

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF NOVEMBER 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

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

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

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** – Cub Scout Pack 103, consisting of Anders Becerra, a first-grade student at D.J. Montague Elementary School who lives in the Powhatan voting district; Elijah Fry a first-grade student at Clara Byrd Baker Elementary School who lives in the Jamestown district; Griffin Hartley, a first-grade student at Matoaka Elementary School who lives in the Berkeley district; Lennon Newsom, a first-grade student at Clara Byrd Baker Elementary School who lives in the Berkeley district; and Ethan Wunibald, a first-grade student at Clara Byrd Baker Elementary School who lives in the Jamestown district, led the Board in the Pledge of Allegiance.

**D. PRESENTATION**

**1. Stormwater Program Advisory Committee Update**

Mr. Aaron Small, Stormwater Program Advisory Committee Chairman, gave a brief update on the activities of the Stormwater Program Advisory Committee over the past year. He noted that the Committee was established in 2008 and the first official meeting was held in January 2009. He stated there were 14 voting members and two non-voting representatives from the Colonial Soil and Water Conservation District and the Virginia Department of Transportation (VDOT). He stated the mission was to provide guidance and information to staff and the Board on County stormwater management to improve flooding and water quality, outreach programs, and recommendations on implementation. He reviewed the organization of the committee and its subcommittees. He commented on staff assistance from the Stormwater Division and the Environmental Division, including water quality training and field training. He noted that the Committee provided evaluation criteria and prioritization for stormwater management projects. He reviewed the Committee's five-year capital program for flood mitigation, stream restoration, drainage system improvements, stormwater management facilities, and retrofits. He stated the Committee served in an advisory capacity for staff and for the Comprehensive Plan update related to stormwater management. He stated that in the future the Committee would continue to work with staff to help evaluate necessary stormwater management improvements and mitigation techniques.

Mr. McGlennon asked about funding for the capital projects. He asked for confirmation that the Committee expected roughly \$1.4 million per year for the next five years for the projects.

Mr. Small stated that figure was an average, but certain projects currently had existing funds budgeted and the projects would take over six years, which reduced the necessary funding to roughly \$900,000 per year.

Mr. McGlennon confirmed that 60 percent of the projects identified were designated as high-priority projects.

Mr. Small stated that was correct.

Ms. Jones thanked the citizens and staff that participated with this committee.

## **E. PUBLIC COMMENT**

Mr. Kennedy recognized Planning Commissioners Rich Krapf, Debbie Kratter, Chris Henderson, and Jack Fraley in attendance.

1. Dr. John Whitley, 110 Governor Berkeley Road, commented on environmental issues related to the proposed coal plant in Surry County and possible impacts on James City County. He noted that decisions by the Board affect those in adjoining jurisdictions as well.

2. Mr. Robert Richardson, 2786 Lake Powell Road, urged the Board to disclose its position on the proposed coal plant in Surry County. He stated his opposition to the coal plant and the possible environmental and biological effects of the emissions from the plant.

3. Mr. Jack Haldeman, 1597 Founder's Hill North, commented on the County budget reductions proposed in the Consent Calendar, item F-9. He commented on the reductions in funding toward education and public safety. He commented that the reduction was equal to the necessary funding for stormwater capital improvements. He requested that the Board cease to delay fiscal and environmental responsibility.

4. Mr. Ed Oyer, 139 Indian Circle, commented on the recent shootings at Fort Hood; commended the General Registrar and election officials for the efficiency of the recent election; and noted the drastic economic decline.

## **F. CONSENT CALENDAR**

Mr. Kennedy asked that Agenda Item No. F-9 be pulled from the Consent Calendar for additional discussion.

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

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

1. Minutes – October 27, 2009, Regular Meeting

2. Grant Award – Kiwanis Club of Williamsburg – \$300

**RESOLUTION**

**GRANT AWARD – KIWANIS CLUB OF WILLIAMSBURG – \$300**

WHEREAS, the James City County Police Department has been awarded a grant in the amount of \$300 from the Kiwanis Club of Williamsburg; and

WHEREAS, the funds are to be used for the purchase of supplies for the RadKIDS program; and

WHEREAS, the grant requires no match.

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

Revenue:

Kiwanis FY 2010 \$300

Expenditure:

Kiwanis FY 2010 \$300

3. Grant Award – Virginia Department of Environmental Quality Litter Prevention and Recycling Grant – \$10,269

**RESOLUTION**

**GRANT APPROPRIATION – VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**LITTER PREVENTION AND RECYCLING GRANT – \$10,269**

WHEREAS, the Virginia Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$10,269.

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

Revenue:

Litter Control Grant \$10,269

Expenditure:

Litter Control Grant \$10,269

4. Grant Appropriation – Homelessness Prevention and Rapid Re-Housing Program – \$100,000

**RESOLUTION**

**GRANT APPROPRIATION – HOMELESSNESS PREVENTION AND**

**RAPID RE-HOUSING PROGRAM - \$100,000**

WHEREAS, the Virginia Department of Housing and Community Development (VDHCD) has been awarded a Federal grant funded by the US Department of Housing and Urban Development (HUD) from the Homeless Prevention and Rapid Re-Housing Program (HPRP) authorized under Title XII of the American Recovery and Reinvestment Act for the period ending September 30, 2011; and

WHEREAS, the Peninsula Mayors and Chairs Commission on Homelessness endorsed the application by the Hampton-Newport News Community Services Board (HNNCSB) to VDHCD to be an HPRP subgrantee serving the Virginia Peninsula localities; and

WHEREAS, VDHCD has awarded HRHP grant funds to the HNNCSB, and HNNCSB has agreed to partner with James City County and to allocate \$100,000 of HPRP funds to James City County to provide financial assistance and services to individuals and families eligible under the HPRP; and

WHEREAS, there is no local cash match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following amendment to the Community Development Fund budget:

Revenue:

Homelessness Prevention and Rapid Re-Housing Program Grant      \$100,000

Expenditure:

Homelessness Prevention and Rapid Re-Housing Assistance      \$100,000

5. Grant Appropriation – Forest Heights Road Area Project Planning – \$25,000

**RESOLUTION**

**GRANT APPROPRIATION – FOREST HEIGHTS ROAD AREA PROJECT PLANNING – \$25,000**

WHEREAS, the Virginia Department of Housing and Community Development has awarded James City County a \$25,000 Community Development Block Grant (CDBG) Project Planning Grant; and

WHEREAS, the grant will fund the cost of engineering services for planning and conceptual design of infrastructure and housing alternatives in the Forest Heights Road area; and



WHEREAS, on October 27, 2009, the Board of Supervisors adopted a resolution indicating that it did not wish to become a sponsor for a community airport based on the results of the Airport Feasibility Study; and

WHEREAS, the intended purpose of the Community Airport Committee has been completed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby dissolve the Community Airport Committee.

8. Contract Award and Contingency Transfer – Executive Search Services – \$26,300

**RESOLUTION**

**CONTRACT AWARD AND CONTINGENCY TRANSFER –**

**EXECUTIVE SEARCH SERVICES – \$26,300**

WHEREAS, a Request for Proposals (RFP) to establish a contract with a professional executive search firm for the recruiting, screening, interviewing, and selection of qualified candidates to fill the County Administrator position was publicly advertised and 20 proposals were submitted; and

WHEREAS, upon reviewing the proposals and interviewing three firms, the Evaluation Committee determined that Springsted, Inc. was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A fair and reasonable contract price of \$21,300 was negotiated and an estimate of \$5,000 for finalist candidate travel was established; and

WHEREAS, the need for this project was identified after the Fiscal Year 2010 budget was approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the \$21,300 contract for Executive Search Services to Springsted, Inc. and amends the previously adopted budget for Fiscal Year 2009 as follows:

Expenditures:

Board of Supervisors Professional Services (001-011-0203)	<u>\$26,300</u>
Operating Contingency (001-193-0705)	<u>(\$26,300)</u>

10. Virginia Peninsula Homelessness Prevention and Rapid Re-Housing Program Partnership Agreement

**RESOLUTION**

**VIRGINIA PENINSULA HOMELESSNESS PREVENTION AND**

**RAPID RE-HOUSING PROGRAM PARTNERSHIP AGREEMENT**

WHEREAS, the Hampton-Newport News Community Service Board (HNNCSB) and James City County staff have negotiated an agreement to administer the Homelessness Prevention and Rapid Re-Housing Program (HPRP) ending September 30, 2011; and

WHEREAS, HPRP is authorized under Title XII of the American Recovery and Reinvestment Act (AARA) or 2009 (Recovery Act) whereby Congress has designated \$1.5 billion for communities to provide financial assistance and services to either prevent individual and families from becoming homeless or help those who are experiencing homelessness to be quickly re-housed and stabilized; and

WHEREAS, the sub-grant awarded to the HNNCSB, which is the subject of the HPRP Agreement, is authorized by the Governor of the Commonwealth of Virginia under a Grant Agreement executed by and between the U.S. Department of Housing and Urban Development (HUD) and the Commonwealth of Virginia; and

WHEREAS, HPRP awards are subject to the availability of funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes County Administrator Sanford B. Wanner to sign the HPRP Partnership Agreement.

9. Reduction in County's FY 2010 General Fund Budget

Mr. John McDonald, Manager of Financial and Management Services, stated that the purpose of this resolution was to adjust the County's General Fund Budget for FY 2010 in an equal amount to the reduction of contributions from the State. He stated that public school contributions were being reduced all over the State since the State government had not realized the revenues that had been expected from the State Sales Tax for Education. He noted the other reduction in HB 599 money law enforcement purposes for localities with police departments. Mr. McDonald stated that the proposal was not to reduce funding for public safety, but to reduce spending in anticipated vacancies. He stated that the last item was a reduction in reimbursement for shared offices which were the five constitutional offices which have received a considerable reduction from the State budget.

Mr. McDonald stated that the Virginia Retirement System (VRS) quarterly payment for teachers that would apply from April through June 2010 was eliminated in the Governor's budget. He stated that it was correct this would only be a deferral of the contribution, but during this fiscal period, the schools would not need to find the funds to pay the contribution. He noted that he felt that FY 2011 and FY 2012 would be difficult for the County and schools. He reiterated that the purpose was to reduce the County budget by the amount of the reduction in State contributions. He recommended approval of the resolution.

Mr. McGlennon stated that there was about \$1 million in savings as a result of not making the VRS contribution for teachers until next fiscal year. He asked what the school's plan was to make up this contribution in the future.

Mr. McDonald stated that the school administration was aware of this reduction and making changes to accommodate budget reductions in the future. He noted that the reduction was proposed in a State budget passed by an outgoing governor and a new governor would be in place when final adjustments to the budget may occur, which makes expectations uncertain.

Mr. Goodson asked if the deferred payment to VRS could be made in increments over time.

Mr. McDonald stated that it would have to be made up in the biennial budget process in FY 2011 and FY 2012. He stated a higher contribution was set to fully-fund the retirement benefits of the program, but it has been politically impossible in recent budgets.

Mr. Goodson asked if the rate would be higher in the future as a result.

Mr. McDonald stated changes were being proposed to the retirement system and the rate would likely increase, which would result in increased spending.

Mr. McGlennon asked for clarification that it was not this specific reduction that was causing the change.

Mr. McDonald stated that was correct.

Mr. Icenhour asked what would need to be done over the remaining fiscal year in the event of significant additional reductions.

Mr. McDonald stated that frozen positions are being used as reductions to balance the budget for next year. He stated that the County Administrator is looking at different funding options for capital projects. He noted reductions in debt service. He stated that recurring funding could face problems with additional reductions, but the current fiscal year was stable due to one-time reductions.

Mr. Icenhour commented on a projected shortfall in the Virginia budget of roughly 9.8 percent in reductions. He noted that the General Assembly will be asked through the Virginia Association of Counties (VACo) legislative program to give counties equal taxing authority to cities, which has been brought forward before, but has never been approved.

Mr. Kennedy made a motion to approve the resolution.

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

## RESOLUTION

### REDUCTION IN COUNTY'S FY 2010 GENERAL FUND BUDGET

WHEREAS, recent reductions in State funds require reductions in both revenue estimates and in spending for the FY 2010 County General Fund Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, shall adopt the following reductions to the FY 2010 budget and amend appropriations as follows:

#### GENERAL FUND REVENUES:

Revenue from the Commonwealth		
Sales Tax for Education		-\$667,000
HB 599 Payments		-104,709
Reimbursements of Shared Expenses		<u>-135,454</u>
		<u>-\$907,163</u>

#### GENERAL FUND EXPENDITURES:

Contribution to WJCC Public Schools		-\$667,000
Non-Departmental Personnel Contingency		-104,709
Shared Constitutional Offices		
Commonwealth Attorney	-\$30,811	
Clerk of the Circuit Court	-29,439	
Sheriff	-28,698	
Treasurer	-11,347	
City Share of Spending	<u>-18,218</u>	-118,513
County Offices		
Commissioner of the Revenue	-\$13,928	
Registrar/Electoral Board	<u>-3,013</u>	<u>-16,941</u>
		<u>-\$907,163</u>

### **G. PUBLIC HEARINGS**

Mr. Kennedy announced that the Comprehensive Plan public hearing would be the public hearing of the evening.

1. Case No. SUP-0019-2009. Treasure Island Road Wireless Communications Facility

Ms. Sarah Propst, Planner, stated that Ms. Lisa Murphy has applied for a Special Use Permit (SUP) to allow for the construction of a 124-foot tower on Treasure Island Road. The proposed tower is 120 feet tall with a 4-foot lightning rod. The site is 0.83 acres out of a 457.8-acre parcel and is zoned R8, Rural Residential. The property is located at 1700 Treasure Island Road. Three Wireless Communications Facilities (WCFs) are currently located within a three-mile radius of the proposed tower but do not provide adequate coverage along the Colonial Parkway, Treasure Island Road, and to the surrounding residential areas to the north.

Staff found the application consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

At its meeting on October 7, 2009, the Planning Commission voted 5-1 with one abstention to recommend approval the application.

Staff recommended approval of the resolution.

Mr. Kennedy opened the Public Hearing.

1. Ms. Lisa Murphy, on behalf of the applicant, New Cingular Wireless, gave a brief overview of the application and a network map of cellular service coverage for the area. She reviewed the location and impact of the tower in relation to the Gospel Spreading Farm and Treasure Island Road. She displayed the various balloon test photos and photos of similar towers to illustrate a minimal impact on the viewshed. She commented on community meetings and discussions with the owner of the property and those who work on the farm. She stated that she and staff worked diligently to find an ideal location for the tower. She requested approval of the application.

2. Mr. David N. Smith, 8600 Pocahontas Trail, commented that he was a grandson of the caretaker of the property where the tower is proposed to be located. He commented on potential medical impacts of the cellular towers on the animals and people who lived near the tower.

3. Mr. Paul L. Smith, 2280 Lake Powell Road, stated he was one of the caretakers of the land where the tower is proposed to be located. He stated his opposition to the cellular tower being located on the property due to the agricultural nature and the historic area.

4. Mr. Howard Smith, 101 Dogwood Drive, requested consideration for the families who live on the land where the cellular tower was proposed to be located. He stated the proposed site was previously a hay field. He commented that storms and harvesting could reduce the tree cover around the site. He stated there were other sites in the area that may be utilized. He commented that Gospel Spreading Farm was the last existing dairy farm in James City County and he believed the tower could affect the health of the cattle. He requested denial of the application.

5. Mr. Robert Spencer, 992 Three Bushel Drive, questioned the symbols on the applicant's coverage maps.

6. Mr. Anthony Smith, Richmond, Virginia, stated he was a grandson of the caretaker of the property. He commented on the effects of radiation in relation to cellular towers. He commented on potential health hazards as a result of exposure to the cellular tower. He commented on a potential race issue related to the placement of the tower.

7. Mr. Keith Smith, 2697 Lake Powell Road, asked for reassurance that no health risks were associated with cellular towers.

8. Mr. James Stoltz, on behalf of the property owner, stated he ran a children's camp at the farm for the past 39 years. He stated that at one point last summer, the telephone service went out and there was no cellular service, putting children and staff at potential risk. He stated the caretaker picked the site where he felt the cellular tower should be placed. He stated there was a need for cellular service in the area. He stated the proposal would be beneficial to those individuals who live on the farm and in the surrounding community. He requested approval of the application.

9. Ms. Jacqueline Norman, 1704 Treasure Island Road, commented that she had concerns about the property. She stated she was not against the tower, but she was unsure of the effects of living in close proximity to the tower. She further stated that Judge Powell could be provided new information regarding the Judge's past decision on property ownership.

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

Mr. Goodson asked about Federal statutes that do not allow the consideration of possible health threats as part of land use case deliberations by local government boards and councils.

Mr. Leo Rogers stated that the Federal government in the Federal Communications Commission (FCC) Act concluded that radiation could not be considered at the local level as part of a land use case for wireless facilities.

Mr. Goodson stated that he understood that if ownership was challenged, this decision could be changed.

Mr. Rogers stated that if there was a new owner or if the court changed the ownership, the applicant would have to have an agreement with the new property owner. He stated that if there was a willing change of ownership, the SUP would continue with the property to the new owner.

Mr. Goodson stated denial of the SUP would not affect the matter of ownership.

Mr. Rogers stated that was correct.

Mr. Goodson stated that based on the information from the County Attorney, he would like to make a motion to adopt the resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-0019-2009. TREASURE ISLAND ROAD**

#### **WIRELESS COMMUNICATIONS FACILITY**

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

WHEREAS, Ms. Lisa Murphy has applied on behalf of New Cingular Wireless for an SUP to allow for the construction of a wireless communications facility on a parcel of land zoned R-8, Rural Residential; and

WHEREAS, the proposed development is shown on a plan prepared by GPD Associates, with a final revision date of August 8, 2009, (the "Master Plan") with the site number listed as NF429C; and

WHEREAS, the property is located at 1700 Treasure Island Road and can be further identified as James City County Real Estate Tax Map Parcel No. 5620100001; and

WHEREAS, the Planning Commission, following its public hearing on October 7, 2009, voted 5-1, with one abstention, to recommend approval of this application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0019-2009 as described herein with the following conditions:

1. Terms of Validity: This SUP shall be valid for a total of one wireless communications facility at a total height of 124 feet including all appurtenances on the property as depicted on Sheet C-1 of the *Overall Site Plan* prepared by David B. Granger with a final date of August 3, 2009.
2. Time Limit: A final Certificate of Occupancy (CO) shall be obtained from the James City County Codes Compliance Division within two years of approval of this SUP, or the permit shall become void.
3. Structural and Safety Requirements: Within 30 days of the issuance of a final CO by the County Codes Compliance Division, certification by the manufacturer, or an engineering report by a structural engineer licensed to practice in the Commonwealth of Virginia, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the tower, including the total number and type of antennas which may be accommodated on the tower, demonstrating to the satisfaction of the County Building Official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
4. Tower Color: All colors used shall be approved by the Planning Director, or his designee, prior to final site plan approval.
5. Advertisements: No advertising material or signs shall be placed on the tower.
6. Additional User Accommodations: The tower shall be designed and constructed for at least three users and shall be certified to that effect by an engineering report prior to the site plan approval.
7. Guy Wires: The tower shall be freestanding and shall not use guy wires for support.
8. Enclosure: The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color, or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
9. Tree Buffer: A minimum buffer of 100 feet in width of existing mature trees shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower as depicted on Sheet C-1 of the *Overall Site Plan* prepared by David B. Granger with a final date of August 3, 2009.

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

2. Case No. SUP-0014-2009. Chickahominy Riverfront Park RV Loop and Master Plan

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Aaron Small of AES Consulting Engineers has applied on behalf of James City County Parks and Recreation for an SUP to make improvements to existing facilities at Chickahominy Riverfront Park and to master-plan the entire park property for community recreation. The proposed Phase I improvements include replacement of existing water mains, electrical service connections, and septic system for approximately 36 RV campsites located along the banks of Gordon Creek adjacent to the boat launch. The SUP will also provide for future development of the park in general conformance with the Shaping Our Shores Master Plan. The property was lawfully nonconforming as a campground and private recreation area in an A-1, General Agricultural, district prior to the County acquiring it in 2001. Prior to improvements or construction projects occurring on the property, the park must be brought into compliance. In 2005, Parks and Recreation was granted SUP-0033-2005 for improvements to 2.5 acres of the property, including replacing picnic shelters and the playground and adding parking. At that time, it was noted that any future improvements would need to obtain an amended SUP. Current zoning, Public Land (PL), also allows community recreation facilities as a specially permitted use.

Staff found the proposal consistent with surrounding zoning and development, the Comprehensive Plan, and the Shaping Our Shores master plan endorsed by the Board of Supervisors on June 9, 2009.

At its meeting on October 7, 2009, the Planning Commission recommended approval of the application by a vote of 6-1.

Staff recommended approval of the application.

Mr. Icenhour stated that he thought with the approval of Shaping Our Shores, the Board had approved the master plan.

Ms. Reidenbach stated that was the master plan referred to in Condition No. 1 of the SUP.

Mr. Icenhour stated that under the SUP and Master Plan that there would be authority to make improvements consistent with the Master Plan.

Ms. Reidenbach stated that any capital improvement requests for parks and recreation that would come forward through the budget process would be reviewed by the Development Review Committee (DRC) for consistency with the Master Plan.

Mr. Icenhour asked if each major phase of development would be required to be approved by the Board, either through a land use case or through the budget process.

Ms. Reidenbach stated that was correct.

Mr. Icenhour expressed concern about where the Resource Protection Area (RPA) buffers were in relation to the property to fulfill the same responsibilities as any other applicant. He commented that there were isolated and intermittent wetlands that were not yet subject to a watershed management plan. He stated there were currently no requirements to protect those wetlands, but the County should do so.

Mr. Kennedy opened the Public Hearing.

1. Mr. Robert Spencer, 9123 Three Bushel Road, commented that it was difficult to identify the Barrett's Ferry subdivision on the location map.

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

Mr. McGlennon made a motion to adopt the resolution.

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

### **RESOLUTION**

#### **CASE NO. SUP-0014-2009. CHICKAHOMINY RIVERFRONT PARK –**

#### **RV LOOP AND MASTER PLAN**

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

WHEREAS, Mr. Aaron Small of AES Consulting Engineers, on behalf of James City County Parks and Recreation, has applied for an SUP to make improvements to existing facilities at Chickahominy Riverfront Park and to master-plan the entire park property for community recreation; and

WHEREAS, the property is located on land zoned PL, Public Land, and can be further identified as James City County Real Estate Tax Map/Parcel No. 3430100002; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 7, 2009, recommended approval of this application by a vote of 6-1; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP No. 0014-2009 as described herein with the following conditions:

1. **Master Plan.** This SUP shall permit a public community recreation facility and accessory uses thereto, including, but not limited to, tent sites, cabins, recreational vehicle (RV) camping areas, special event areas, docks/piers, swimming facilities, playgrounds, boat launches, rowing facilities, picnic pavilions, camp store, and seasonal concession stands on property located at 1350 John Tyler Highway (the "Property"). Improvements to the site shall generally be located as shown on the document entitled "Figure 4-2: Master Plan-Chickahominy Riverfront Park," (the "Master Plan") prepared by Vanasse, Hangen, and Brustlin, Inc. (VHB) and date-stamped October 14, 2009, with only changes thereto that the Development Review Committee (DRC) determines to be generally consistent with the Master Plan and Shaping Our Shores report.

2. **Soil Studies.** Soil feasibility studies to determine appropriate areas for septic drainfields shall be submitted to the Virginia Department of Health for review and approval prior to final development plan approval for any new development on the Property. Redevelopment plans (“Redevelopment”) for the Property shall not be subjected to this requirement. Redevelopment shall include the removal and replacement, renovation, or rehabilitation of existing buildings or facilities that does not increase or change the general shape or location of impervious area or number of tent sites or RV spaces, does not change the existing primary use of an area, and/or does not change existing points of access. Based on the findings of any study, if a proposed use needs to be relocated, a plan detailing the relocation shall be provided to the DRC to determine whether the plan is generally consistent with the Master Plan and Shaping Our Shores report.
3. **Right-of-Way Buffer.** A 150-foot buffer shall be maintained along John Tyler Highway. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Director of Planning and the DRC.
4. **Lighting.** Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
5. **Speakers.** All permanent public address speakers used on the site shall be oriented generally toward the interior of the property and away from exterior property lines.
6. **Archaeology.** Additional archaeological studies for any area to be disturbed that is identified as ‘eligible’ for inclusion on the National Register of Historic Places and/or ‘unknown (further work needed)’ on pages 109-112 of the report titled “Phase I Cultural Resources Survey and Archaeological Inventory of the Chickahominy Riverfront Park, James City County, Virginia” by Geo-Marine, Inc. and dated June 2008, shall be submitted to the Director of Planning for review and approval prior to the commencement of any land-disturbing activity on the property. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources’ *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior’s *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior’s *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading, or construction activities thereon.

7. **Tree Clearing.** Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the proposed recreational uses shown on the Master Plan and related driveways, entrance improvements, and facilities as determined by the Director of Planning or designee and the DRC.
8. **Master Stormwater Management Plan.** A Master Stormwater Management Plan for the Property shall be submitted for review and approval by the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
9. **Special Stormwater Criteria.** Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. Low-impact development principles and techniques shall also be used in all development plans to reduce and control impacts associated with any increased storm water runoff. The owner shall demonstrate the application of SSC and low-impact design on all development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
10. **Resource Management Area (RMA) Buffers.** All development plans shall have the RMA buffers delineated in accordance with the Powhatan Creek Watershed Management Plan revision dated October 11, 2006, or any such RMA buffers as outlined in any future Gordon Creek Watershed Management Plan, to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
11. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

### 3. Adoption of the 2009 Comprehensive Plan

Ms. Tammy Rosario, Principal Planner, stated that over the past 26 months, staff, the Planning Commission, Steering Committee, Community Participation Team, and other citizens and community groups have collaborated to create the 2009 Comprehensive Plan. She stated that the plan was based on the 2003 Comprehensive Plan, but amendments have been incorporated that address specific concerns by the public. She said after a four-month review and adoption by the Planning Commission, the Comprehensive Plan has been brought before the Board for public comment at this time and further consideration at the Board's November 17, 2009, Work Session before final adoption.

Mr. Kennedy noted that a work session was held at 4 p.m. regarding the Comprehensive Plan. He stated the public hearing would be opened and on November 17, 2009, the Board would hold an additional work session which would be televised for the public.

Mr. Kennedy opened the Public Hearing.

1. Ms. Carolyn Hunt, 7152 Richmond Road, representing Hill Pleasant Farm, commented on the role of Hill Pleasant Farm in the 2009 Comprehensive Plan. She commented on the demands of farm life and

the reduction of employees and customers for the farm. She commented that she felt that the proposed Comprehensive Plan would be a positive tool for the community.

2. Mr. Bob Spencer, 9123 Three Bushel Drive, Vice Chair of James City County Citizens Coalition (J4C), commented on the Comprehensive Plan process and its transparency and community involvement. He stated the J4C has submitted studies, participated in meetings, and sponsored education sessions in relation to land use and the Comprehensive Plan. He stated there was concern for additional growth as a result of the new land use map. He stated that the J4C would like an analysis of the cumulative impact of any development and assurance not to expand the Primary Service Area (PSA). He stated that the Board should not permit development that would exceed the by-right population maximum. Mr. Spencer commented that unconstrained development was expensive for the community in terms of quality of life. He stated the J4C agreed with the concept of the environmental inventory of each development and the requirement to meet an adequate public facilities test for all infrastructures. Mr. Spencer noted support for researching a sustainable population goal and general endorsement for the Economic Development section of the Plan. He stated the J4C would oppose creation of an Economic Opportunity (EO) zone at Hill Pleasant Farm and Taylor Farm. He commented that Richmond Road was not a pleasant viewshed even as a Community Character Corridor (CCC). He stated opposition to creating commercial areas from rural lands due to possible expansion of the PSA. Mr. Spencer stated J4C's support of the findings of the Rural Lands Study and other land use recommendations aside from EO. He asked that the Comprehensive Plan define the number of acres of preserved open space and stated support for the transfer of development rights. Mr. Spencer stated on behalf of the J4C's opposition to widening Jamestown Road, Richmond Road, or Monticello Avenue, and a requirement of 'C' or higher level of service for these roads. He stated opposition for the amendment process, but approval of an annual evaluation of the Comprehensive Plan. He requested that the Comprehensive Plan address community character and revisit expanding stream buffers.

3. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, stated he felt the benefits of economic diversity to citizens would provide an overall improvement in the quality of life. He stated the Comprehensive Plan makes significant progress to provide for certainty in land use, transportation, redevelopment, limiting sprawl, transfer of development rights, and business incentives. He stated that there should be a comprehensive rezoning of the County to match the Comprehensive Plan Land Use Map. He stated there should at least be comprehensive rezoning for nonresidential areas to encourage businesses to locate here and help achieve a business-friendly community. He stated the current economic conditions should encourage business emphasizing in the Comprehensive Plan and creating an easier process for the businesses to develop in the County which would be beneficial.

4. Mr. Richard Costello, 10020 Sycamore Landing Road, stated he felt this Comprehensive Plan process engaged the public and set direction for development. He commented on residential growth and the need for incorporate workforce and affordable housing. He commented that slow economic growth in the County underscored the need to be more inviting to commercial development. He noted a need to have a fair and equitable plan for rural land owners and said the County should not take away the property owners' rights to build homes in relation to the transfer of development rights process. He stated he was opposed to the amendment process for the Comprehensive Plan because changes would be routinely done through rezonings. He commented on water quality and stated that the County should adopt a funding mechanism to upgrade existing watersheds to comply with updated Chesapeake Bay regulations. He commented on the need for increased density for developments in some areas to prevent sprawl.

5. Mr. Jay McClatchey, 4764 Winterberry Court, commented on proposed changes in the Deer Lake area of the Colonial Heritage development. He stated the residents of Colonial Heritage were not a major strain on the infrastructure. He stated the land use application proposed by the developer but denied through the Comprehensive Plan review process was beneficial due to decreased density and a broader tax base with the built-out development.

6. Mr. Tom Wishart, 4759 Winterberry Court, stated he was an active member of the Colonial Heritage Community and that he supported the changes in the Deer Lake area as proposed by the developer in a land use application.

7. Ms. Susan Gaston, 205 Par Drive, on behalf of the Williamsburg Area Association of Realtors (WAAR), stated that her organization represents the real estate professionals and homeowners in the area. She stated the association was happy to participate on the Community Participation Team. She stated she felt the process was open and stated her support of the plan on behalf of WAAR. She stated that she has been involved in numerous Comprehensive Plans, and she felt that this plan set a standard of openness and communication. On behalf of her organization, Ms. Gaston commented that the housing needs assessment indicated a shortage of over 1,900 units of workforce housing, and expressed support for the housing goals and strategies of the Comprehensive Plan, including development of an affordable unit dwelling ordinance and incentives for workforce housing. She commented that two-thirds of citizens surveyed expressed the concern that development is moving too fast and stated that WAAR did not support sprawl development. She commented on the development of a cluster ordinance in order to maximize the value of properties and as a tool to balance property owner rights and preservation of rural lands. She stated support of the EO designation to increase nonresidential tax base and to create jobs, mixed-cost housing, workforce housing, and mixed-use development in order to balance the commercial and residential tax base. She stated her organization was in support of the Comprehensive Plan's economic development goals and would like to encourage green design and green jobs, responsible growth, and environmental stewardship.

8. Mr. Greg Davis, on behalf of Kaufman and Canoles PC, spoke on behalf of the Colonial Heritage project land use application. He stated that his client was complimentary of the Comprehensive Plan process. He stated his client, the developers of Colonial Heritage, submitted a land use application to be incorporated into the Comprehensive Plan to move 66 acres of development near Deer Lake to decrease density, and an additional 90 acres would be moved into a conservation area. He stated the County would take over a private well system for an approved cluster development and there was no citizen opposition to the application, but the PSA boundary became a major factor in considering this land use case. Mr. Davis commented on long-range planning related to the PSA line and requested that the Board change the land use application denial in the Comprehensive Plan of the Deer Lake Estates area for future consideration in order to examine the proposal.

9. Mr. Doug Gebhardt, 3609 Grey Abbey Circle, Vice Chair of the James City County Economic Development Authority (EDA), stated that the EDA has provided input to the Steering Committee and he was pleased to see the input included in the Comprehensive Plan. He commented on the issue of growth and stated that quality growth was critical to the economic sustainability of the community. He stated that lands should be designated for economic development in order to plan for the economic health of the future. He commented on the recommendation of identifying land suitable for economic development potential, and he noted that the EDA's main target was the Lightfoot central area due to its transportation access from Interstate 64, Lightfoot Road, Croaker Road, and the CSX rail line. He stated the new EO designation for a portion of the land would be favorable and encouraged the County to look at possible EO designations for other areas in transportation and infrastructure hubs such as the Barhamsville interchange at Interstate 64, Anderson's Corner, and the Eastern State Hospital property. He requested that the Board reincorporate language in Economic Strategy 1.1, recommended by the Steering Committee, but removed by the Planning Commission during review:

“Encourage a balanced mixture of commercial, industrial, and residential land uses in a pattern and at a pace of growth supportive of the County’s overall quality of life, fiscal health, and environmental quality. This includes ensuring the adequate availability of a variety of marketable, ready-to-go industrial and office properties, encouraging the growth and development of new and existing small businesses, and actively promoting redevelopment where needed.” He made comments regarding the improvement of predictability by reducing the number of business uses that require an SUP and encouraged the Board to be more specific with regard to Economic Development Action 1.1.5 by adding the language: “Continue to analyze County regulations, policies, and procedures to ensure that they do not unnecessarily inhibit commercial and industrial development. Review SUP requirements to improve predictability by allowing more by-right business and industrial uses. The review should also include discussions regarding the types of performance standards needed to ensure community compatibility and acceptance.” He requested that the Comprehensive Plan improve predictability and refrain from placing unreasonable expectations on businesses or industrial parks within CCC. He asked for language that would not hinder the County’s ability to diversify the economic tax base and for a review of all existing residential zoning districts to provide potential incentives for workforce housing. He stated that in general the EDA supports the Comprehensive Plan. He stated that the EDA would continue to work toward economic health in the County.

10. Mr. Mac Mestayer, 105 Gilley Drive, commented on the public input process and stated that it has been too extensive and irrelevant. He requested that the public hearing be continued so more individuals get a chance to comment. He stated he disagreed with an annual amendment of the Comprehensive Plan. He requested that the EO zone not be used to take over rural lands and open space. He requested that the open space in A-1 zoning be preserved as has been expressed by many citizens.

11. Ms. Dorothea Neiman, 105 Broomfield Circle, commented on the need to update the WCF policy in relation to the proposed towers in Kingsmill. She commented on new technology that may provide a challenge for the planning staff in evaluation of WCF applications. She stated that WCFs should have minimal impact on residences and that Planning staff should have outside FCC resources to assist in locating WCFs.

12. Mr. Steve Romine, Norfolk, Virginia, on behalf of Verizon Wireless, stated objections to language on directing wireless facilities in community character areas. He stated the language dealing with technology should be more specific. He stated that he believed the current policy protects the citizens’ interest and the wireless providers. He stated the new towers have been successful in being camouflaged and that utilizing a specific technology provided significant engineering tradeoffs. He stated there was no need for a change in the WCF policy. He asked that the Board adopt the plan without the language which dictates the technology in the plan.

At 9:31 p.m. Mr. Kennedy recessed the Board for a short break.

At 9:39 p.m. Mr. Kennedy reconvened the Board.

13. Mr. Jack Fraley, 104 Thorpe’s Parish, commented on possible misconceptions about a national citizens’ survey and commented on the statistic that 60 percent of County citizens did not approve of the current direction of the County, but the actual data indicated that 82 percent of citizens ranked the current direction as excellent, good, or fair. He commented on the statistic that 70 percent of County citizens felt County government did not listen to citizens, but the actual data indicated that 70 percent ranked this area as excellent, good, or fair. He highlighted that 90 percent of County citizens felt that County government welcomed citizen involvement with a ranking of excellent, good, or fair, and the overall image of public trust for the County was above the benchmarks for the nation and for the southern states. He noted that there was discussion that the inclusion of two action items in the land use section of the plan may be an attempt to implement his own proposal to harmonize zoning and the Comprehensive Plan. He stated that these items

were in fact brought before the Steering Committee by staff to enhance land use predictability. He commented on concern about build-out population estimates which range from 178,000 to 187,000 between 2083 and 2089, while build-out population with current zoning is estimated at 118,000 by 2045. He stated his concept was to harmonize the Comprehensive Plan with zoning, which would stabilize the estimated population at 120,000. He noted that the draft plan was used as a case study for the Citizen's Planning Education Association of Virginia (CPEAV) conference and was cited for its citizen involvement, transparency, and innovation. He commented on growth management strategies that addressed the concerns of citizens in relation to growth, including determining sustainable levels of population and growth, development in correlation with available public facilities, revising allowable rural lands density with offsetting incentives for property owners, directing growth into designated areas, adoption of a community overlay district, early submission of environmental inventories, determining a Low Impact Development (LID) guide, adoption of a tree preservation policy, and models to assess cumulative impacts of development.

Mr. Kennedy was recognized for his extensive work during the Comprehensive Plan process.

14. Mr. Ed Oyer, 139 Indian Circle, commented on lack of recognition in the Comprehensive Plan related to areas in the Grove community; evaluation of construction and operation costs of schools; soft-second mortgage programs in relation to Pocahontas Square; changes in Federal, State, and County land on Route 60 East; and opposition to changes to M-1 zoning designations on Merrimac Trail.

15. Mr. Robert Richardson, 2786 Lake Powell Road, stated that he felt residential growth was uncontrolled in the County. He requested that the public hearing remain open until the final adoption of the plan. He stated he would not support annual updates to the Comprehensive Plan and requested that the boundary of the PSA be enforced.

16. Ms. Beverly Hall, 8491 Richmond Road, on behalf of the Taylor family, requested consideration of the Taylor Farm for EO designation. She stated that this piece of property was the only one in the area that has not been developed. She requested that the property be rezoned to be consistent with the surrounding area.

17. Mr. Louis Mingo, 6509 Congress Hall, commented that he felt that Colonial Heritage has a positive impact on the community and that the developer has been responsive to the community within the development. He stated he felt the changes proposed by the developer in Deer Lake would be beneficial to the community.

18. Mr. Bob Hershberger, 5215 Center Street, stated the Comprehensive Plan was a collective idea of the participants and reflects a vision for the future with compromise. He requested approval of the plan.

19. Mr. Tom Tingle, 316 The Maine West, Chair of the EDA and member of the Comprehensive Plan Steering Committee, commented on the process the Comprehensive Plan underwent and commended the citizen involvement. He stated the Comprehensive Plan reflected public input and compromise. He commented that he was glad to see the Business Climate Task Force (BCTF) recommendations implemented and opportunities for affordable and workforce housing. He supported the EO designation and hoped it was one of several areas explored in the Regional Comprehensive Plan update. He stated he was pleased with transportation measures included in the plan and progressive land use concepts to address sprawl, rural lands, and transfer of development rights. He requested approval of the Comprehensive Plan.

20. Ms. Deborah Kratter, 113 Long Point, requested that the actions be refined enough to determine whether or not the Board follows the plan. She asked that the Board consider who would pay for the benefits suggested.

21. Mr. Richard Schreiber, President and CEO of the Greater Williamsburg Area Chamber and Tourism Alliance, representing Chamber members and employees, stated that his organization has participated in the Comprehensive Plan process. He agreed that the six issues identified by the Comprehensive Plan were important. He stated that the members of the Chamber want to ensure that long-term lifestyle and tourism were included in the plan, along with workforce housing, transportation systems, and balanced growth. He stated that the Chamber was pleased with the plan. He commented on growth in the County and stated the Chamber believed that economic growth must be accommodated. He asked to maintain the quality of life in the County through a balanced economic portfolio, including EO zones.

22. Mr. Randall Foskey, 121 William Allen, commented on growth over time, including the people who come in for the quality of life, and the need to provide opportunities for the future.

Mr. McGlennon commented that several speakers had requested to leave the public hearing open until the next meeting.

Mr. Kennedy noted that during the budget process, the public hearing was closed and individuals were permitted to speak during the public comment segments to allow individuals who had already spoken to also speak at the next meeting.

Mr. Goodson commented that there should be consideration about whether or not those who spoke at the public hearing this evening would be allowed to speak again if the public hearing was continued.

Mr. Kennedy stated that the precedent was that an individual may speak to a public hearing only once.

Mr. McGlennon stated he was not sure that was correct in relation to land use public hearings that have been continued.

Mr. Kennedy stated that it has been allowed for land use cases that have been deferred.

Mr. McGlennon stated that he felt that citizens would like to provide additional comment if discussion continued on the Comprehensive Plan.

Mr. Kennedy stated there was an opportunity to do that during the public comment sections.

Mr. McGlennon stated that he wished to honor the requests of the citizens who have spoken on keeping the public hearing open.

Mr. Kennedy requested the input of the other Board members.

Mr. Icenhour stated he would support keeping the public hearing open.

Ms. Jones stated she supported closing the public hearing and encouraging citizens to continue to comment via telephone, email, and at the public comment sections.

Mr. Goodson stated that he felt that if there was new comment on new issues, he could support the public hearing remaining open. He stated concern that citizens would feel the necessity to come to two meetings if the public hearing was continued.

Mr. Kennedy stated that he would like to move forward in a similar way to the budget public hearing. He stated the public hearing would be closed and there would be a work session on November 17, 2009. He stated that at the next meeting the public would be able to comment during the public comment segment.

Mr. Goodson stated he supported the plan that was proposed. He stated based on comments from the public, he would like background from staff for further consideration of the land use application for Deer Lake, as well as information regarding the possibility of an affordable housing unit ordinance. He requested details about the technological background on WCFs from staff and information about Taylor Farm as an EO-designated area. He also commented on weak language on growth in the proposed plan. Mr. Goodson also asked for a synopsis of the changes made by the Planning Commission to language approved by the Steering Committee which was supported by the EDA.

Mr. McGlennon noted that a list was provided by staff.

Mr. Wanner indicated that the information would be provided.

Mr. Goodson stated he had seen the minutes, but would like to see the language proposed by the Steering Committee and what was changed prior to the approval of the draft plan by the Planning Commission.

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

Mr. Wanner asked the Board to articulate specific questions and comments about the Comprehensive Plan to staff in preparation for the Board's work session on November 17, 2009.

## **H. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented that he had reviewed many years of votes by the Board of Supervisors and there was rarely a negative vote. He commented that the Comprehensive Plan was a reflection of what the citizens want to see in the future.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the Hill Pleasant Farm and the EO designation. He stated that he felt the EO overlay would increase density dramatically. He stated he did not support this designation. He commented on the Board of Supervisors Code of Ethics.

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

Mr. Wanner noted that on November 11, 2009, in observance of Veteran's Day, County, State, and Federal offices would be closed. He noted that there would be no mail or bank services.

Mr. Wanner stated that when the Board completed its business, it should recess to 4 p.m. on November 17, 2009, for further discussion on the Comprehensive Plan. He also recommended that the closed session appointment to the Water Conservation Committee be done in open session if the Board wished to do so.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that he received a VACo award for the Neighborhood Connections online database for Neighborhoods Organizing Ways to Achieve Connections (NOWAK) which provides information for neighborhoods. He congratulated the Neighborhood Connections and Information Technology divisions.

Mr. McGlennon made a motion to appoint Ms. Kathy Mestayer to an unexpired term on the Water Conservation Committee, term to expire on May 31, 2011.

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

Mr. McGlennon expressed his appreciation for those who participated in the recent election and election officials.

Mr. Icenhour stated that he attended the VACo Annual Conference and a meeting of the State Water Commission. He stated at the meeting there was a presentation by the Department of Environmental Quality (DEQ) on the cost of providing background information for the water resource plan, which was estimated at \$4 million. He noted there was no record of the impacts of private wells since the Virginia Department of Health holds those records in a database unacceptable to the DEQ. He noted that three bills were proposed: one established a water resources planning committee; a second bill permitted fines for non-reporting of groundwater withdrawals; and the third increased the groundwater withdrawal permit fee, since in Virginia this fee only offsets about 12-13 percent of the cost. He noted that the stormwater regulations public comment will close on November 25, 2009, and the Commission would be acting on the regulations in December 2009. He said the new regulations would go into effect in July 2010 and would need to be addressed on the local level.

## **K. RECESS to 4 p.m. on November 17, 2009.**

At 10:33 p.m., Mr. Kennedy recessed the Board to 4 p.m. on November 17, 2009.

## **L. CALL TO ORDER**

At 4 p.m. on November 17, 2009, Mr. Kennedy reconvened the Board of Supervisors.

## **M. ROLL CALL**

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

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

## **N. BOARD DISCUSSIONS**

1. 2009 Comprehensive Plan: *Historic Past, Sustainable Future*

Ms. Tammy Rosario, Principal Planner, gave a presentation on each section of the Comprehensive Plan to address the Board's questions. Ms. Rosario invited the Board members to discuss their questions about each section.

a. Executive Summary

Mr. McGlennon commented on the summary's implication that growth control was previously implemented in the County's Comprehensive Plan. He said that according to citizen surveys and feedback, many citizens did not feel the County had been previously exercising strong growth control measures. He stated that he felt the document should indicate that growth controls should be implemented rather than be continued.

Ms. Rosario commented that initial wording proposed by staff was to "continue to practice growth management," as that was a key factor in the plan and what is allowed through enabling legislation. She stated that the Planning Commission had revised the section's wording to include growth control rather than growth management.

Mr. McGlennon agreed that the original wording was more accurate. He stated his preference would be to incorporate language indicating that growth controls should be implemented.

Mr. Goodson commented that he felt there were implements in place to influence the rate of growth.

b. Vision Statement

Mr. McGlennon noted that his questions in this section dealt with clarifying the language of the statement rather than changing the intent. He noted a possible change in the statement that dealt with enhancing the legacy of the County's quality of life. He stated that he would recommend a change to preservation and enhancement of the quality of life.

Mr. Goodson commented that there was a 26-month process in which the language was considered, and he felt that the word "legacy" was appropriate in this context. He commented that the Planning Commission should reconsider the numerous proposed changes to the plan.

Mr. McGlennon stated that the Board had a responsibility to carefully review and contribute to the plan. He stated the Board would ultimately be accountable for the plan.

Mr. Goodson stated the Comprehensive Plan process was approved by the Board. He noted that there were many changes being proposed to the plan, which would not be typical of a land use proposal without being referred back to the Planning Commission.

Mr. McGlennon stated he did not object to referring the plan back to the Planning Commission in the event substantial changes were made. He commented that the process included active participation by the Board of Supervisors.

Ms. Rosario noted that the language was made at the Planning Commission level, and dependent on Board instruction the change could be made.

Ms. Rosario commented on the next comment, which was the language to address balancing the pressure to develop against the need to protect the County's history and environment. She stated that staff suggested the phrase "cultural opportunities" in place of "culture" in reference to the desire to change the word "entertainment."

Mr. Kennedy clarified that staff would go through the comments of the Board individually, and the Board would then evaluate what changes it would like staff to make.

Ms. Rosario noted two more comments about language under the Vision Statement which was endorsed by the Planning Commission, including the definition of "sustain" and stated that further clarification could be made. She noted the next question was on the continuation of world-class education. She commented that the Vision Statement was more inspirational and goal-oriented. She stated the more restrained language was added to the implementation section.

Mr. Icenhour commented that he agreed that was the goal, but the reality may be a more constrained approach.

Mr. Allen J. Murphy, Jr., Planning Director, commented that the language related to the budget was contained in the implementation guide.

c. Population/Demographics

Ms. Rosario commented on the growing population of the County and noted the statistical demographic information on the County that was presented in the section. She commented on the population projection method which was previously discussed. She commented that the statement could be clarified.

Mr. Icenhour commented that the methodology was not clear in the document, but the response was clearer. He commented that an average percentage growth may be a more accurate portrayal of population increase. He stated he understood the methodology, but he had a different approach to the calculation.

Ms. Rosario noted that the population was not linear throughout the calculations. She commented that Mr. McGlennon asked about inconsistent years selected for analysis. She noted that staff strived to make the years as consistent as possible, but the different sets of data may not have had the same time range. She stated that it was matched where possible.

Mr. McGlennon stated that he felt decennial information should be consistently available. He noted that it would be difficult to compile several decades of data if the information was not available. He stated valid trends were less apparent when the data represented different time frames.

Ms. Rosario stated census data was one source of information, but there were in-house sources and other resources to incorporate into the demographic information.

Mr. McGlennon noted that he was unable to locate some information from the technical reports and stated he would like to view the reports in hard copy.

Ms. Rosario commented on a question of State and national comparisons on income growth in the County. She stated that staff did not find that information in the reports. She stated that research could be conducted, but it would need to be compiled and added in at a later time. She commented on how to respond to the population trends. She stated the intention of the section was to be factually based and the other sections of the plan would draw from the data there to develop policy recommendations. She stated at the Planning Commission level, there was discussion about whether the County should make value judgments about the trends in this section and steer the population in one way or another. She stated that the Planning Commission was supportive of applying those judgments throughout the Comprehensive Plan.

Mr. McGlennon noted that there was a subsection entitled "Population Summary and Implications" which would require some comment on the data presented. He stated that it was not a very helpful planning tool unless it was demonstrated that the trends were being evaluated. He stated that if there were goals, strategies, and objectives to address changes in the demographics in the other sections of the plan, there should be a statement of why the trends cause concern to justify the response.

Ms. Jones commented that during the Steering Committee process, there was an emphasis placed on the senior population and the youth population in response to citizen input.

Mr. McGlennon stated his point was that if the demographic trends were evaluated, those trends should be highlighted.

Ms. Jones stated she felt that was self-evident in the plan.

Mr. McGlennon stated he was interested in clarifying the logic for citizens who would read the plan.

Ms. Jones stated the goals, strategies, and actions fall back on the demographics to justify the recommendations.

Ms. Rosario commented that the section could be more accurately entitled "Population Trends Summary."

Mr. McGlennon stated staff took proper actions. He stated that staff should not be tasked with deciding which trends should drive policy, but highlighting trends and what implications may result. He stated that ultimately, the Board would need to make the decision about what the policy should be and that would be apparent in the trends.

Ms. Jones commented that the goal of the Comprehensive Plan was a general guidance document based on citizen input. She commented that ultimately, the policies are up to the Board.

d. Population Needs

Ms. Rosario commented that historically this section dealt most directly with youth issues and feedback. During this review process, a significant amount of citizen feedback referenced the rising senior population, so it was also included in this section. She stated that some of the needs were related for seniors and youth. She commented on age-appropriate activities and youth leadership programs. She commented on the Strategic Plan for Children and Youth, which was most recently created in 2001. She stated the Department of Social Services felt that it was still relevant, but there was a call for it to be updated.

Mr. McGlennon stated the 2001 report informed the 2003 Comprehensive Plan. He stated that ideally, there should have been some changes as a result of the 2003 Comprehensive Plan. He stated that any changes in the baseline should be reported. He stated that this section should note any progress and reevaluation of areas of concern.

Ms. Rosario noted a suggestion of evaluating the experience of Parker View Senior Apartments (Parker View) and determining the need among current senior residents along with future affordable housing options.

Mr. McGlennon stated that there was a significant senior housing option and there would be benefits from understanding what the experience has been, including demand for apartments. He stated that this was critical to determining whether this type of development for senior living was a valid option or if other alternatives should be considered.

Mr. Murphy stated this was discussed with Community Services and that staff would be amenable to taking into consideration the experience of Parker View among current residents for that kind of affordable housing option.

Ms. Rosario stated there was a concern about a strategy to "advocate cost structures" rather than "establish costs and fees."

Mr. McGlennon commented that the Board has the ability to set rates and fees in most instances.

Ms. Rosario stated broader language was included to address fees and tax structures that the Board did not have direct control in setting, such as health care and day care programs.

Mr. Murphy stated the Board may not wish to restrict its ability to make funding decisions by having specific language about those actions in the Comprehensive Plan.

Ms. Rosario commented on a question about issues related to the schools. She stated the School Board provided input that was included in the Comprehensive Plan. She stated a member of the School Board was on the Steering Committee and as issues arose related to schools, the language was amended or revised as needed. She stated the most pertinent issues were incorporated in the plan.

Mr. McGlennon commented that he was concerned about the very broad statement of the goals, which lacked a clear notion that the schools were an integral part of the County. He stated that the majority of the local budget goes to the schools and they are not given the role that he expected to see.

Ms. Rosario stated that over the years, there has been more and more emphasis on the School Board and school issues in the various comprehensive plans. She commented that there could be an addition regarding general communication with citizens to the text describing what was done for the Comprehensive Plan, but there was not yet an entire section devoted to that.

Mr. McGlennon commented that his question did not deal with communication techniques, but the interaction between citizens and the County. He stated that there is a great deal of population change over time and there is a need to respond to community questions. He stated that the County should engage in constant dialogue to see what the expectations of the community would be.

Ms. Rosario stated that additional language could be added if needed.

Mr. Goodson commented that there was specific language that comments on engagement of citizens.

Mr. McGlennon stated that he would like to see a few action items that specifically address soliciting and incorporating feedback from citizens.

Ms. Jones stated that she felt that Action Item 1.4.4 addressed Mr. McGlennon's concerns.

Ms. Rosario commented that the next question addressed youth, but not young adults. She stated that in this section, youth and senior issues were grouped together and intended for young adults to be addressed in the Economic Development section from an economic development standpoint.

Mr. McGlennon asked how the presence of young adults was an economic development issue.

Ms. Rosario commented that those issues seemed to be linked in community conversations and community input. She stated that segment of population (sometimes referenced with the creative class) also adds vibrancy to localities and their economies. She stated that ultimately that discussion was not included in the economic development section, although an action was included to support the presence of young adults.

Mr. McGlennon stated that population needs would be defined by age groups that were not as represented as desired instead of economic development. He stated that the population need assessment would then drive the analysis of how to make the community more accessible to the particular age group.

Ms. Jones stated the focus was on an expanding population and addressing the future needs based on trends. She commented that the needs of young adults were considered in the Economic Development section and the recommendations from the Business Climate Task Force (BCTF).

Mr. Powell stated he received an update related to Parker View. He stated it consists of 67 units. He stated it opened in January 2009 and it was fully occupied by June 2009. He stated there was a waiting list of about 20 residents.

e. Economic Development

Ms. Rosario stated the Economic Development section focused on strategies of redevelopment and infill development as growth management tools, exploration of specific economic benefits due to the geographic location of the County and proximity to resources, the desire to retain and expand businesses, references from the BCTF report, and recognition of various economic activities such as tourism and agriculture.

Mr. Goodson asked about changes that were made to the Economic Development section as referenced during the public hearing by a representative of the Economic Development Authority (EDA).

Ms. Rosario commented that there were two Economic Development goals, strategies, and actions (GSAs) that were commented upon. The first was Strategy 1.1, which was changed during the Planning Commission discussion in order to be shortened. She stated that much of the language was included in other actions, so it was reduced in length. She commented that the representative also expressed a desire for more specificity in Action Item 1.1.5 to describe how County regulations, policies, and procedures would be analyzed in relation to commercial and industrial development during the Zoning Ordinance revision process. She stated that the action sets up a framework for those discussions.

Mr. Goodson stated that one of the major actions was to review and update the entire zoning ordinance to reduce Special Use Permit (SUP) requirements as necessary.

Ms. Rosario stated that type of analysis was included in the action, and it would be the Board's discretion to add specificity. She noted Mr. McGlennon's request to add language to that action to include the phrase "while still protecting the interest of the County and its citizens." She stated that she felt that would be within the framework of the zoning ordinance process.

Mr. McGlennon stated he did not feel strongly about that change.

Ms. Rosario and Mr. Goodson discussed changes to this section by the Planning Commission, including the analysis of residential versus nonresidential development and more detailed information than the technical report. Ms. Rosario stated that Mr. Icenhour asked how the numbers were derived.

Mr. Icenhour stated it was not clear in the Comprehensive Plan how the numbers were derived. He stated the calculations varied if there was not a consistent measurement. He stated that the Planning Commission had developed a consistent way of measuring this ratio, but it was not specified in the Comprehensive Plan.

Ms. Rosario commented that there was a chart outlining that information in the technical reports.

Mr. Icenhour asked if there was one formula that was used.

Mr. Murphy indicated that there was one formula used which was outlined in the technical report.

Ms. Rosario noted that the method was reproducible.

Ms. Rosario commented that Mr. McGlennon had a suggestion to add "agriculture and education" as part of the listing of industries in the County along with manufacturing and tourism. She commented that these industries have not been strong local tax revenue producers in recent years, but education is considered to be a major job-generator in the economy.

Mr. McGlennon commented that these industries were historically linked to the County's economy over a longer time frame.

Mr. Goodson commented that a more modern perspective could be considered in terms of economic development since there was little economic development in the County before the 1970s.

Mr. Murphy stated staff could provide a framework of time.

Mr. McGlennon stated if the last ten years were evaluated, manufacturing would not be considered an area of growth, but service-oriented businesses would be more prevalent. He stated he had a different perspective of history beyond 30 years. He stated there were other economic engines in the community over time.

Mr. Goodson commented economic development became more prevalent in the 1970s. He stated that there was an agriculture-based economy, but there was not a great deal of economic diversity.

Mr. McGlennon noted that the statement indicates the economy has been linked to certain industries. He stated that an important part of the Comprehensive Plan was to retain some link to agricultural past.

Ms. Rosario stated that the tradition of agriculture in the County was included in the plan and the importance of agriculture to the identity of the County.

Mr. McGlennon stated there were more fundamental issues that could be considered.

Ms. Jones asked what points should be raised for discussion.

Mr. McGlennon commented on the discussion of the Economic Development section. He stated that he did not have a clear understanding as to what types of economic development were seen as positive. He stated the BCTF grid was a listing of desirable characteristics with no clear goals. He stated that there was specific mention of things such as robotics and simulation, which he did not understand were an economic development objective. He asked what the competitive advantage would be in those areas.

Mr. Goodson responded that the competitive advantage was the County's proximity to Fort Eustis.

Mr. McGlennon asked how that compared to the City of Suffolk, which has an institute devoted to modeling and simulation.

Mr. Goodson stated that Fort Eustis would become a leader in the field of robotics.

Mr. McGlennon stated that there was no engineering institution in the County. He asked how these fields were included in the Comprehensive Plan instead of others.

Mr. Goodson stated that individuals in the Comprehensive Plan process were focused on those particular technologies.

Ms. Rosario stated that during the Steering Committee process, there were several discussions with Mr. Jim Golden, College of William and Mary Vice President for Strategic Initiatives, who emphasized that those were seen by William and Mary as areas of competitive advantage and that there were certain factors that made them appealing.

Mr. McGlennon stated that he would ask Mr. Golden how many programs that have developed through the Applied Science program have decided to locate in the County versus elsewhere and why the locations were chosen. He stated that he was unaware of that kind of discussion.

Mr. Goodson stated the EDA has had those kinds of discussions.

Mr. Keith Taylor, Economic Development Director, stated the evolution of those targets began with the first economic development consultant study which was tasked with examining some technology areas. He stated since that time, the BCTF has begun to focus more on qualities and characteristics of businesses rather than types of industry. He stated that the economy is growing so fast that industries are changing very quickly.

Mr. Wanner stated that the regional assets were considered as well when determining the types of industries and competitive advantages the County should consider. He stated the Historic Triangle Collaborative was identifying gaps in economic diversity in the County. He stated there were two studies done by the EDA and the Board to help determine the County's economic strengths and noted that in recent years the County has been a player in the energy field. He stated at this point, it was difficult to determine specific economic development targets.

Mr. McGlennon stated that serious consideration should be done to take advantage of economic opportunities that fit the community. He stated the process should be spelled out more clearly.

Ms. Jones stated that the concept of filling the gaps in economic diversity was discussed in the Comprehensive Plan. She stated that she felt the Board was taking a broader view of economic development. She stated that the County needed to have flexibility in terms of economic development, and she commented that the BCTF has done well to identify desirable businesses along with other studies through regional groups. She stated she did not share the same concerns about specificity.

Ms. Rosario commented about a strategy to foster the development of the County's workforce and there were references to actions by the Peninsula Council for Workforce Development. She stated that there were references to local colleges and universities which would help address the need for healthcare professionals.

Mr. McGlennon commented that William and Mary's participation was highlighted extensively, but he felt that there should be emphasis on the new Thomas Nelson Community College (TNCC) Historic Triangle Campus which was geared toward workforce training. He stated he felt that there should be some focus on TNCC in the Comprehensive Plan.

Mr. Icenhour commented that he also felt there should be greater emphasis on the role of TNCC on the workforce development.

Ms. Rosario stated that more emphasis could be included on TNCC in this section, and noted that there was a reference to the community college in Action Item 1.4.4. She stated that through the development of the Comprehensive Plan, there was not as much discussion in the final text as was provided in the technical reports.

Mr. McGlennon commented that there was a decision not to provide the Board with the technical reports, which would have been useful.

Ms. Rosario stated that printed copies were available upon request and the information was available online.

Mr. McGlennon stated he had a hard time finding the documents online.

Mr. Goodson stated that the document was more focused on the research and development part of economic diversification.

Mr. McGlennon commented that some focus should be paid to the workforce.

Mr. Goodson stated that there were comments included in reference to workforce development.

Mr. McGlennon stated his desire to decrease the service-industry employee deficit as reported by the Chamber of Commerce. He recommended pursuing other strategies such as developing labor pools cross-trained to work in different fields, or emphasizing other kinds of economic development besides service-oriented industries.

Mr. McGlennon commented on the section on taxes and asked if the reference was to business personal property taxes. He commented that the rate was \$4 assessed at one-fourth the value. He stated that it should be clarified.

Mr. Goodson asked if the actual title was "*Business Personal Property Tax*."

Mr. McGlennon stated there was a different rate for business personal property and average personal property.

Mr. Goodson stated the value was what was considered.

Mr. McGlennon stated that was used for vehicles.

Mr. Wanner stated clarification was needed.

Ms. Rosario stated that clarification could be made.

Mr. McGlennon stated that it would be helpful to identify major tourism employers within the Comprehensive Plan. He suggested new language that would include pursuit of agricultural opportunities to help preserve the quality of life in the County. He asked about the success rate of the Technology Business Incubator.

Mr. Taylor stated that of the five graduates, three remained in James City County, one did not turn up any records, and one became part of a joint venture with two other companies.

Mr. McGlennon asked what kind of impact these businesses were having on the local economy.

Mr. Taylor stated the impact was minimal because they are still in the early stages of development.

Mr. McGlennon stated it was a good venture.

Mr. Taylor stated that he was happy that three were still located in the County and hold business licenses.

Mr. McGlennon asked about Action Item 1.1.3.2 and asked what the issue would be related to the land allowable for the Enterprise Zone by the Code of Virginia.

Mr. Murphy stated that the County was allowed up to six square miles under the Enterprise Zone program and 5.4 miles were currently being utilized. He stated additional space was available and the intention was to expand the program.

Mr. Icenhour asked if the land was originally required to be contiguous.

Mr. Murphy stated that was correct.

Mr. Wanner stated that there was a requirement for a social impact on the surrounding community as well.

Mr. McGlennon asked if the intention was to find the remaining six-tenths of an acre to maximize the area.

Mr. Murphy stated that was correct and the Office of Economic Development (OED) was working toward finding the remaining acreage. He stated the property did not need to be contiguous or meet the original Enterprise Zone criteria.

Mr. McGlennon asked the relative importance of the individual actions.

Mr. Taylor stated this was a temporary opportunity.

Mr. McGlennon commented on Action Item 1.2.1 and noted that since there was a large retail component in the local economy, emphasis should be made on how to make the most of the retail sector. He stated that the County should encourage distinctive retail to help promote the County as a tourism destination. He commented on identifying sub-shopping areas to emphasize this, such as the retail shops on Jamestown Road.

Mr. Goodson stated that this was being addressed through the zoning ordinance update.

Mr. McGlennon commented that he was thinking of areas that were already established as shopping areas without the need for an SUP or rezoning. He stated he wanted to encourage collocation of similar retail ventures.

Ms. Rosario stated that staff felt that was a complementary statement to Action Item 1.2.1 rather than a substitution.

Mr. McGlennon stated this reflects a change from a previous view of retail. He stated that retail was not seen as the best kind of economic development. He stated if retail is included, a focus should be given about what kind of retail would be promoted.

Mr. Taylor stated that the County's OED has not proactively sought out retail operations, but would continue to respond to their inquiries.

Mr. Goodson stated that when any shopping centers are approved, the Board should ensure that a variety of sizes are available to foster different types of retail shops.

Ms. Jones stated the market would dictate what types of retail would be prevalent. She commented that in the 2003 Comprehensive Plan, the citizens requested more retail. She stated that in this process, there was a request to decrease retail growth in the County.

Mr. McGlennon stated that he wished to emphasize the values of the County and what was desirable for the community. He stated he wanted to help create a unique shopping area.

Mr. Kennedy stated that small businesses come and go because prices are typically higher than big box stores and it becomes more difficult to maintain a business. He stated he felt that the County was oversaturated with retail.

Mr. Wanner stated he could address this through the business facilitator.

Mr. Goodson commented that the outlet malls were a unique shopping opportunity.

Mr. McGlennon commented that it was a driver of tourism.

Mr. McGlennon commented on the development of a technology zone.

Ms. Rosario stated the technology zone was a State-codified opportunity that allows localities to designate areas to promote technology enterprise and offer incentives to technology companies including a reduction in user and permit fees, local tax incentives, and other incentives. She stated it was broader than what was included in the County's zoning ordinance.

Mr. McGlennon asked when this zone could be established.

Mr. Taylor stated the State has given the right at the local level to adopt ordinances to reduce or waive the costs of permit fees and taxes which can cut across a variety of land use zoning areas. He stated that his office was evaluating some proposals for this area if it was embraced by the Board.

Mr. Goodson stated that this type of designation should be done in advance of a prospect looking at the area.

Mr. Rogers stated that the designation and benefits available had to be done in advance.

Ms. Rosario stated it was important to note that this particular action says consider establishing technology zones, and that the OED is proactively moving forward in this initiative.

Mr. McGlennon commented on the action item to facilitate the need for high school and technical school students to obtain internships, training, and mentorship programs. He asked if the County would offer these opportunities.

Ms. Rosario stated this item related back to an item from the 2003 Comprehensive Plan. She stated the County participates in the shared internship experience through the College of William and Mary successfully.

Mr. Taylor stated the partnership would include the schools, colleges, and businesses.

Mr. Wanner commented that this was currently part of the gifted and talented program.

Mr. McGlennon stated the lead was taken by the college or university.

Mr. Taylor stated that if the university has a program that allows a student to do this, the OED, the Chamber of Commerce, and other resources could broadcast the idea to businesses.

Mr. Wanner stated the high schools had similar programs.

Mr. McGlennon commented on Action Item 1.3.5 and asked if young people could not be included in that action. He stated that focus was on providing opportunities for seniors who may not be willing to rejoin the workforce.

Mr. Goodson stated this was discussed at the BCTF and many opportunities provided enjoyable jobs for seniors.

Mr. McGlennon commented on Action Item 1.3.6 which read "attract young professionals and retain the community's graduates."

Mr. Goodson noted that this concept came out of discussions of the Historic Triangle Collaborative and the BCTF.

Mr. McGlennon stated that this was a goal rather than an action. He stated there should be an action item to promote this.

Ms. Rosario stated from a planning perspective, developments like New Town and additional affordable housing opportunities draw in those demographics. She stated it was specified in other parts of the plan.

Mr. McGlennon stated that he suggested some action items to promote that goal, such as orienting parks and recreation programs specifically to young adults, including team sports, activities, and social networking opportunities. He stated he felt that would be an example of an action item. He stated that simply offering affordable housing would not necessarily attract and retain young professionals in the community unless the community was made to appeal to young adults.

Mr. McGlennon stated he understood how the goals of the Comprehensive Plan developed. He said he wanted to outline and clarify how to move in the direction of those goals.

Ms. Jones stated that during the Comprehensive Plan process, discussion was held about where to place emphasis on specific actions and where to give a more general outline of goals and actions as appropriate. She stated these discussions would have been more appropriate earlier in the process.

Mr. McGlennon stated he raised many of these issues in two other meetings, but he did not see the matters addressed.

Ms. Jones stated that she felt the Planning Commission and Steering Committee did due diligence in identifying and expanding upon major issues, then building the remainder of the plan around those issues. She stated that she felt there were specific action items and goals where they were appropriate.

Mr. McGlennon stated that he thought this would be an opportunity to give Board input on the plan.

Ms. Jones stated that all the materials and meetings were accessible online. She stated that the plan incorporated compromise.

Mr. Icenhour commented that the Board endorsed the process of the Comprehensive Plan, but it did not endorse the product. He stated he noticed the absence of an ongoing policy discussion among the Board members to determine how to incorporate all the technical processes of the Comprehensive Plan into policy statements.

Ms. Jones stated that the Comprehensive Plan is referenced in every land use decision. She stated she disagreed with Mr. Icenhour's comments. She said the process was transparent and inclusive, and the product was an excellent Comprehensive Plan. She stated it was the responsibility of the Board to use the Comprehensive Plan as a tool in deliberations.

Mr. Goodson stated that the zoning ordinance would serve as a policy document and the Comprehensive Plan would serve as a planning document to develop and revise the zoning ordinance.

Mr. Icenhour commented that he had no sense of ownership of the Comprehensive Plan.

Ms. Jones stated many citizens were complimentary of the Comprehensive Plan product.

Mr. Kennedy commented that many Board comments came in at the last minute. He commented that the questions should have come forward sooner to be addressed by staff and discussed by the Board.

Mr. McGlennon stated that the Board should take the time to get the plan correct.

Mr. Kennedy stated that he felt that there was a lot of information requested and a lot of questions that had not come forward prior to the past few days.

Mr. McGlennon stated that he had previously asked those questions at a series of meetings over the past few years of the Comprehensive Plan process. He stated that what he has requested was not reflected in the final product.

Ms. Jones stated that the Steering Committee and the Planning Commission felt that the Comprehensive Plan is responsive to citizen input, including responsible growth management.

Mr. McGlennon commented that there was no call for establishing a policy of no growth. He commented that the goal was to ease the rate of growth since it was currently three to four times the national average.

Ms. Jones asked for suggestions rather than criticisms to improve the plan.

Mr. Icenhour stated that he felt there were many good things in the plan and he felt it was unnecessary to send it back to the Planning Commission. He stated he felt there was a weak statement about cumulative impacts on Action Item 1.3.2 to consider additional adequate public facility policies.

Mr. Goodson stated that this was asking the Board to consider a policy since the Comprehensive Plan was a planning document.

Mr. Icenhour stated this was an action item. He stated that the action item should direct more than a consideration. He commented that this was very important to him since there were over 15,000 residences and the Board was not aware what facilities were required for them. He stated there was no way to consider additional development without knowing the cumulative impact of those projects which were already approved. He stated he would like to see a strong statement and action in this section directing staff to develop a policy for the Board to consider related to adequate public facilities for developments. He said growth was important, but the pace was too great. He asked to include a paragraph indicating the Board's initiative to determine cumulative impacts of previously approved residential growth prior to considering new growth. He stated that the Board should give the public what it has asked for in relation to growth management in the County.

Mr. Icenhour stated that the public has indicated that growth has occurred at an unacceptable rate. He stated he wished to speak directly to the public's concerns about growth rather than have individual action items throughout the plan.

Mr. Goodson stated that the Board approved the Comprehensive Plan process and that he could support the document as presented. He stated that if there were substantial changes in the Comprehensive Plan, it should be referred back to the Planning Commission.

Mr. Kennedy stated that many of the speakers who were dissatisfied with the County's rate of growth had been living in the County for five years or less. He stated that evaluating infrastructure costs of additional residential growth raised other issues for him, including the direction of workforce and affordable housing in the County. He stated he would like to remain an inclusive community.

Mr. McGlennon stated one of the main factors that have inspired him to vote for new housing developments over the years has been the inclusion of workforce or moderate-cost housing.

Mr. Kennedy stated that his voting record would reflect that as well.

Mr. McGlennon stated that he has taken the approach that there was plenty of higher-cost housing, and the main impact of approving higher-cost housing was driving the need for more services, which encourages population growth. He stated those who can afford that kind of housing are often not working in the community. He stated that 55 percent of citizens who work commute out of the County to their jobs. He stated that the Board needed to make choices to break the cycle of growth. He said there is a deliberative role to be played by the Board of Supervisors in the Comprehensive Plan process.

Mr. Kennedy stated that he has asked the County Administrator to move two work session items on November 24, 2009, to Presentations during the regular meeting and continue discussion prior to meeting with the General Assembly representatives. He stated that with an additional work session on the Comprehensive Plan, additional questions should be distributed to the Board and staff prior to the weekend.

Mr. Wanner asked if the Board would like to have the Comprehensive Plan on the November 24, 2009, agenda as a Board Consideration.

Mr. Goodson stated he would like to see the final document to go back to the Planning Commission to evaluate all the additional changes.

Mr. Rogers commented that the General Assembly representatives would be meeting with the Board for a work session on the County's Legislative Program beginning at 5 p.m. on November 24, 2009.

Mr. Wanner stated that there would be about an hour for additional work session discussion on the Comprehensive Plan.

Mr. Icenhour suggested that responses to additional questions be sent via email in order to move the process along.

Mr. Kennedy noted that no changes had been proposed at this point. He stated that the process has been one of the longest Comprehensive Plan processes and he did not believe delaying it further would change the outcome. He commented that the process would occur again in approximately three years. He stated that the Board should work toward a better outcome.

2. Declaration of a Local Emergency

Mr. Wanner explained that due to the recent 2009-11 Rain Event, he had declared a local emergency as the County's Emergency Manager. He stated that the declaration was made in order for the County to be reimbursed for expenses related to the storm. He stated the Board was required to confirm the declaration within 14 days and a resolution was provided for that purpose. He noted that once the storm damage and associated costs were calculated, the Board would be asked to pass a resolution rescinding the Declaration of a Local Emergency.

Mr. Goodson made a motion to adopt the resolution which would confirm a Declaration of a Local Emergency for the 2009-11 Rain Event.

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

**RESOLUTION**

**DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Board of Supervisors of the County of James City, Virginia, does hereby find as follows:

1. That due to the occurrence of the 2009-11 Rain Event, the County of James City is facing a condition of extreme peril to the lives, safety, and property of the residents of James City County; and
2. That as a result of this extreme peril, the proclamation of the existence of an emergency is necessary to permit the full powers of government to deal effectively with this condition of peril.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a local emergency now exists throughout the County of James City.

NOW, THEREFORE, BE IT FURTHER RESOLVED that during the existence of this emergency, the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization, and functions of the County of James City shall be those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the County of James City in order to mitigate the effects of said emergency.

**O. RECESS**

At 6:04 p.m., the Board recessed until 3 p.m. on November 24, 2009.

**P. CALL TO ORDER**

Mr. Kennedy reconvened the Board of Supervisors at 3 p.m. on November 24, 2009.

**Q. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Mary Jones, Vice Chair, Berkeley District – Absent  
Bruce C. Goodson, Roberts District – Arrived at 3:18 p.m.  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District

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

**R. BOARD DISCUSSION**

1. Virginia is for Education

Mr. Randy O’Neill, on behalf of Virginia is for Education, gave a presentation to the Board about the benefits of a cycling fitness program for students. He proposed a grant application in the amount of \$72,000 to collaborate with the Parks and Recreation division to utilize his services for the Before and After School and summer school programs. He commented on a need for focus on public health. He asked for the Board to endorse the grant application.

Mr. McGlennon asked about the evaluation process for the students who participate.

Mr. O’Neill indicated that a heart rate monitor would be used to monitor and evaluate the students and benchmark performance. He stated that educational videos would also be incorporated in the program.

Mr. Wanner asked for clarification that the “foundation” Mr. O’Neill referenced was the Williamsburg Community Health Foundation.

Mr. O’Neill confirmed that was correct.

Mr. Wanner asked if he had met with the grant staff at the WCHF.

Mr. O’Neill stated that the grant applications he had submitted to WCHF were not accepted.

Mr. Wanner asked for confirmation that he has not met with the WCHF grant staff. He noted the next grant cycle was approaching.

Mr. O’Neill stated that was correct. He stated that he asked that he hoped to submit a letter of intent so he may be able to submit the grant. He stated he preferred to write the grant application and be available to answer the questions.

Mr. Wanner asked if Mr. O’Neill had a contract with the Williamsburg-James City County Schools.

Mr. O’Neill indicated that he did not. He said the last contract he had expired in 2008 with the SHIP program, for which he received positive comments.

## 2. Colonial Community Services Board

Mr. Dan Longo, Director of Behavioral Health Services, Colonial Community Services Board, stated he would be reviewing the CSB's legislative priorities as discussed at its recent Legislative Breakfast. He introduced Brian Sanderson, a consumer of CSB Behavioral Health Services. Mr. Sanderson described his experiences as a consumer of the CSB Behavioral Health Services and the importance of training police officers to handle mental health patients effectively.

Mr. Longo addressed the first legislative priority, the downsizing of Eastern State Hospital. He stated the nine regional CSBs have a fixed amount of funds to pay for acute care beds for consumers. He stated those who require long term care and would not have services available at Eastern State Hospital and will fill regionally-funded acute-care beds. He stated the CSB would be required to provide more extensive care than is practical. He commented that State funding to CSBs has been reduced ten-percent over the past year and with the imminent downsizing, there will be no safety net for the civil population who may require acute behavioral healthcare. He stated at the current rate, Eastern State Hospital will be filled to capacity with geriatric and forensic cases within three years, so action was critical. He stated a plan of action to address behavioral health needs should be developed and accepted by the General Assembly prior to implementation. He stated the existing facilities at Eastern State need to remain open until the plan can be developed and implemented. He commented that the CSB would like to amend HB995 to include downsizing. He noted the Colonial Community Services Board of Directors passed a resolution for the development of a well-planned approach to downsizing and asked for the Board to adopt a similar resolution.

Ms. Stella Serra, Community Relations Director, Colonial Community Services Board, stated the next legislative priority was for the support of programs for the sequential intercept model. She said that CSB would like for State and Local support for individuals with mental illness who have contact with the Criminal Justice System to receive treatment and intervention that appropriately address their mental health issues. She stated the sequential intercept model delineates intervals in the process that the individual can receive mental health assistance. She stated the CSB was specifically requesting support for funding for Crisis Intervention Training for law enforcement and other methods. She stated this training can help identify people with mental health needs, keep people out of jail who do not belong there, and help to get these individuals the treatment they need.

Ms. Debbie Tasman-Pittman, Director of Rehabilitative Services, stated the third priority requests to eliminate the Medicaid long-term care waiver waiting list for persons with intellectual disabilities. She stated the waivers such as those for mental retardation or intellectual disability waiver or the individual and family developmental disabilities support waiver were developed to encourage people with disabilities to access services for long-term care. She said through these waivers, requirements can be waived, including the requirement that individuals live in the institutions in order to receive Medicaid funding. She stated there were currently 4,901 people on the waiver waiting list. She stated 2,563 were on the Urgent list for immediate services. She said 86 were consumers of the Colonial CSB and 30 were on the urgent list. She stated the waiver slot provides numerous services to consumers.

Mr. Goodson asked about the Eastern State Hospital downsizing. He asked specifically what would need to be amended to have the Code refer to downsizing facilities.

Mr. Longo stated that HB995 was passed in 2002 which dictated that the Department of Behavioral Health must engage in a comprehensive planning process when restructuring State mental health facilities. He stated that State planning must be done only when facilities are being closed. He clarified that the CSB is asking that this planning process be applied to downsizing facilities also. He stated that with Eastern State reducing its facility down to 145 beds, about 60-70 people would have no place to receive care.

Mr. Goodson stated that this could be considered for the Legislative Program.

Mr. Wanner stated the Governor-elect sponsored HB995.

Mr. Goodson asked if this could be considered an unreasonable request.

Mr. McDonald stated that he had had discussions with Senator Norment, and he felt the current language would cover downsizing, but the State Department of Behavioral Health did not agree. He stated that clarity was needed.

Mr. Goodson stated the new gubernatorial administration may have a different opinion.

Mr. Goodson asked about the sequential intercept model. He asked if this was covered by Medicaid.

Ms. Serra stated it was not.

Mr. Goodson stated that funding would have to come from State or Local government.

Ms. Serra stated that was correct.

Mr. Longo stated that this program would divert people from the regional jails. He stated that now the Police Officers must go to Charlottesville or Hampton for training, which can cost up to \$500. He stated that the other part of the problem was having the services in place for the consumer.

Mr. Goodson asked if the officers were currently being trained.

Mr. Wanner stated that was correct, and noted that the Virginia Peninsula Regional Jail had a contract with the CSB.

Mr. Goodson stated that it was being funded through the jail and the police officers were being trained.

Mr. McDonald stated that there needed to be a sequential approach through the entire criminal justice system, and there needed to be an alternative rather than placing the person into jail. He commented that Medicaid coverage ends when someone is incarcerated.

Mr. McGlennon commented that if there was early intervention, people who may need services can be identified before they are incarcerated and they can maintain that eligibility.

Mr. Longo stated there were different points of interception to give these people treatment.

Ms. Serra stated there was no specific plan to train police officers, so the training is sporadic.

Mr. Powell stated that he attended a recent meeting of regional police departments and Colonial Community Corrections staff. He stated they are submitting a grant for the CIT program. He stated there was an effort to formalize training in this area.

Mr. Wanner asked the receptiveness to these requests at the Legislative Breakfast.

Mr. McDonald stated there was no funding for these requests, and further cuts may be made. He stated these were basic services for individuals who need them and may not be addressed.

3. Senior Services Coalition

Mr. Bill Massey, Director of the Peninsula Agency on Aging and Chair of the Senior Services Coalition, introduced Dr. Christy Jensen who would present the Community Action Plan on Aging.

Ms. Jensen made a brief presentation on the Community Action Plan on Aging which was initiated by the Senior Services Coalition, funded by the Williamsburg Community Health Foundation, and drafted by the Center for Excellence in Aging and Geriatric Health. She reviewed the elements of effective Community Action Plans, benefits to the community, the planning process and goals of the plan, priority areas, and the progress to date. She reviewed the organization of the committees, along with a program director which was recommended.

Mr. Wanner asked about the expected funding sources.

Dr. Jensen stated she hoped to have a public-private mixture of funding. She commented that she saw the project director position as a funding priority.

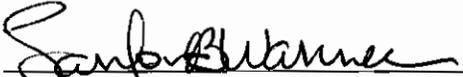
Mr. Massey stated that a variety of sources were being evaluated. He noted that a Federal grant was submitted, and grant and stimulus funding would be sought to fund this plan.

Ms. Jensen the Coalition would be visiting the Agency on Aging in Washington, D.C. to discuss the plan.

Mr. Wanner stated that County staff could accompany the members of the Coalition on the trip to Washington, D.C.

**S. ADJOURNMENT**

At 3:54 p.m., Mr. Kennedy adjourned the Board of Supervisors.

  
Sanford B. Wanner  
Clerk to the Board