the Virginia stormwater BMP clearinghouse and the Virginia stormwater management handbook shall be considered appropriate practices.*

*(c) Any land-disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to Part IIC technical criteria of the VSMP regulations, sections 9VAC25-870-93 through 99, Technical Criteria for Regulated Land-Disturbing Activities: Grandfathered Projects and Projects Subject to the Provisions of 9VAC25-870-47B, provided that:*

*(1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the administrator to be equivalent thereto, such as a county approved master stormwater management plan, which (i) was approved by the county prior to July 1, 2012; (ii) provided a layout as defined in 9VAC25-870-10; (iii) will comply with the Part IIC technical criteria of the VSMP regulation; and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;*

*(2) A state permit has not been issued prior to July 1, 2014; and*

*(3) Land disturbance did not commence prior to July 1, 2014.*

*(d) County, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part IIC technical criteria of the VSMP regulation provided that:*

*(1) There has been an obligation of county, state, or federal funding, in whole or in part, prior to July 1, 2012; or the Department has approved a stormwater management plan prior to July 1, 2012;*

*(2) A state permit has not been issued prior to July 1, 2014; and*

*(3) Land disturbance did not commence prior to July 1, 2014.*

*(e) Land-disturbing activities grandfathered under subsections c – d in this section shall remain subject to the Part IIC technical criteria of the VSMP regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the state board.*

(f) *In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the Part IIC technical criteria of the VSMP regulations.*

(g) *The administrator may grant exceptions to the technical criteria adopted in subsections Part IIB or Part IIC of the regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Virginia Stormwater Management Act, the VSMP regulations, and this article are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone shall not be a sufficient reason to grant an exception from the requirements of this article.*

(1) *Exceptions to the requirement that the land-disturbing activity obtain a required VSMP authority permit shall not be given by the administrator, nor shall the administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website <http://vwrrc.vt.edu/swc/>, or any other control measure duly approved by the Department.*

(2) *Exceptions to requirements for phosphorus reductions shall not be allowed unless off-site options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.*

(h) *Nothing in this section shall preclude an operator from constructing to a more stringent standard at their discretion.*

***Sec. 8-29. Long-term maintenance of permanent stormwater facilities.***

(a) *The administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the administrator and shall at a minimum:*

(1) *A general template for the instrument document shall be made available by the VSMP authority;*

(2) *Be submitted to the administrator for review and approval prior to the approval of the stormwater management plan;*

(3) *Be approved to as by form by the county attorney's office;*

(4) *Be stated to run with the land;*

(5) *Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;*

(6) *Provide for inspections and maintenance and the submission of inspection and maintenance reports to the administrator; and*

(7) *Be enforceable by all appropriate governmental parties.*

(b) *At the discretion of the administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the administrator.*

(c) *If a recorded instrument is not required pursuant to section 8-29(b), the administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, declarations of covenants and restrictions, plat notes, or other similar methods targeted at promoting the long term maintenance of such facilities. The alternative strategy shall follow standards and procedures as developed by the administrator or the VSMP authority. Such facilities shall not be subject to the requirement for an inspection to be conducted by the administrator.*

#### ***Sec. 8-30. Monitoring and inspections.***

(a) *The administrator, or any duly authorized agent of the administrator shall inspect the land disturbing activity during construction for:*

(1) *Compliance with the approved erosion and sediment control plan;*

(2) *Compliance with the approved stormwater management plan;*

(3) *Development, updating, and implementation of a pollution prevention plan; and*

(4) *Development and implementation of any additional control measures necessary to address a TMDL.*

(b) *The administrator or the VSMP authority, or any duly authorized agent thereof, may at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article. In accordance with a performance surety such as bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, any combination thereof, or such other legal arrangement satisfactory to the county attorney, the administrator or the VSMP authority, or any duly authorized agent thereof, may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.*

(c) *Pursuant to §62.1-44.15:40 of the Code of Virginia, the administrator or VSMP authority may require every VSMP authority permit applicant or permittee, to furnish when requested such application*

materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of their discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this article. Post construction inspections of stormwater maintenance facilities required by the provisions of this article shall be conducted by the administrator or VSMP authority or any duly authorized agent thereof, pursuant to the locality's adopted and state board approved inspection program and shall occur, at a minimum, at least once every five years except as may otherwise be provided for in section 8-29.

#### **Sec. 8-31. Hearings.**

(a) Any permit applicant or permittee or person subject to an administrative decision, order or requirements of this article, aggrieved by any action of the county taken without a formal hearing, or by inaction of the county, may demand in writing a formal hearing by the county causing such grievance, provided a petition requesting such hearing is filed with the administrator within 30 days after notice of such action is given by the administrator.

(b) The board of supervisors shall hold hearings under this article shall do so in a manner consistent with § 62.1-44.26 and § 62.1-44.15:44 of the Code of Virginia. Local hearings held under this section shall be conducted by the board of supervisors at a regular or special meeting of the board of supervisors, or at any such time as may be designated.

(c) The board of supervisors shall hear the appeal as soon as practical after receipt of the written request. The appellant, the board of supervisors, and any person or agency expressing an interest in the matter shall be notified by the board, or its agent, not less than ten days prior to the date of the hearing. Published notice of the board's public meetings shall state that appeals from decision under the Virginia stormwater management ordinance may be heard.

(d) A verbatim record of the proceedings of such hearings shall be taken and filed with the local governing body. Depositions may be taken and read as in actions at law.

(e) The local governing body or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, which action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed may receive the same fees and reimbursement for mileage as in civil actions.

#### **Sec. 8-32. Appeals.**

Appeals shall be conducted in accordance with local appeal procedures. Appeals shall include an opportunity for judicial review in the circuit court of James City County. Unless otherwise provided by the law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027 of the Code of Virginia, and the decisions of the circuit court shall be subject to review by the court of appeals. A permit applicant or permittee or person subject to a local decision, order or requirement of an appeal, may appeal to the circuit court of James City County no later than 30 days after the final decision. A "final decision" is the decision that resolves the merits of the action pending or effects a dismissal of the case.

**Sec. 8-33. Enforcement.**

(a) If the administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings, inspection reports, notices to comply, notices of corrective action, and consent special orders. Written notices shall be served by registered or certified mail to the address specified in the permit application, or by delivery at the site of the development activities to the agent or employee supervising such activities.

(1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection b or the permit may be revoked by the administrator.

(2) If a permittee fails to comply with a notice issued in accordance with this section within the time specified, the administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with established local procedures developed by the administrator or the VSMP authority. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the administrator. However, if the administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with section 8-33(c).

(b) In addition to any other remedy provided by this article, if the administrator or his or her designee determines that there is a failure to comply with the provisions of this article, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with established local procedures or policies.

(c) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification or guidance document, or any permit condition issued by the administrator may be compelled in a proceeding instituted in the circuit court of James City County by the locality to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.

(d) Any person who violates any provision of this article or who fails, neglects, or refuses to comply with any order of the administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

(1) Violations for which a penalty may be imposed under this subsection shall include, but not be limited to, the following:

(a) no permit registration, unless such statement is not required;

(b) no stormwater pollution prevention plan;

(c) An incomplete stormwater pollution prevention plan;

(d) A stormwater pollution prevention plan not available for review;

(e) no approved erosion and sediment control plan;

(f) failure to install stormwater management BMPs or erosion and sediment controls;

(g) stormwater management BMPs or erosion and sediment controls improperly installed or maintained;

(h) operational deficiencies;

(i) failure to conduct required inspections;

(j) incomplete, improper, or missed inspections; and

(k) discharges not in compliance with the requirements of section 9VAC25-880-70 of the General VPDES Permit for the Discharge of Stormwater from Construction Activities (VAR10).

(2) The administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

(3) In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(4) Any civil penalties assessed by a court as a result of a summons issued by the county shall be paid into the treasury of the county to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the county and abating environmental pollution therein in such manner as the court may, by order, direct.

(e) Notwithstanding any other civil or equitable remedy provided by this section or by the Virginia Stormwater Management Act or Virginia Stormwater Management Regulations, any person who willfully or negligently violates any provision of this article, any order of the administrator, any condition of a

permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

**Sec. 8-34. Fees.**

(a) Fees to cover the costs associated with erosion and sediment control plan review and inspection shall be imposed in accordance with requirements of the VESCP authority and section 8-5 of the county code.

(b) Fees to cover the costs associated with stormwater facility inspections shall be imposed in accordance with requirements of the VSMP authority and section 19-15 and section 24-7, as applicable, of the county code.

(c) Fees to cover costs associated with stormwater management and pollution prevention plan review including implementation of a VSMP related to land disturbing activities and issuance of permit coverage and VSMP authority permits shall be imposed by the VSMP authority in accordance with the fee schedule indicated in Table 1. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to Table 1. The VSMP authority portion of the statewide permit fee for coverage under the general permit for discharges of stormwater for construction activities for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale. Neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to subdivision A.5 of § 62.1-44.15:28 of the Code of Virginia shall be required for coverage under the general permit for discharges of stormwater from construction activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale.

**Table 1: Fee Schedule for Registration and Issuance of General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-820.**

<i>Fee Type</i>	<i>Fee Amount</i>
<i>Chesapeake Bay Preservation Act land disturbing activity (not subject to general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)</i>	<i>\$290</i>
<i>General / Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)</i>	<i>\$290</i>
<i>General / Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)</i>	<i>\$2,700 **</i>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)</i>	<i>\$3,400</i>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)</i>	<i>\$4,500</i>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	<i>\$6,100</i>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</i>	<i>\$9,600</i>

**\*\*Pursuant to amendments to the Virginia Stormwater Management Act, as amended, § 62.1-44.15:28 of the Code of Virginia, this fee tier will be \$290 for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres. In addition, neither a registration statement nor payment of the Department's portion of the statewide permit fee shall be required for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale within this tier, and all other tiers consistent with § 62.1-44.15:28(A)(8).**

(d) Fees for the modification or transfer of registration statements from the general permit issued by the state board shall be imposed in accordance with the fee schedule indicated in Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the county, such reviews shall be subject to the fees set out in the fee schedule indicated in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in the fee schedule indicated in Table 2. All fees specified in this subsection are payable to the locality.



**Table 2: Fee Schedule for the Modification or Transfer of Registration Statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-825.**

<b>Type of Permit</b>	<b>Fee Amount</b>
<i>General / Stormwater Management – small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)</i>	<b>\$20</b>
<i>General / Stormwater Management – small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)</i>	<b>\$200</b>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)</i>	<b>\$250</b>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)</i>	<b>\$300</b>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	<b>\$450</b>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</i>	<b>\$700</b>

(e) The following annual permit maintenance shall be imposed in accordance with the fee schedule indicated in Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated by the administrator or the VSMP authority. All fees specified in this subsection are payable to the county, except for those individual permits or for projects completely administered by the Department such as state or federal projects, which shall be paid to the Department. General permit coverage maintenance fees shall be paid annually to the county on or before the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

**Table 3: Fee Schedule for the Maintenance of the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-830.**

<i>Type of Permit</i>	<i>Fee Amount</i>
<i>Chesapeake Bay Preservation Act Land Disturbing Activity (not subject to the general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)</i>	<i>\$50</i>
<i>General / Stormwater Management – small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)</i>	<i>\$50</i>
<i>General / Stormwater Management – small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)</i>	<i>\$400</i>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than 10 acres)</i>	<i>\$500</i>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</i>	<i>\$650</i>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	<i>\$900</i>
<i>General / Stormwater Management – large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</i>	<i>\$1,400</i>

(f) *The fees set forth in sections (c) – (e), above shall apply to:*

- (1) All persons seeking coverage under the general permit;*
- (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit;*
- (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an individual permit for discharges of stormwater from construction activities;*
- (4) Permit and permit coverage maintenance fees outlined under section 8-34(e) may apply to each general permit holder.*

(g) *No permit application fees will be assessed to:*

- (1) *Permittees who request minor modifications to permits as defined in section 8-21 of this article. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this section.*
- (2) *Permittees whose permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.*
- (3) *The county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) the other parties to the regional entity similarly waive fees; (2) the regional entity has locations in more than one locality; and (3) those portions of the fees required to be paid to the Department are completed.*

(h) *All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10- percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The county shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.*

(i) *Nothing in this section shall prohibit the Department and VSMP authority from entering into an agreement whereby the total fee to be paid by the applicant for coverage under the general permit for discharge of stormwater from construction activities (VAR10) 9VAC25-880 is payable to the VSMP authority and the VSMP authority transmits the Department portion set forth in 9VAC25-870-820 of the Virginia Administrative Code to the Department on a schedule set forth by the Department.*

#### ***Sec. 8-35. Performance surety.***

*Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance surety such as bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, or any combination thereof, or such other legal arrangement acceptable to the county attorney to ensure that measures could be taken by the county at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the county takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including permit termination and proper submittal and approval of construction record drawings and construction certifications for permanent BMP facilities and permanent stormwater conveyance system facilities by the administrator or the VSMP authority, such surety including bond, letter of credit, bank escrow account, or cash surety, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be released or refunded to the applicant or terminated, as applicable.*

*This ordinance shall become effective on July 1, 2014.*

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Mary Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of May,  
2014.

VSMP-Ord-Final

## MEMORANDUM COVER

**Subject:** Appropriation Resolution FY 15 Budget

**Action Requested:** Shall the Board adopt the appropriation resolution for the FY 15 Budget?

**Summary:** Attached is the appropriation resolution for the FY 2015 Budget. The resolution reflects the County Administrator's Proposed Budget and the changes made by the Board at its last Budget Work Session, as shown in the attached errata sheet for the General Fund and the Tourism Investment Fund.

**Fiscal Impact:**

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

**Assistant County Administrator**

Adam R. Kinsman *AK*

**Acting County Administrator**

M. Douglas Powell *DP*

**Attachments:**

1. Memorandum
2. Resolution
3. General Fund Errata Spreadsheet
4. Tourism Errata Spreadsheet

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

**Date:** May 13, 2014

**MEMORANDUM**

DATE: May 13, 2014

TO: The Board of Supervisors

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

SUBJECT: Appropriation Resolution FY 2015 Budget

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Attached is the appropriation resolution for the FY 2015 Budget. The resolution reflects the County Administrator's Proposed Budget and the changes made by the Board at its last Budget Work Session, as shown in the attached errata sheet for the General Fund and the Tourism Investment Fund.



Suzanne R. Mellen

SRM/tlc  
FY15BudgetApp-mem

Attachment

## RESOLUTION

### RESOLUTION OF APPROPRIATION

WHEREAS, the Acting County Administrator has prepared a two-year Proposed Budget for the fiscal years beginning July 1, 2014, and ending June 30, 2015, along with the fiscal year beginning July 1, 2015 and ending June 30, 2016, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2014, and ending June 30, 2015, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2015, and ending June 30, 2016.

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

1. The following amounts are hereby appropriated in the FY 2015 General Fund for the offices and activities in the amounts as shown below:

#### GENERAL FUND REVENUES

	<u>FY 2015</u>
General Property Taxes	\$ 112,397,500
Other Local Taxes	21,765,000
Licenses, Permits and Fees	8,230,000
Fines and Forfeitures	315,000
Revenue from Use of Money and Property	125,000
Revenue from the Commonwealth	26,584,500
Revenue from the Federal Government	7,000
Charges for Current Services	5,667,700
Miscellaneous Revenues	<u>158,300</u>
Total Revenues	<u>\$ 175,250,000</u>

#### GENERAL FUND EXPENDITURES

	<u>FY 2015</u>
General Administration	\$ 3,254,379
Court Services	3,679,705
Public Safety	23,908,147
Financial Administration	6,875,535
Development Management	3,568,376
General Services	8,843,659
Citizen and Community Services	5,691,440
Contribution - Outside Agencies	749,161
Nondepartmental	340,522
WJCC Schools	80,832,474

Contribution - School Debt Service	18,000,000
Library and Arts Center	4,367,111
Other Regional Entities	3,733,274
Health Services	1,785,160
Contributions - Other Funds	<u>9,621,057</u>
Total Expenditures	<u>\$ 175,250,000</u>

The appropriation for education includes \$80,832,474 as a local contribution to the Williamsburg-James City County Schools operations.

Year End Fund Balance	\$2,400,000
Contribution to Capital Projects	\$2,400,000

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

#### TAX RATES

Real Estate on each \$100 assessed value	\$0.77
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00
Boats, weighing 5 tons or more, on each \$100 assessed value	\$1.00
Boats, weighing less than 5 tons, on each \$100 assessed value	\$3.50

3. That the following amounts are hereby appropriated in other budgets in FY 2015 for the activities in the amounts as shown below:

#### CAPITAL PROJECTS BUDGET

##### Revenues:

Transfer from the General Fund	\$ 2,350,000
Prior Year General Fund	2,400,000
Short Term Financing	4,500,000
Marina Rental Income	66,000
Proffer Income	60,000
State Stormwater Grants	655,000
School Fund Balance	783,000
Reallocated Balances	
Stormwater - Drainage	371,000
Other Capital Balances	<u>400,000</u>
Total Capital Projects Fund Revenues	<u>\$11,585,000</u>



Expenditures:

Schools	\$ 7,478,000
General Services	2,255,000
Public Safety	1,270,000
Parks and Recreation	<u>582,000</u>

Total Capital Projects Fund Expenditures	<u>\$11,585,000</u>
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DEBT SERVICE BUDGETRevenues:

General Fund - Schools	\$18,000,000
General Fund - Other	3,300,000
Build America Bonds	211,620
Investment Income	20,000
Fund Balance	<u>3,560,040</u>

Total Debt Service Fund Revenues	<u>\$25,091,660</u>
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<u>Current Year Expenditures:</u>	<u>\$25,091,660</u>
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Total Debt Service Fund Disbursements	<u>\$25,091,660</u>
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VIRGINIA PUBLIC ASSISTANCE FUNDRevenues:

From Federal/State	\$3,759,947
General Fund	1,400,000
Other	506,162
Grant	<u>22,756</u>

Total Virginia Public Assistance Fund Revenues & Fund Balance	<u>\$5,688,865</u>
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Expenditures:

Administration and Assistance	<u>\$5,688,865</u>
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Total Virginia Public Assistance Fund Expenditures	<u>\$5,688,865</u>
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COMMUNITY DEVELOPMENT FUNDRevenues:

General Fund	\$ 596,865
Grants	1,363,557
Program Income	120,000
Revolving Loan Fund	200,000
Other	<u>115,719</u>

Total Community Development Fund	
Revenues & Fund Balance	<u>\$2,396,141</u>

Expenditures:

Administration and Programs	<u>\$2,396,141</u>
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Total Community Development Fund	
Expenditures	<u>\$2,396,141</u>

COLONIAL COMMUNITY CORRECTIONS FUNDRevenues:

From Federal/State	\$829,342
General Fund	49,192
Supervision Fees	73,519
Grants	129,389
Other	<u>87,453</u>

Total Colonial Community Corrections Fund	
Revenues	<u>\$1,168,895</u>

Expenditures:

Administration and Programs	<u>\$1,168,895</u>
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Total Colonial Community Corrections Fund	
Expenditures	<u>\$1,168,895</u>

SPECIAL PROJECTS/GRANTS FUNDRevenues:

Comprehensive Services Act (CSA)	\$319,300
CSA Local Match - General Fund	365,000
CSA School Share	112,000
Emergency Management Planning Grant	39,978
Virginia Fire Programs Fund	185,000
Emergency Medical Services Four-for-Life Program	<u>62,000</u>
Total Special Projects/Grants Fund Revenues	<u>\$1,083,278</u>

Expenditures:

Comprehensive Services Act	\$796,300
Emergency Management Planning Grant	39,978
Virginia Fire Programs Fund	185,000
Emergency Medical Services Four-for-Life Program	<u>62,000</u>
Total Special Projects/Grants Fund Expenditures	<u>\$1,083,278</u>

TOURISM INVESTMENT FUNDRevenues:

Additional \$2 per Night Room Tax	\$ 825,000
General Fund – from Room Tax Revenues	<u>1,560,000</u>
Total Tourism Investment Fund Revenues	<u>\$2,385,000</u>

Expenditures:

Tourism Activities	<u>\$2,385,000</u>
Total Tourism Investment Fund Expenditures	<u>\$2,385,000</u>

4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to transfer up to \$10,000 per occurrence from the contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$10,000. Total transfers for the year are not to exceed \$100,000.
6. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:

- a) Insurance recoveries received for damage to any county property, including vehicles, for which County funds have been expended to make repairs; and
  - b) Refunds or reimbursements made to the county for which the county has expended funds directly related to that refund or reimbursement.
- 7. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
- 8. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
- 9. All outstanding encumbrances in all County funds at June 30, 2014, shall be an amendment to the FY 2015 budget, and appropriated to the FY 2015 budget to the same department and account for which they were encumbered in the previous year.
- 10. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
- 11. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning:

FY 2016

General Fund	\$178,519,600
Capital Budget	29,085,000
Debt Service	25,064,585
Virginia Public Assistance	5,687,234
Community Development	2,422,265
Colonial Community Corrections	1,132,367
Special Projects/Grants	1,083,278
Tourism Investment	2,470,000

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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M. Douglas Powell  
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of May, 2014.

FY15BudgetApp-res

General Fund				General Fund			
FY 2015 Proposed Budget Adjustments		FY 2016 Proposed Budget Adjustments		Balances		Difference	
Balances		Balances		Balances		Difference	
\$175,250,000		\$175,250,000		\$178,519,600		\$0	
<u>Description</u>		<u>Revenues</u>		<u>Expenditures</u>			
Beginning Balance		\$ 175,250,000		\$ 175,250,000		\$ 178,519,600	
Increase/(Decrease) Contingency		\$ 11,246				\$ 630	
Adjust Sheriff's personnel dollars for Career Ladders		\$ 9,704				\$ 20,320	
Remove funding for Historic Triangle Senior Center		\$ (20,950)				\$ (20,950)	

Tourism Investment FY 2015 Proposed Budget Adjustments Balances \$2,385,000      \$2,385,000      Difference \$0				Tourism Investment FY 2016 Proposed Budget Adjustments Balances \$2,470,000      \$2,470,000      Difference \$0			
<u>Description</u>	<u>Revenues</u>	<u>Expenditures</u>		<u>Description</u>	<u>Revenues</u>	<u>Expenditures</u>	
Beginning Balance	\$ 2,385,000	\$ 2,385,000		Beginning Balance	\$ 2,470,000	\$ 2,470,000	
Consolidate proposed funding for Transportation Contractual Services				Consolidate proposed funding for Transportation Contractual Services			
		\$ (30,000)				\$ (30,000)	
Consolidate proposed funding for Events Tourism				Consolidate proposed funding for Events Tourism			
		\$ (76,500)				\$ (81,500)	
Consolidate Tourism Activities funding				Consolidate Tourism Activities funding			
		\$ 106,500				\$ 111,500	