

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF FEBRUARY 2010, 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

Mr. Kennedy asked the Board and citizens to remember the late Tony Obadal, a former Planning Commission member who had recently passed away.

C. PLEDGE OF ALLEGIANCE – Benjamin Dallman, a fourth-grade student at Matoaka Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, commented on potholes on County roads due to recent weather conditions. He stated the pothole patching was being prioritized by severity and by route.

Mr. McGlennon thanked Mr. Halacy for quick response to potholes on John Tyler Highway and meeting with residents from Powhatan Shores Homeowners Association in relation to sightseers during tidal flooding events. Mr. McGlennon thanked Mr. Halacy for clearing drainage ditches on Lake Powell Road and snow-removal policy information provided.

E. PUBLIC COMMENT

1. Ms. Shereen Hughes, 103 Holly Road, representing the Chesapeake Bay Foundation, announced that James City County's Protecting Resources in Delicate Environments (PRIDE) group, the James City County Citizens Coalition (J4Cs), and the Chesapeake Bay Foundation were partnering to sponsor Clean the Bay Day in James City County. She stated the event would take place on June 5, 2010, from 9 a.m. to 12 p.m. at seven sites in the County. She commented that 100 volunteers were needed to pick up litter in the waterways. She stated that each of the Board members would receive invitations at a later date.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented that the public comment time allowance at the last Board meeting was consistent with established policy.

3. Mr. John Rogers, 8960 Pocahontas Trail, stated that 8953 Pocahontas Trail was zoned M-2 and he would like to have it rezoned.

4. Mr. Ed Oyer, 139 Indian Circle, commented that he has attended 400 Board of Supervisors meetings; no State tax refunds in North Carolina due to revenue shortfalls, including sales tax shortfalls; missing his estimated tax forms from the State; and an expected announcement date of a proposed budget.

5. Mr. Jack Fowler, 109 Wilderness Lane, thanked Mr. Larry Foster and the James City Service Authority (JCSA); Ms. Christy Parrish, Zoning Administrator; and Mr. Doug Powell, Assistant County Administrator; for their outstanding customer service. He commented on service to the people rather than working toward profit.

Mr. Goodson asked for staff to respond to Mr. Rogers's question about rezoning a parcel of property.

Mr. Steven Hicks, Manager of Development Management, asked that Mr. Rogers contact the Planning Division.

Mr. Goodson asked if staff would help him through the process.

Mr. Hicks stated that was correct.

Mr. Wanner stated the County Administrator's proposed budget would be released on April 16, 2010.

Mr. Kennedy recognized Mr. Rich Krapf, Planning Commission Chairman, in attendance.

F. PRESENTATIONS

1. "Vision Hampton Roads" Presentation – Dana Dickens, Hampton Roads Partnership

Mr. Dana Dickens, Executive Director of Hampton Roads Partnership, commented that VDOT staff members were hardworking people who were trying to address the needs of citizens in spite of the reductions in resources. He noted that budgets for six-year secondary road plans have been reduced to roughly half in a few years.

Mr. Dickens commented on the Comprehensive Economic Development Strategy (CEDS) in order to make cities and counties eligible for economic development grants. He stated that at this point, they are ineligible for those grants because there was no comprehensive economic development strategy. He stated that the process was an extensive amount of work and research and it helped identify goals and strategies to unite the entire region. He stated that a group identified economic pillars of the community, including Federal spending and military installations, the Port of Virginia, and tourism. He stated these items were stabilizers for the economy in uncertain times, but diversification was important. He stated one important factor was Modeling and Simulation was an important facet as well as sensors.

He stated representatives from James City County assisted in the discussion on tourism and helped develop a 130-page document with action items. He stated that the Partnership was close to filing the document with the U.S. Economic Development Administration office. He stated the key to the process was alignment of the localities in the region to work under the goals and objectives of the four major pillars of the

economy. He stated the economy was faring better than other areas, but the region would be stronger under a united economic development strategy. He asked that the alignment be considered in the County's economic development plans. He stated that the U.S. Economic Development Administration office should receive the document by the end of March, which would allow the Hampton Roads Economic Development offices to be eligible to receive grant funding.

Mr. McGlennon commented that Mr. Dickens was a great contributor to regionalism in Hampton Roads. He stated he was impressed by the increased emphasis on communication and cooperation presented by the Hampton Roads Partnership.

Mr. Dickens noted that the document was located on www.visionhamptonroads.org.

2. Planning Commission Annual Report

Mr. Rich Krapf, former Planning Commission Chairman, gave the Planning Commission Annual Report, which summarized the activities of the Planning Commission and the Planning Division for 2009. He thanked staff for its work and support. He noted the development and completion of the Capital Project Ranking Process and the Comprehensive Plan Update. He thanked staff and the Board.

Mr. Goodson stated that the Planning Commission works closely with staff. He asked if his opinion was that staff possessed a high level of professionalism.

Mr. Krapf stated that was correct.

Mr. Goodson commented that there are times Planning Commission members vote against recommendations by staff. He stated his concern that the professional staff might recommend approval, but the Planning Commissioners may vote against the staff's recommendation.

Mr. Goodson asked if staff was subject to any undue influence by any member of the Board.

Mr. Krapf stated that he had not heard of any such incident. He responded to the question of a Planning Commissioner voting against a recommendation of staff and he noted that the Planning Commission is obliged to consider how a project may fit into an area, while professional planners have a narrower focus of consideration for the project. He stated that he has never had an experience where staff has been unprofessional or lacking integrity.

Mr. Goodson stated that he felt that it was imperative that the public notes that the professional staff did not make recommendations based on anything other than its professional opinions.

Mr. Krapf stated that in his three years on the Planning Commission he has only seen the highest level of professionalism and consideration by staff.

Mr. Icenhour stated in the report there was an indication that the Capital Improvement Projects (CIP) would be evaluated with the new ranking process in January. He asked if that has been done.

Mr. Krapf stated that it has.

Mr. Icenhour asked how this was incorporated into the County Administrator's budget. He asked Mr. Wanner how the proposed budget might make recommendations that differed from the Planning Commission's rankings.

Mr. Wanner stated that the applications for the CIP were done for the next five years, which were then considered and ranked by the Planning Commission. He stated the County Administrator then evaluates and identifies projects that can be funded based on the information brought forward from the Planning Commission and Financial Management Services. He stated that he also has knowledge of projects from outside agencies and there were maintenance projects that were not considered by the Planning Commission that he may recommend in the proposed budget. He stated with that information he then identifies financial resources to fund the CIP projects. He stated there was a balance between the prioritization and the available funding.

Mr. Icenhour said he was satisfied that the County Administrator had flexibility to make recommendations that did not exactly follow the rankings provided by the Planning Commission.

Mr. Wanner stated that there were also cases where the required operating costs of the project may cause it to be delayed for funding as well, such as in the case of the Community Gymnasium.

Mr. Krapf stated that the operating budget impact was one facet that figured into the ranking process. He stated this process was a way to identify how the Planning Commission viewed the projects.

Mr. Kennedy thanked Mr. Krapf for his leadership on the Planning Commission.

Ms. Jones thanked Mr. Krapf and the Planning Commission members and staff for their work, particularly on the CIP rankings and the Comprehensive Plan Update.

Mr. McGlennon thanked the members of the Planning Commission for their work. He stated that each level of oversight has a role in the process. He stated that the Board of Supervisors ultimately had the responsibility to make a decision on cases and the Planning Commission has made a good effort of thoughtfulness on cases.

G. CONSENT CALENDAR

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

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

1. Minutes – February 9, 2010, Regular Meeting
2. Reappointments to the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors

RESOLUTION

REAPPOINTMENTS TO THE VIRGINIA PENINSULAS PUBLIC

SERVICE AUTHORITY (VPPSA) BOARD OF DIRECTORS

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors consists of one member from each participating jurisdiction; and

WHEREAS, the County Administrator and the General Services Manager represent the County as the member and alternate member respectively; and

WHEREAS, the VPPSA Board of Directors would like to synchronize the term expirations of its members; and

WHEREAS, the Board of Supervisors must adopt a resolution for the member and alternate members' terms to expire on December 31, 2013, to correspond with other member terms.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby reappoints the County Administrator and General Services Manager to the VPPSA Board of Directors as its member and alternate member, respectively, with terms to expire on December 31, 2013.

I. PUBLIC HEARING

1. Case No. SUP-0001-2010. McKown Family Subdivision

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Robert McKown, Jr., has applied for a Special Use Permit (SUP) to allow a family subdivision resulting in lots of less than three acres in size for family residential use. The property is located at 5552 Riverview Road and can be further identified as Parcel No. 1530100011A, consisting of 2.1 acres and the parcel will be 2.557 acres after a proposed boundary line adjustment. The parcel is zoned A-1, General Agricultural, and designated as Rural Lands by the Comprehensive Plan. The lot is currently owned by Sherry McKown and is planned to be transferred to her son, Robert McKown, Jr. The lot was originally created through a family subdivision, but Ms. McKown has owned the parcel for more than 25 years. An existing shared 20-foot ingress/egress easement and gravel driveway will continue to be used as the primary point of access to the lot(s). The existing lot is 2.1 acres; however, the applicant has proposed a boundary line adjustment with a neighboring parcel. After the boundary line adjustment, the lot will be 2.557 acres. The family subdivision would result in a new 1.378-acre lot and a remainder parent parcel of 1.176 acres.

Mr. Goodson thanked Ms. Reidenbach for including the information about the parents of the owner having the parcel for more than 25 years. He stated that he believed the intention was to create a family homestead.

Mr. Icenhour asked about the portion indicating that if utilities could not be accessed, the lot would not be created. He asked if the soil testing should have been done before the application process to avoid a potential waste of money by the applicant if the parcel could not be subdivided.

Ms. Reidenbach stated that soil testing and evaluation was fairly costly and since the SUP approval was at the discretion of the Board, staff often recommended that the SUP be applied for prior to testing. She stated that she received the soil evaluation for this case earlier that day and the results indicated that the soil would allow for a primary field on the parcel.

Mr. Icenhour stated he wanted to clarify the order of the process, since there was a cost associated with an SUP application which may result in denial by the Board.

Mr. Kennedy opened the Public Hearing.

As no one 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: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0001-2010. MCKOWN FAMILY SUBDIVISION

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, the applicants have requested an SUP to allow for a family subdivision with a lot less than three acres in size in an A-1, General Agricultural, District, located at 5552 Riverview Road, further identified as James City County Real Estate Tax Map No. 1530100011A; and

WHEREAS, the Board of Supervisors, following a public hearing is of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0001-2010 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot and one parent lot and shall be generally as shown on the plan drawn by AES Consulting Engineers, titled "Boundary Line Adjustment and Family Subdivision Tax Map Parcel (15-3)(11-A) and Parcel B2," and dated January 19, 2010.
2. Only one entrance serving both lots shall be allowed onto Riverview Road.
3. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
4. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on blight and unkempt properties in the County, communication with citizens and follow-up on requests, and Board influence on staff or board and commission members.

2. Mr. Ed Oyer, 139 Indian Circle, commented on unkempt property at 101 Indian Circle and stated his appreciation for those who serve or served in the military.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that Mr. Fowler brought the deer carcass to staff's attention and Ms. Parrish notified Newport News Waterworks, which will address the problem. He recommended that the Closed Session appointment to the Purchase of Development Rights Committee be done in open session. He recommended that when the Board completed its business, it should adjourn to 7 p.m. on March 9, 2010. He stated that after the Board adjourns, a meeting of the JCSA Board of Directors should be held. He noted that Mr. Powell had a plaque to present to the Board from the Virginia Institute of Government (VIG).

Mr. Powell stated at the recent VLGMA Winter Conference, the County received an Award of Merit for participation in the VIG's electronic information network. He stated that James City County staff responds to a number of email surveys throughout the year related to policy issues and procedures which are conducted by the VIG, and those efforts were recognized.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon commented on a recent report in the newspaper that applications for boards and commissions were available for inspection, which has not been the County's policy. He asked that staff investigate the idea of listing on the application a note indicating that if someone is selected, the information could become public. He stated that financial disclosure statements and other forms would be publicly available. He asked that this become a change of policy. He noted that Mr. Wanner had been selected for the cover of Next Door Neighbors magazine which featured articles on the County Administrator and the Community Services Manager, Diana Hutchens.

Mr. Wanner noted that there was also an article on Fire Chief Tal Luton in the magazine.

Mr. Goodson made a motion to appoint Mr. Randall C. Davis to serve a three-year term on the Purchase of Development Rights Committee, term to expire on February 14, 2013.

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

Mr. McGlennon noted that there was an article in the Daily Press regarding stimulus funds including significant stimulus money to a local business to create new jobs and that he found difficulty in discovering precisely how much stimulus money is allocated in the County. He stated that he viewed the website available which does not distinguish funds that go to separate local governments, small business loans, schools, and other agencies because the information is sorted by zip code. He stated that not all the money comes through the County government.

Mr. Icenhour commented on the passing of Mr. Tony Obadal, Powhatan representative on the Planning Commission, and extended condolences to his family. He responded to Mr. Goodson's comments to Mr. Krapf and stated that he has been dealing with his constituents on the Autumn West case.

Mr. Icenhour commented on the perceptions of the public and the business community. He stated that the standard did not seem to apply to some citizen groups and communities. He stated that although staff was requested to attend a community meeting at Season's Trace, it did not attend. He stated there was an explanation, but he stated the Board needed to consider the perception it gave citizens. He stated the business community would not be treated the same way. Mr. Icenhour stated that some citizens believe the ordinances are clear about what is allowed or disallowed, but the interpretations by staff may favor the opinions of a developer over the citizens. He stated that he hears that local government does not honor its previous commitments. He commented on a promise of tree buffer protecting homes from the light of athletic fields. He stated concern that citizens feel there was political pressure from the developer and that local government does not represent the rights of the citizens.

Mr. Kennedy addressed Mr. Icenhour's comments and clarified that the development of Autumn West was settled in the 1970s. He stated he has not met with Mr. Krapf with the intention of influencing a vote on the Autumn West case, as he does not meet with any Planning Commissioner prior to a vote. He stated he

wanted to hear from the Planning Commissioners without obstruction. He stated that he would expect the opportunity to face the accusations presented by Mr. Icenhour in his recent editorial. He stated the Autumn West case was not a Board consideration at this time.

Mr. Kennedy noted that he discussed Mr. Icenhour's emails with Ms. Sarah Kadec of the J4C group which organized the public meeting on Autumn West, in relation to the citizens' perspective of staff. He said that Ms. Kadec had consulted with Mr. Allen Murphy, Planning Director, followed by Mr. Chris Johnson, Principal Planner, who both stated that staff would not be able to attend and she concurred with their reasoning. He stated that Mr. Johnson gave a synopsis of the application process and staff input and public comment at meetings and staff became aware of the Autumn West meeting via an email which indicated staff and the developer would be present, but staff had not yet agreed to attend. He noted that he did not feel that anyone had done any underhanded dealings and commented that the Autumn West case was a Development Review Committee (DRC) issue rather than an issue to be considered by the Board at this point. Mr. Kennedy stated that members of the DRC were not contacted by any member of the Board on this case other than Mr. Icenhour. He noted how the vote on the case did not reflect partisanship on the Planning Commission. He stated his appreciation for Mr. Icenhour's representation of the Powhatan District and its citizens, but he felt that the comments were harmful to the Board, staff, and Planning Commission.

Mr. Kennedy asked Mr. Wanner for a record of response to Mr. Fowler's concerns.

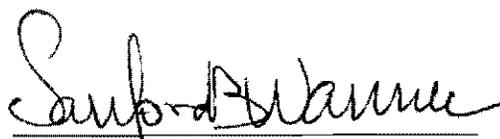
Mr. Wanner stated that staff could provide a record of responses to Mr. Fowler.

K. ADJOURNMENT to 7 p.m. on March 9, 2010.

Mr. Goodson made a motion to adjourn.

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

At 8:09 p.m. Mr. Kennedy made a motion to adjourn to 7 p.m. on March 9, 2010.


Sanford B. Wanner
Clerk to the Board