

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

A. CALL TO ORDER

B. ROLL CALL

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

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

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

D. PRESENTATION – 2011 Citizen Leadership Academy Graduation

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

E. PUBLIC COMMENT

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

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

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

F. BOARD REQUESTS AND DIRECTIVES

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

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

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

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

G. CONSENT CALENDAR

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

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

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

RESOLUTION

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

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

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

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

H. PUBLIC HEARINGS

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

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

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

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

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

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

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

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

Ms. Jones opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Kennedy asked if decibel level estimates were done.

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

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

Mr. Geddy stated he was not aware of this.

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

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

Mr. Kennedy asked about parking on the parcel.

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

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

Mr. Johnson stated that was correct.

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

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

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

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

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

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

Mr. McGlennon stated he disagreed.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Johnson stated they have not.

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

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

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

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

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

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

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

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

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

Mr. Goodson made a motion to adopt the resolution.

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

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

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

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

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

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

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

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

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

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

The motion passed.

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

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

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

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

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

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

The motion to amend the original motion failed.

Mr. Middaugh called the roll on the original motion.

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

The motion passed.

RESOLUTION

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

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

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

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

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

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

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

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

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

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

2. FY 2012-2017 Secondary Six-Year Plan

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

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

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

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

Staff recommended approval of the resolution.

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

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

Mr. McGlennon asked if the approximate costs were equal.

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

Ms. Jones opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion failed.

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

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

RESOLUTION

FY 2012-2017 SECONDARY SIX-YEAR PLAN

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

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

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

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

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

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

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

Staff recommended approval of the resolution.

Ms. Jones opened the public hearing.

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

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

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

RESOLUTION

**RESTRICTION OF THROUGH TRUCK TRAFFIC ON A PORTION OF PENNIMAN ROAD
(ROUTE 641) AND ON THE ENTIRE LENGTH OF GOVERNMENT ROAD (ROUTE 677)**

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

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

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

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

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

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

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

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

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

I. PUBLIC COMMENT

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

J. REPORTS OF THE COUNTY ADMINISTRATOR

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

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

K. BOARD REQUESTS AND DIRECTIVES

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

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

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

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

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

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

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

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

Mr. McDonald stated that was correct.

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

L. CLOSED SESSION

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

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

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

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

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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


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

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

Mr. McGlennon made a motion to adjourn.

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

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


Robert C. Middaugh
Clerk to the Board

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I hereby certify that the foregoing document is a true and correct copy of the original document.

Elizabeth E. Young, CMC, Secretary to the Board